

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1862,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN FIVE VOLUMES.

VOL. II.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1863.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.

SESSION 1862.

TABLE OF CONTENTS.

(Arranged as the Papers should be bound.)

VOL. I.

| LEGISLATIVE— | PAGE. |
|--|------------|
| Title Page. | |
| Table of Contents | |
| Index | |
| Votes and Proceedings, Nos. 1 to 121 | 1 to 764 |
| Weekly Reports of Divisions in Committee of the Whole House, Nos. 1 to 27 | 765 to 880 |
| Weekly Abstracts of Petitions received, Nos. 1 to 29. | 881 to 946 |
| General Summary of ditto | 947 |
| Alphabetical Register of Bills | 973 |
| Ditto Registers of Addresses and Orders for Papers, and Addresses not being for Papers | 975 |
| Standing and Select Committees appointed during the Session | 981 |
| Business of the Session | 987 |
| David Blair—(Petition relative to dismissal of, from staff of Messengers to Legislative Assembly) | 989 |
| Question of Privilege—(Report from Committee of Elections and Qualifi- cations) | 991 |
| Proposed payment of Members of the Legislative Assembly—(Petition) | 1011 |
| Mr. Henry Gale—(Return to Order) | 1013 |
| Rules of Practice in the House—(Report from the Standing Orders Com- mittee) | 1029 |
| Proposed new Standing Order—(Ditto) | 1033 |
| Alterations in Library arrangements—(Report from the Library Committee) | 1037 |
| Salaries of Parliamentary Officers—(Message No. 4) | 1043 |
| Mrs. Eliza Lockyer—(Petition) | 1045 |
| Points of Order—(Correspondence with Clerk of House of Commons) | 1047 |
| Printing for the Legislative Assembly—(Return to Order) | 1051 |
| EXECUTIVE— | |
| Death of His Royal Highness The Prince Consort—(Despatch) | 1057 |
| Address of Condolence to Her Majesty—(Report from Select Committee) | 1059 |
| Ditto ditto Acknowledgement of—(Despatch Message No. 11) | 1063 |
| National Memorial to the Prince Consort—(Despatch) | 1065 |
| Maintenance of Neutrality—(Despatches) | 1069 |
| American Letters of Marque—(Despatch) | 1073 |

| EXECUTIVE— <i>Continued.</i> | PAGE. |
|---|-------|
| Precedence of Ecclesiastical Dignitaries—(Despatch) | 1075 |
| Naval and Military Defence of the Australian Colonies—(Despatches) ... | 1077 |
| Queensland Public Debt—(Despatch) | 1081 |
| Public Debt between Queensland and New South Wales—(Correspondence) | 1085 |
| Northern Part of Australia—(Despatch) | 1091 |
| Securities given by Public Servants—(Return <i>in part</i> to Order) | 1097 |
| Government Advertisements in Newspapers—(Return <i>in part</i> to Order)... | 1101 |
| Travelling Allowances to Public Officers—(Correspondence) | 1109 |
| Travelling Expenses of Government Officers—(Return to Order)... | 1123 |

VOL. II.

| | |
|--|-----|
| ELECTORAL— | |
| Electoral Rolls—(Number of Electors in each District for 1862-3) ... | 1 |
| Ditto ditto—(in Gold Fields) | 3 |
| ADMINISTRATION OF JUSTICE— | |
| William Henry Bedell—(Petition) | 5 |
| District Courts Act of 1858—(Returns) | 7 |
| Insolvent Estates—(Statistics) | 57 |
| John Cockerell—(Petition) | 61 |
| Mr. J. E. Liardet—(Return to Address) | 67 |
| Criminal Cases in which the Crown has refused to prosecute—(Return <i>in part</i> to Address) | 75 |
| Administration of Justice—(Petition of William Radley)... | 85 |
| Miss Isabella Mary Kelly—(Petition) | 87 |
| Ditto ditto (Petition to be heard by Counsel) | 89 |
| Ditto ditto (Report from Select Committee) | 91 |
| Murray v. Weaver—(Return to Address) | 207 |
| City Coroner—Inquest on A. Bromley—(Petition) | 215 |
| Special Jurors fined—(Return to Address)... | 217 |
| Mr Moss, of Shoalhaven—Magisterial Sentences—(Ditto) | 219 |
| The Reverend John Steele—(Petition) | 221 |
| Fines for Drunkenness—(Return to Address) | 223 |
| Magistrates superseded—(Petition)... | 227 |
| Prisoners relieved from sentence on Prince of Wales Majority—(Return to Address) | 229 |
| Martial Law—(Return to Address)... | 231 |
| Mr. William Spicer—(Return <i>in part</i> to Address) | 235 |
| George Underwood Alley—(Petition) | 243 |
| POLICE— | |
| Rules for the Police Force of New South Wales | 245 |
| Police—(Report from Inspector General) | 271 |
| „ Detective—(Return of) | 277 |
| Charles Phillips Lawrence—(Petition) | 279 |
| Ditto ditto (Petition to be heard by Counsel) | 281 |
| Ditto ditto (Correspondence) | 283 |
| Ditto ditto (Report from Select Committee) | 297 |
| Alfred Witts—(Petition) | 353 |
| Ditto ditto (Report from Select Committee) | 355 |
| Management of the Central Police Office—(Report from Select Committee) | 383 |
| Police Magistrate for Gunnedah—(Petition) | 531 |
| Police Regulations—W. P. Moffat—(Petition) | 533 |
| Police—Mail and other Robberies, &c.—(Return <i>in part</i> to Address) ... | 535 |
| GAOLS— | |
| Mr. Thomas Duke Allen—(Petition) | 539 |
| Ditto ditto (Return to Address) | 541 |
| Ditto ditto (Report from Select Committee) | 549 |
| Prisons in England—(Letter from H. Parkes, Esq.) | 605 |

| | PAGE. |
|--|-------|
| NAVAL— | |
| Naval Allowance—(Despatch) | 617 |
| MILITARY— | |
| Colonial Allowance to the Military—(Correspondence) | 619 |
| ORDNANCE— | |
| Annual Ordnance Returns | 635 |
| VOLUNTEERS— | |
| Captain Lovell, R.A.—(Return to Address) | 637 |
| CUSTOMS— | |
| Tariff—(Petition—J. Murphy) | 643 |
| Ditto—(Petition—R. Dunlop) | 645 |
| Equalization of Tariffs—(Correspondence) | 647 |
| Lockers and Landing Waiters—(Return to Order) | 649 |
| Mr. Arthur Edenborough—(Petition) | 651 |
| DISTILLERIES— | |
| Bonded Distilleries and Sugar Houses Bill—(Petition) | 653 |
| Ditto ditto (Report from Select Committee) | 655 |
| PAWNBROKERS— | |
| Pawnbrokers Bill—(Petition—Pawnbrokers) | 705 |
| Ditto ditto (Citizens of Sydney) | 707 |
| Ditto ditto (ditto ditto) | 709 |
| POSTAL— | |
| Interception of Letter addressed to G. U. Alley—(Return to Order) | 711 |
| Detention of Letters and Newspapers at Gundaroo Post Office—(Return to Order) | 729 |
| Post Office Returns—(Return to Order) | 735 |
| Management and Working of the Post Office Department—(Report of Board of Inquiry) | 747 |
| Post Office—(Seventh Annual Report, 1861) | 879 |
| Steam Postal Service—(Correspondence) | 905 |
| Braidwood Postal Time Table—(Return to Order)... .. | 911 |
| Postmaster at Singleton—(Petition) | 919 |
| Ditto ditto Mr. C. Petit—(Return to Order) | 921 |
| Mr. Henry Tebbutt, late Postmaster, Mudgee—(Petition) | 927 |
| TELEGRAPH— | |
| Telegraph Accounts—(Return to Order) | 929 |
| LIGHT HOUSES— | |
| Light House near Jervis Bay—(Report of Commission) | 931 |
| Mrs. M. H. Hourigan—(Petition) | 933 |
| PILOTS— | |
| Pilot Board—(Petition) | 935 |
| Ditto ditto (Return to Order—Purchase of "Sea Witch") | 937 |
| Ditto ditto (Report from Select Committee) | 957 |
| Sydney Harbour and Pilotage Regulations—(Petition) | 1145 |
| <hr/> | |
| VOL. III. | |
| STATISTICS— | |
| Census of New South Wales for 1861 | 1 |
| Statistical Register for 1861 | 703 |
| Registration of Births, Deaths, and Marriages—(6th Annual Report) | 1005 |
| Church of England Registers and Indices—(Letter from Mr. H. K. James) | 1033 |
| Remuneration to the Deputy Registrar of the Bishop of Sydney—(Message No. 5) | 1035 |
| FINANCE— | |
| Abstracts of the Public Accounts of New South Wales for 1861 | 1037 |
| Estimates for 1863, &c.—(Message No. 3) | 1131 |
| Estimates for 1863 | 1133 |
| Ditto Supplementary for 1862 | 1209 |
| Ditto of Ways and Means for 1863 | 1217 |

| FINANCE—Continued. | | PAGE. |
|---|-----|-------|
| Savings on Votes of Parliament | ... | 1231 |
| Appropriations by Parliament from Loans for Public Works—(Return to Order) | ... | 1233 |
| Ditto ditto from ordinary Revenue—(Return to Order) | ... | 1237 |
| Government Debentures—(Return to Order) | ... | 1253 |
| Expenditure of Public Money—(Return <i>in part</i> to Address) | ... | 1257 |
| Money paid for, and services rendered by, the Medical Profession—(Return <i>in part</i> to Order) | ... | 1289 |
| Ditto ditto (Further ditto) | ... | 1323 |
| Trust Moneys Deposit Account | ... | 1337 |

VOL. IV.

| | | |
|---|-----|-----|
| GOLD FIELDS— | | |
| Gold Fields Regulations | ... | 1 |
| Aggressions on Chinese at Burrangong—(Reports upon) | ... | 9 |
| Claim of Mr. James Roberts for losses at Burrangong Riots—(Return to Order) | ... | 29 |
| Duty on Gold—(Petition—J. Zuill) | ... | 37 |
| Mr. Edward Hammond Hargraves—(Petition) | ... | 39 |
| Meroo Gold Field—(Petition) | ... | 41 |
| Mr. A. E. Bush—(Report from Select Committee) | ... | 43 |
| Mr. Sub-Commissioner Cooper—(Petition in reference to)... | ... | 65 |
| Ditto ditto (Return to Address) | ... | 67 |
| BANKS— | | |
| Bank Liabilities and Assets—(Quarter ended 31 December, 1861) | ... | 115 |
| Ditto ditto (Ditto 31 March, 1862) | ... | 117 |
| MINT— | | |
| Sydney Branch Royal Mint—(Despatch, 21 May, 1862) | ... | 119 |
| Ditto ditto (Ditto, 8 June, 1862) | ... | 123 |
| The Sydney Branch Mint—(Report of Select Committee, House of Commons) | ... | 125 |
| EMIGRATION— | | |
| Emigration Agents and Lecturers for New South Wales—(Correspondence) | ... | 139 |
| Ditto ditto (Further ditto)... | ... | 147 |
| IMMIGRATION— | | |
| Chinese Immigration Act—(Despatch) | ... | 151 |
| Assisted Immigration Regulations | ... | 153 |
| Mr. Hutchinson Hothersall Browne—(Petition) | ... | 155 |
| Ditto ditto (Return to Order) | ... | 157 |
| Retiring Allowance to late Immigration Agent—(Despatch) | ... | 165 |
| EDUCATION— | | |
| National Education—(Report, 1861) | ... | 171 |
| Denominational School Board—(Report, 1861) | ... | 219 |
| St. John's College—(Letter on By-laws) | ... | 231 |
| St. Paul's ditto (Ditto ditto) | ... | 233 |
| Presbyterian College Bill—(Petition—Rev. J. McGibbon) | ... | 235 |
| Ditto ditto (Ditto—Synod) | ... | 237 |
| Ditto ditto (Report of Select Committee)... | ... | 239 |
| Sydney Grammar School—(Report, 1861) | ... | 307 |
| University of Sydney—(Report for 1861) | ... | 309 |
| Ditto ditto (Building Fund Account)... | ... | 313 |
| CHARITABLE INSTITUTIONS— | | |
| Asylums for the Destitute—(Correspondence) | ... | 315 |
| Destitute Children's Society—(List of Officers, &c.) | ... | 333 |
| RELIGION— | | |
| Church and School Estates—(Despatch, Message No. 1) | ... | 335 |
| Ditto ditto (Ditto, Message No. 2) | ... | 339 |
| Ditto ditto (Payments to Clergymen) | ... | 341 |

RELIGION—Continued.

| | PAGE. |
|--|-------|
| Church and School Lands—(Return <i>in part</i> to Address) | 343 |
| Ditto ditto Estates—(Petition from Catholics, &c., Macleay River District)... | 345 |
| Ditto ditto (Ditto, Balmain) | 347 |
| Ditto ditto (Ditto, Merriwa) | 349 |
| Ditto ditto (Ditto, Murrurundi) | 351 |
| Ditto ditto (Ditto, Muswellbrook) | 353 |
| Ditto ditto (Ditto, Patrick's Plains) | 355 |
| Ditto ditto (Ditto, Morpeth) | 357 |
| Ditto ditto (Ditto, East Maitland) | 359 |
| Ditto ditto (Ditto, Windsor) | 361 |
| Ditto ditto (Ditto, Tumberumba) | 363 |
| Ditto ditto (Ditto, Mudgee) | 365 |
| Ditto ditto (Ditto, Brisbane Water No. 1) | 367 |
| Ditto ditto (Ditto ditto No. 2) | 369 |
| Ditto ditto (Ditto, Wollombi) | 371 |
| Ditto ditto (Ditto, Raymond Terrace) | 373 |
| Ditto ditto (Ditto, Bathurst) | 375 |
| Ditto ditto (Ditto, Wellington) | 377 |
| Ditto ditto (Ditto, Queanbeyan) | 379 |
| Ditto ditto (Ditto, Broulee) | 381 |
| Ditto ditto (Ditto, Murrumbidgee) | 383 |
| Ditto ditto (Ditto, Braidwood) | 385 |
| Ditto ditto (Ditto ditto) | 387 |
| Ditto ditto (Ditto, Monaro) | 389 |
| Ditto ditto (Ditto, Cassilis) | 391 |
| Ditto ditto (Ditto, Goulburn) | 393 |
| Ditto ditto (Ditto, Yass) | 395 |
| Ditto ditto (Ditto, Illawarra) | 397 |
| Ditto ditto (Ditto, Petersham) | 399 |
| Ditto ditto (Ditto, Campbelltown and Menangle) | 401 |
| Ditto ditto (Ditto, Appin) | 403 |
| Ditto ditto (Ditto, Ryde) | 405 |
| Ditto ditto (Ditto, Berrima) | 407 |
| Ditto ditto (Ditto, Sacred Heart and Waverley) | 409 |
| Ditto ditto (Ditto, Nepean) | 411 |
| Ditto ditto (Ditto, West Maitland) | 413 |
| Ditto ditto (Ditto, Parramatta) | 415 |
| Ditto ditto (Ditto, St. Mary's, Sydney) | 417 |
| Ditto ditto (Ditto, St. Patrick's, ,,) | 419 |
| Ditto ditto (Ditto, St. Benedict's, ,,) | 421 |
| Ditto ditto (Ditto, Liverpool) | 423 |
| Ditto ditto (Ditto, Picton) | 425 |
| Church and School Lands Bill—(Petition from Illawarra No. 1) | 427 |
| Ditto ditto (Ditto ditto No. 2) | 429 |
| Ditto ditto (Ditto, B. Mountcastle) | 431 |
| Ditto ditto (Ditto, J. Bunting) | 433 |
| Ditto ditto (Ditto, Newcastle) | 435 |
| Ditto ditto (Ditto, Wallsend) | 437 |
| Grants for Public Worship Prohibition Bill—(Petition in favor, from Members of Church of England) | 439 |
| Ditto ditto (Ditto ditto) | 441 |
| Ditto ditto (Ditto, Tamworth) | 443 |
| Ditto ditto (Ditto, Illawarra No. 1) | 445 |
| Ditto ditto (Ditto, ditto No. 2) | 447 |
| Ditto ditto (Ditto, Scots Church, Sydney) | 449 |
| Ditto ditto (Ditto, Nundle, &c.) | 451 |
| Ditto ditto (Ditto, Manning River) | 453 |

RELIGION—Continued.

| | | PAGE. |
|--|--|-------|
| Grants for Public Worship Prohibition Bill—(Petition in favor, from Presbytery of Sydney)... .. | | 455 |
| Ditto | ditto (Ditto, Newtown) | 457 |
| Ditto | ditto (Ditto, Methodists, Newcastle) | 459 |
| Ditto | ditto (Ditto, City of Sydney, &c.) | 461 |
| Ditto | ditto (Ditto, Muswellbrook) | 463 |
| Ditto | ditto (Ditto, Presbyterians, Newcastle) | 465 |
| Ditto | ditto (Ditto, Shoalhaven) | 467 |
| Ditto | ditto (Ditto, Kiama) | 469 |
| Ditto | ditto (Ditto, Goulburn)... .. | 471 |
| Ditto | ditto (Ditto, Ashfield) | 473 |
| Ditto | ditto (Ditto, Mummell)... .. | 475 |
| Ditto | ditto (Ditto, Brisbane Water) | 477 |
| Ditto | ditto (Ditto, Paterson) | 479 |
| Ditto | ditto (Ditto, Members of Church of England)... .. | 481 |
| Ditto | ditto (Ditto, Gundaroo)... .. | 483 |
| Ditto | ditto (Ditto, Rev. J. Gibson, Campbelltown) | 485 |
| Ditto | ditto (Ditto, Campbelltown) | 487 |
| Ditto | ditto (Ditto, Menangle)... .. | 489 |
| Ditto | ditto (Ditto, Port Macquarie) | 491 |
| Ditto | ditto (Ditto, Ahalton, &c.) | 493 |
| Ditto | ditto (Ditto, Morpeth) | 495 |
| Ditto | ditto (Ditto, Mudgee) | 497 |
| Ditto | ditto (Ditto, A. Windeyer) | 499 |
| Ditto | ditto (Ditto, Maitland) | 501 |
| Ditto | ditto (Ditto, Upper Williams) | 503 |
| Ditto | ditto (Ditto, Manning River) | 505 |
| Ditto | ditto (Ditto, Illawarra) | 507 |
| Ditto | ditto (Ditto, Murrurundi) | 509 |
| Ditto | ditto (Ditto, Waverley)... .. | 511 |
| Ditto | ditto (Ditto, Presbyterians, Eden) | 513 |
| Ditto | ditto (Ditto, Bathurst) | 515 |
| Ditto | ditto (Ditto, Presbyterians, Bega) | 517 |
| Ditto | ditto (Ditto, Tenterfield) | 519 |
| Ditto | ditto (Ditto, Camden) | 521 |
| Ditto | ditto (Ditto, Jervis Bay) | 523 |
| Ditto | ditto (Ditto, Lower Hunter) | 525 |
| Ditto | ditto (Petition in opposition to, from Braidwood) | 527 |
| Ditto | ditto (Ditto, Revd. A. M' Ewen) | 529 |
| Ditto | ditto (Ditto, St. Michael's, Sydney) | 531 |
| Ditto | ditto (Ditto, St. Lawrence's, Sydney) | 533 |
| Ditto | ditto (Ditto St. Philip's, Sydney) | 535 |
| Ditto | ditto (Ditto, Prospect, &c.) | 537 |
| Ditto | ditto (Ditto, Canberry, &c.) | 539 |
| Ditto | ditto (Ditto, Balmain) | 541 |
| Ditto | ditto (Ditto, Darlinghurst, &c.)... .. | 543 |
| Ditto | ditto (Ditto, Scone) | 545 |
| Ditto | ditto (Ditto, New England) | 547 |
| Ditto | ditto (Ditto, Bathurst) | 549 |
| Ditto | ditto (Ditto, Port Macquarie) | 551 |
| Ditto | ditto (Ditto, Campbelltown) | 553 |
| Ditto | ditto (Ditto, Hartley) | 555 |
| Ditto | ditto (Ditto, Scone) | 557 |
| Ditto | ditto (Ditto, Members of Church of England)... .. | 559 |
| Ditto | ditto (Praying to be heard by Counsel, from Roman Catholic Clergy) | 561 |
| Ditto | ditto (Ditto, ditto Wesleyans) | 563 |
| Ditto | ditto (Ditto, ditto Various Protestants) | 565 |

RELIGION—Continued.

| | PAGE. |
|---|-------|
| State Aid to Religion—(Petition in favor of, from St. Benedict's, Sydney) | 679 |
| Ditto ditto (Ditto, St. Patrick's, Sydney) | 681 |
| Ditto ditto (Ditto, East Maitland) | 683 |
| Ditto ditto (Ditto, Petersham) | 685 |
| Ditto ditto (Ditto, Raymond Terrace) | 687 |
| Ditto ditto (Ditto, Campbelltown) | 689 |
| Ditto ditto (Ditto, Balmain) | 691 |
| Ditto ditto (Ditto, Morpeth) | 693 |
| Ditto ditto (Ditto, Liverpool)... .. | 695 |
| Ditto ditto (Ditto, Sacred Heart) | 697 |
| Ditto ditto (Ditto, Waverley)... .. | 699 |
| Ditto ditto (Ditto, Wollongong) | 701 |
| Ditto ditto (Ditto, Cooma) | 703 |
| Ditto ditto (Ditto, Goulburn)... .. | 705 |
| Ditto ditto (Ditto, Hartley) | 707 |
| Ditto ditto (Ditto, Maneroo) | 709 |
| Ditto ditto (Ditto, St. Leonard's) | 711 |
| Ditto ditto (Ditto, Kiama) | 713 |
| Ditto ditto (Ditto, Kiama, &c.) | 715 |
| Ditto ditto (Ditto, Dooral) | 717 |
| Ditto ditto (Ditto, Gundagai)... .. | 719 |
| Ditto ditto (Ditto, Peel, &c.) | 721 |
| Ditto ditto (Ditto, Yass) | 723 |
| Ditto ditto (Ditto, ditto) | 725 |
| Ditto ditto (Ditto, Braidwood) | 727 |
| Ditto ditto (Ditto, Ryde) | 729 |
| Ditto ditto (Ditto, Wellington) | 731 |
| Ditto ditto (Ditto, Windsor) | 733 |
| Ditto ditto (Ditto, Mudgee) | 735 |
| Ditto ditto (Ditto, Bathurst) | 737 |
| Ditto ditto (Ditto, Shoalhaven) | 739 |
| Ditto ditto (Ditto, Moruya) | 741 |
| Ditto ditto (Ditto, Gosford, &c.) | 743 |
| Ditto ditto (Ditto, Tumut) | 745 |
| State Aid to Religion—(Schedule of Stipends &c., from Schedule C.) ... | 747 |
| Church of England Glebe, at Campbelltown—(Petition) | 751 |
| Clerical Stipend and Glebe Allowance, Gunning and Collector—(Petition) | 753 |
| Lands dedicated to Religious and Public purposes—(Abstract of)... .. | 755 |
| Christ Church Newcastle—(Return to Address) | 761 |
| Newcastle Church Land Sale Bill—(Report of Select Committee) ... | 779 |
| Exchange of Land, Scots Church, Jamison-street—(Petition) | 785 |
| Ditto Ditto (Report of Select Committee) | 787 |

CROWN LANDS—

| | |
|--|------|
| Crown Lands Statistics—(Return <i>in part</i> to Order) | 853 |
| Ditto ditto (Ditto, <i>in continuation</i> ditto) | 935 |
| Ditto ditto (Ditto, <i>further</i> ditto) | 991 |
| Ditto ditto Forfeited for non-residence—(Return to Order) | 997 |
| Ditto ditto Reserved from Sale—(Schedule) | 999 |
| Ditto ditto (Return of Land selected, &c.) | 1001 |
| Ditto ditto Proclamation of Reserves—(Correspondence) | 1003 |
| Ditto ditto Alienation Act of 1861—(List of Appraisers) | 1007 |
| Ditto ditto Advertised for Sale, &c.—(Return to Order) | 1009 |
| Ditto ditto Leases for Mining Purposes—(Return to Order) | 1029 |
| Tenders for Runs—(Return to Order) | 1037 |
| Crown Lands D.Z. Run (ditto) | 1075 |
| Valuation of Town Allotments at Sofala—(Petition) | 1085 |
| Land at Macdonald River—(Correspondence) | 1087 |

| CROWN LANDS—Continued. | | PAGE. |
|--|-----|-------|
| Alfred Toogood—(Petition)... | ... | 1095 |
| Mr. Thomas Gordon Dangar—(Petition) | ... | 1097 |
| Dividing Fences Bill—(Petition in favor of, from Patrick's Plains) | ... | 1099 |
| Ditto ditto (Ditto, in opposition to, from Rocky River) | ... | 1101 |
| Ditto ditto (Ditto, J. Bunting) | ... | 1103 |
| Ditto ditto (Ditto, Timbarra)... | ... | 1105 |
| Ditto ditto (Ditto, Tenterfield) | ... | 1107 |
| Pastoral Interests Contribution Bill—(Petition—Muswellbrook Benevolent Society)... | ... | 1109 |
| Ditto ditto (Ditto, Goulburn Hospital) | ... | 1111 |
| Ditto ditto (Ditto, Scone Benevolent Society) | ... | 1113 |
| Ditto ditto (Ditto, Singleton ditto) | ... | 1115 |
| Ditto ditto (Ditto, Albury Hospital)... | ... | 1117 |
| Ditto ditto (Ditto, Tamworth Benevolent Society) | ... | 1119 |
| Ditto ditto (Ditto, Murrurundi ditto)... | ... | 1121 |
| Ditto ditto (Ditto, Maitland Hospital) | ... | 1123 |
| LANDS— | | |
| Land Titles Declaration Bill—(Progress Report of Select Committee) | ... | 1125 |
| Ditto ditto (Final ditto ditto) | ... | 1273 |

VOL. V.

| COMMONS— | | |
|--|-----|-----|
| Field of Mars Common—(Report from Select Committee)... | ... | 1 |
| CATTLE— | | |
| Abattoirs, Glebe Island—(Return to Order) | ... | 129 |
| Ditto ditto (Amended Orders and Regulations) | ... | 133 |
| Cattle Disease Prevention Act—(Statement of Payments under) | ... | 135 |
| Ditto ditto (Statement of Compensation claimed under) | ... | 137 |
| Pleuro-pneumonia—(Proclamations respecting) | ... | 139 |
| Ditto (Ditto dated 2 June, 1862) | ... | 143 |
| Ditto (Ditto dated 2 December, 1862) | ... | 145 |
| Ditto (Report relative to inoculation of Cattle) | ... | 147 |
| Ditto (Petition of Samuel Bowler) | ... | 153 |
| Ditto (Ditto, George Bardwell)... | ... | 155 |
| Ditto (Ditto, John Purtell) | ... | 157 |
| Ditto (Ditto, William Rial) | ... | 159 |
| Ditto (Ditto, John Cox) | ... | 161 |
| Ditto (Ditto, Charles Crisp) | ... | 163 |
| Ditto (Ditto, John Keane) | ... | 165 |
| Ditto (Ditto, James McLaurin)... | ... | 167 |
| Ditto (Ditto, John Morrice) | ... | 169 |
| Ditto (Ditto, William Henry Williams) | ... | 171 |
| Slaughter of Cattle under Cattle Disease Prevention Act—(Report from Select Committee) | ... | 173 |
| Impounding Bill—(Petition—Yass Hospital) | ... | 295 |
| Ditto ditto (Ditto, Braidwood, ditto) | ... | 297 |
| ROADS— | | |
| Road Trust Accounts—(Returns) | ... | 299 |
| Maitland Road Trust—(Return to Order) | ... | 311 |
| Subordinate Roads of New South Wales—(Classification &c., for 1863) | ... | 331 |
| Road Superintendents and Overseers—(Return to Order)... | ... | 337 |
| Ditto ditto (Further ditto) | ... | 339 |
| Mr. W. R. Collett—(Return to Order) | ... | 343 |
| Road from Orange to Wellington—(Return to Order) | ... | 347 |
| Road from Bowenfels to Mudgee—(Return to Order) | ... | 349 |
| Road from Scone to Moonan—(Return to Order) | ... | 355 |
| Road from Monaro to the Coast—(Return to Order) | ... | 365 |

| ROADS—Continued. | PAGE. |
|---|-------|
| Road from Mudgee to Wellington—(Return to Address) | 377 |
| Great North Road—(Return to Address) | 397 |
| Road through Village of Sutton Forest—(Petition) | 405 |
| Ditto ditto (Ditto) | 407 |
| Road from Goorangoola Creek and Falbrook to Singleton—(Petition) ... | 409 |
| James Miller—(Petition—Parish Roads) | 411 |
| TOLL-GATES— | |
| Toll-gate, Murrurundi—(Petition) | 413 |
| RAILWAYS— | |
| Railway Contracts—(Return to Address) | 415 |
| Existing Railway Lines—(Return to Order) | 439 |
| Railway Signal Posts—(Ditto ditto) | 443 |
| Improved Communication with the Interior—(Petition) | 445. |
| Henry William Dudley—(Petition) | 447 |
| Truck System on Great Southern Railway—(Petition) | 451 |
| Mr. John Hannell—(Petition) | 453 |
| Darling Harbour Branch Railway—(Petition) | 455 |
| Railway through Ultimo Estate—(Petition) | 457 |
| Ditto ditto (Petition to be heard by Counsel) | 459 |
| Morehead and Young's Railway Bill—(Petition—Alexander Brown, No. 1) | 461 |
| Ditto ditto (Ditto ditto No. 2) | 463 |
| Ditto ditto (Ditto ditto No. 3) | 465 |
| Ditto ditto (Ditto A. Canning, No. 1)... .. | 467 |
| Ditto ditto (Ditto ditto No. 2) | 469 |
| Ditto ditto (Report from Select Committee) | 471 |
| Taylor and Walker's Railway Bill—(Report from Select Committee) ... | 525 |
| Bulli Coal Mining Company's Railway Bill—(Report from Select Committee) | 533 |
| Co-operative Coal Mining Company's Railway Bill—(Petition) | 541 |
| Ditto ditto (Report from Select Committee) | 543 |
| Botany Railway Company's Bill—(Report from Select Committee) | 551 |
| TRAMWAYS— | |
| Pitt-street Tramway—(Petition) | 561 |
| Ditto ditto (Petition—W. Anderson)... .. | 563 |
| Ditto ditto (Return to Order)... .. | 565 |
| Ditto ditto (Progress Report from Select Committee) | 567 |
| Coal Tramway at Wollongong—(Petition) | 635 |
| Mount Pleasant Tramroad Bill—(Petition—J. H. Plunkett) | 637 |
| Ditto ditto (Report from Select Committee) | 639 |
| STREETS— | |
| Alignment of Streets of Mudgee—(Return to Order) | 649 |
| HARBOURS— | |
| Clarence River Breakwater Works—(Evidence of Engineer-in-Chief for Harbours) | 657 |
| Lake Macquarie—(Return to Order) | 673 |
| Port of Newcastle Statistics—(Return to Order) | 677 |
| BRIDGES— | |
| Bridge over Tenterfield Creek—(Return to Order) | 679 |
| Bridge at Bombala—(Ditto) | 689 |
| Proposed Bridge over the Namoi River—(Petition) | 697 |
| Ditto ditto Paterson at Dunmore—(Petition from District of Paterson and Allyn) | 699 |
| Ditto ditto (Ditto ditto No. 2) | 701 |
| Ditto ditto (Ditto Dungog) | 703 |
| Ditto ditto (Ditto ditto Paterson and Williams) | 705 |
| FERRIES— | |
| Public Ferry at Morpeth—(Petition) | 707 |
| Ditto ditto between Sydney and the North Shore—(Petition) | 709 |

| | PAGE. |
|--|-------|
| WHARFS— | |
| Wharfage and Cartage of Government Goods—(Return to Order) ... | 711 |
| Steam Crane at Newcastle—(Ditto ditto) | 713 |
| MUNICIPAL— | |
| Incorporation of Municipalities—(Petition) | 719 |
| Public Vehicles—(Petition)... .. | 721 |
| Sewerage and Water Supply—(Fifth Yearly Report) | 723 |
| Town Hall Site Exchange Bill—(Report from Select Committee) ... | 729 |
| Municipalities Act of 1858—(Petition—Paddington) | 737 |
| Ditto ditto (Ditto, Waterloo) | 739 |
| Ditto ditto (Ditto, Glebe) | 741 |
| Municipalities Law Amendment Bill—(Petition—Shoalhaven) | 743 |
| Ditto ditto (Ditto, Kiama) | 745 |
| Ditto ditto (Ditto, ditto) | 747 |
| Ditto ditto (Ditto, Waverley)... .. | 749 |
| Ditto ditto (Ditto, Wollongong) | 751 |
| Ditto ditto (Ditto, J. Dawson) | 753 |
| Ditto ditto (Ditto, Parramatta) | 755 |
| Ditto ditto (Ditto, Shellharbor) | 757 |
| MUSEUMS— | |
| Australian Museum—(Report) | 759 |
| Curator of ditto—(Correspondence) | 765 |
| Museum of Colonial Products—(Letter of E. Hamilton) | 771 |
| LIBRARY— | |
| Australian Library—(Correspondence) | 773 |
| Ditto ditto (Further ditto) | 777 |
| INSURANCE— | |
| Liverpool and London Fire and Life Insurance Company's Bill—(Report from Select Committee) | 779 |
| Pacific Fire and Marine Insurance Company's Incorporation Bill—(Report from Select Committee) | 785 |
| United Fire and Life Insurance Company's Incorporation Bill—(Report from Select Committee) | 791 |
| COAL— | |
| Coal Fields Regulation Bill—(Petition) | 797 |
| Australian Coal—(Extract from letter of E. Hamilton) | 799 |
| Waratah Coal Company's Incorporation Bill—(Report from Select Committee) | 801 |
| MEDICAL— | |
| Vaccination—(Report for 1861) | 823 |
| GRIEVANCES— | |
| Mr. John Anderson Robertson—(Petition)... .. | 827 |
| Mr. Cornelius Bride (Ditto) | 831 |
| Mrs. Katherine H. Harper (Ditto) | 833 |
| John M. Bate (Ditto) | 835 |
| John Smith, Bailiff (Ditto) | 837 |
| Ditto ditto (Ditto) | 839 |
| Mr. Arthur J. Liddington (Ditto) | 841 |
| Mr. Percy Simpson (Ditto) | 843 |
| Jeremiah O'Brien (Ditto) | 845 |
| Mr. John Busby (Ditto) | 847 |
| Mr. George Joll (Ditto) | 849 |
| James Killough (Ditto) | 851 |
| Mr. Henry Hine Newman (Ditto) | 853 |
| Mr. George Thornton (Ditto) | 855 |
| Mrs. Ellen Cohen (Ditto) | 857 |
| Henry William Edwards (Ditto) | 859 |
| Government Boatmen (Ditto) | 861 |
| Mr. Thomas Charles Bentley (Ditto) | 863 |
| Ditto ditto (Petition to be heard by Counsel) | 865 |
| Ditto ditto (Petition—C. Cutolo, ditto) | 867 |

| GRIEVANCES— <i>Continued.</i> | | PAGE. |
|--|--------|-------|
| Mr. William Sims Bell—(Petition)... | ... .. | 869 |
| Ditto ditto (Return to Address) ... | ... .. | 871 |
| Ditto ditto (Report from Select Committee) | ... .. | 877 |
| Mr. Andrew Lenehan—(Petition) ... | ... .. | 895 |
| Ditto ditto (Report from Select Committee)... | ... .. | 897 |
| James Ralfe (Ditto ditto ) ... | ... .. | 937 |
| Mr. Francis Flanagan (Ditto ditto ) ... | ... .. | 943 |
| MATRIMONIAL AND DIVORCE— | | |
| Matrimonial Causes Bill—(Petition—R. C. Archbishop, &c.) | ... .. | 959 |
| Ditto ditto (Ditto, Parramatta) .. | ... .. | 961 |
| Ditto ditto (Ditto, St. Benedict's) ... | ... .. | 963 |
| Ditto ditto (Ditto, Appin) ... | ... .. | 965 |
| Ditto ditto (Ditto, Sacred Heart) ... | ... .. | 967 |
| Ditto ditto (Ditto, Sydney North) ... | ... .. | 969 |
| Ditto ditto (Ditto, Clergy of Sydney) | ... .. | 971 |
| Ditto ditto (Ditto St. Leonards) ... | ... .. | 973 |
| Ditto ditto (Ditto, Campbelltown) ... | ... .. | 975 |
| Ditto ditto (Ditto, Morpeth) ... | ... .. | 977 |
| Ditto ditto (Ditto, Hartley) ... | ... .. | 979 |
| Ditto ditto (Ditto, Camden) ... | ... .. | 981 |
| Ditto ditto (Ditto, Menangle) ... | ... .. | 983 |
| Ditto ditto (Ditto, Windsor) ... | ... .. | 985 |
| Ditto ditto (Ditto, Clergy, &c., of Church of England) | ... .. | 987 |
| Ditto ditto (Ditto, Balmain) ... | ... .. | 989 |
| Ditto ditto (Ditto, Liverpool) ... | ... .. | 991 |
| Ditto ditto (Ditto, East Maitland)... | ... .. | 993 |
| Ditto ditto (Ditto, Wollombi) ... | ... .. | 995 |
| Ditto ditto (Ditto, Broulee) ... | ... .. | 997 |
| Ditto ditto (Ditto, Raymond Terrace) | ... .. | 999 |
| Ditto ditto (Ditto, Goulburn) ... | ... .. | 1001 |
| Ditto ditto (Ditto, West Maitland)... | ... .. | 1003 |
| Ditto ditto (Ditto, Braidwood) ... | ... .. | 1005 |
| Ditto ditto (Ditto, Patrick's Plains) | ... .. | 1007 |
| Ditto ditto (Ditto, Illawarra) ... | ... .. | 1009 |
| Ditto ditto (Ditto, New England) ... | ... .. | 1011 |
| Ditto ditto (Ditto, Petersham) ... | ... .. | 1013 |
| Ditto ditto (Ditto, Murrurundi) ... | ... .. | 1015 |
| Ditto ditto (Ditto, Muswellbrook) .. | ... .. | 1017 |
| Ditto ditto (Ditto, Port Macquarie) | ... .. | 1019 |
| Ditto ditto (Ditto, Yass) ... | ... .. | 1021 |
| Ditto ditto (Ditto, Berrima) ... | ... .. | 1023 |
| Ditto ditto (Ditto, Merriwa) ... | ... .. | 1025 |
| Ditto ditto (Ditto, Wellington) ... | ... .. | 1027 |
| Ditto ditto (Ditto, Maneroo) ... | ... .. | 1029 |
| Ditto ditto (Ditto, Mudgee) ... | ... .. | 1031 |
| Ditto ditto (Ditto, Burrowa) ... | ... .. | 1033 |
| Ditto ditto (Ditto, Peel, &c.) ... | ... .. | 1035 |
| Ditto ditto (Ditto, Ryde) ... | ... .. | 1037 |
| Ditto ditto (Ditto, Bathurst) ... | ... .. | 1039 |
| MISCELLANEOUS— | | |
| State of Manufactures and Agriculture in the Colony—(Progress Report from Select Committee) ... | ... .. | 1041 |
| Tanners and Curriers Bill of 1859-60—(Report from Select Committee)... | ... .. | 1121 |
| Gibson's Estate Bill—(Report from Select Committee) ... | ... .. | 1163 |
| Sydney Burial Grounds—(Return <i>in part</i> to Order) ... | ... .. | 1169 |
| Blankets for the Aborigines—(Return to Order) ... | ... .. | 1171 |
| Colonial Tobacco—(Extract from Letter—E. Hamilton) ... | ... .. | 1175 |
| Supply of Cotton Seed—(Correspondence) ... | ... .. | 1177 |

MISCELLANEOUS—Continued.

| | PAGE. |
|--|-------|
| Lancashire Relief Fund—(Despatch) | 1183 |
| Geological Survey—(Report of W. Keene)... .. | 1185 |
| Culture of Fish—(Petition—A. Black) | 1187 |
| Propagation of Salmon—(Petition No. 1) | 1189 |
| Ditto ditto (Ditto No. 2) | 1191 |
| Oyster Fisheries Bill—(Petition) | 1193 |
| Woolloomooloo Bay Land Reclamation Bill—(Petition) | 1195 |
| Water Supply for Campbelltown (Ditto) | 1197 |
| Intoxicating Drinks (Ditto) | 1199 |
| Carriers Licensing Bill (Ditto) | 1201 |
| Hawkers' Licenses (Ditto) | 1203 |
| Amended Secret Bills of Sale Prevention Bill—(Ditto) | 1205 |
| Ditto ditto (Ditto, Bankers, &c.) | 1207 |
| Sale of Colonial Wines Regulation Bill—(Petition—Balmain) | 1209 |
| Ditto ditto ditto (Ditto—Sydney, No. 1) | 1211 |
| Ditto ditto ditto (Ditto „ No. 2) | 1213 |
| Ditto ditto ditto (Ditto—Parramatta) | 1215 |
| Ditto ditto ditto (Ditto—West Maitland) | 1217 |
| Ditto ditto ditto (Ditto—Albury) | 1219 |

[Price, 4d.]

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

INDEX
TO THE
VOTES AND PROCEEDINGS
AND
PAPERS ORDERED TO BE PRINTED
DURING THE SESSION 1862.

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|--|---------|-------|
| | VOL. | PAGE. |
| A | | |
| ABATTOIRS :— | | |
| Orders and Regulations respecting,—laid on Table, 2 | 5 | 133 |
| Motion in reference to Revenue from, 54; Return of Revenue derived from,— laid on Table, 53 | 5 | 129 |
| ABORIGINES :— | | |
| Return to Order (Session 1861-2) in reference to Blankets supplied to, 25 | 5 | 1171 |
| ABSENCE, LEAVE OF :— | | |
| GRANTED TO :— | | |
| Henry Rotton, Esq., 106. | | |
| William Cummings, Esq., 253. | | |
| John Morrice, Esq., 296. | | |
| Thomas Lewis, Esq., 450. | | |
| Daniel Egan, Esq., 555. | | |
| Joseph J. Harpur, Esq., 664. | | |
| PROPOSED FOR :— | | |
| William Redman, Esq., 350. | | |
| ABSTRACTS OF PUBLIC ACCOUNTS (See "FINANCE.") | | |
| ACCLIMATISATION (See "FISH.") | | |
| ACCOUNTS PUBLIC (See "FINANCE"; also "ROADS.") | | |
| ADDITIONAL BUSINESS DAY (See "ASSEMBLY.") | | |
| ADDRESS :— | | |
| IN REPLY TO GOVERNOR'S OPENING SPEECH :— | | |
| Select Committee appointed to prepare, 3; Report brought up, 3; adopted, 4; Assembly proceed to Government House to present, 9; Governor's Reply reported, 9. | | |
| OF CONDOLENCE TO HER MAJESTY :— | | |
| Select Committee appointed to prepare, 11; Report brought up, 25; read by Clerk, 39; adopted, 39; Deputation appointed to present to Governor, 39; Despatch from Duke of Newcastle, in acknowledgment of (Message No. 11), 650 | 1 | 1059 |
| OF SPEAKER AT PROROGATION (See "SPEAKER.") | 1 | 1063 |
| ADJOURNMENT :— | | |
| OF ASSEMBLY :— | | |
| For presentation of Address to Governor, 4. | | |
| Special, 438, 442, 524, 527, 699, 756, 758. | | |
| After Division, 208, 223, 433, 442. | | |
| For want of Quorum before commencement of business, 277, 345, 455, 571, 669, 717. | | |
| For want of Quorum after commencement of business, 88, 106, 253, 256, 311, 351, 370, 410, 428, 469, 481, 495, 516, 520, 533, 551, 561, 612, 637, 644, 696, 707, 737. | | |
| Motions made for,—and negatived, 126, 233, 317, 399, 629, 687, 703, 735. | | |
| Motions made for,—and withdrawn, 369, 370, 587. | | |
| On Retirement of Mr. Speaker, 524. | | |
| On Election of ditto, 527. | | |
| OF DEBATE, 27, 34, 62, 186, 194, 208, 216, 233, 252, 285 (2), 409, 624, 688, 712. | | |
| ADMINISTRATION OF JUSTICE :— | | |
| COURT OF PETTY SESSIONS, FORBES :— | | |
| Petition from W. H. Bedell, in reference to a denial of Justice, owing to his unbelief in revealed religion, 2; ordered to be printed, 10 | 2 | 5 |
| JOHN COCKERELL :— | | |
| Petition from,—ordered to be printed, 26; Motion made for Select Committee, and negatived, 55; Motion made for Committee of the Whole to consider Address to the Governor in reference to, 230; House in Committee, and no Report made, 318; Motion made, and negatived, for Return of Proceeds of Sale of Confiscated Property, 402 | 2 | 61 |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|---------|----------|
| | | VOL. | PAGE. |
| A | | | |
| ADMINISTRATION OF JUSTICE (Continued):— | | | |
| MR. J. E. LIARDET:— | | | |
| Return to Address (Session 1861-2) in reference to his removal from the Public Service, 53; ordered to be printed, 106; Select Committee appointed to inquire into case of, 230; Report presented, but not received, not bearing the signature of the original Chairman, 753 | 2 | | 67 |
| BERRY v. GRAHAM, MOSS, AND OTHERS:— | | | |
| Motion made for Returns relative to amount of money advanced by Government for payment of costs of Defendants, 112. | | | |
| DR. BLAKE, J.P.:— | | | |
| Motion made for Papers in reference to the conduct of, 142; laid on Table, 757. | | | |
| KENNETH MACKENZIE, Esq., J.P., SHOALHAVEN:— | | | |
| Petition presented from G. U. Alley, preferring certain charges against, 141; read by Clerk, 142; referred to Standing Orders Committee to report on printing of, 149; Report brought up, 157; adopted, 304; Petition presented in reference to non-printing of former Petition, 349; read by Clerk, 349; motion made for correspondence in reference to, 142..... | 2 | | 243 |
| MAGISTRATES OF THE COLONY:— | | | |
| Motion made for Return of daily attendances in Police Courts, 169. | | | |
| CENTRAL POLICE OFFICE:— | | | |
| Select Committee appointed to inquire into Management of, 170; Petition in reference to, presented from William Radley, 383; read by Clerk, 383; referred to Committee, 581; Report brought up, 735 | 2 | | 85, 383 |
| CRIMINAL CASES:— | | | |
| In which the Crown declined to prosecute. Return (in part) to Address (Session 1861), 185 | 2 | | 75 |
| RIOTS AT BURRANGONG:— | | | |
| Motion made for Papers connected with the case of Mr. W. Spicer, 231; laid on Table (in part), 431 | 2 | | 235 |
| MURRAY v. WEAVER:— | | | |
| Motion made for Papers connected with the Trials held at the District Courts, Scone and Newcastle in this matter, 324; laid on Table, 575 | 2 | | 207 |
| NEW COMMISSION OF THE PEACE:— | | | |
| Resolution moved in reference to exclusions from, and House counted out, 351. | | | |
| MOSS, MR., J.P., SHOALHAVEN:— | | | |
| Motion made for Returns relative to Sentences passed by, whilst acting in his Magisterial capacity, 401; laid on Table, 594 | 2 | | 219 |
| JEREMIAH O'BRIEN:— | | | |
| Petition from, in reference to his arrest on a charge of horse-stealing, 503.... | 5 | | 345 |
| ANDREW BROMLEY:— | | | |
| Petition presented in reference to the Inquest held by the City Coroner on the body of, 587 | 2 | | 215 |
| SPECIAL JURORS:— | | | |
| Motion made for Returns relative to number fined for non-attendance, 409; laid on Table, 594..... | 2 | | 217 |
| CRIMINAL CONVICTIONS:— | | | |
| Motion made for Return of number of from 1859 to 1862, 693. | | | |
| THE QUEEN v. WHITTAKER:— | | | |
| Motion made for Papers connected with the Trial of Defendant at Goulburn, 695. | | | |
| MARTIAL LAW:— | | | |
| Motion made for Papers connected with the proposal to Proclaim,—at Burrangong, 695; laid on Table, 757 | 2 | | 231 |
| REV. JOHN STEELE:— | | | |
| Petition from, in reference to the conduct of a Magistrate of the Territory in the District of Maneroo, 711; read by Clerk, 711 | 2 | | 221 |
| PRINCE OF WALES' MAJORITY:— | | | |
| Motion made for Return of names, &c., of Prisoners released upon the occasion of, 714; laid on Table, 753..... | 2 | | 229 |
| MICHAEL FARRELL:— | | | |
| Motion made for Papers connected with the case of, tried at Central Police Office, Sydney, 756. | | | |
| ADMIRALTY:— | | | |
| Letter covering authority from, to use Australian Coal in H.M. Steamers, 441 | 5 | | 799 |
| ADMISSION (See "LAW PRACTICE ADMISSION TO, BILL.") | | | |
| ADVERTISEMENTS:— | | | |
| PUBLISHED BY GOVERNMENT IN NEWSPAPERS:— | | | |
| Motion made for Return of Expenses of, 509; laid on Table (in part), 757 | 1 | | 1101 |
| AGENCY (See "COMMERCIAL.") | | | |
| AGENT (See "IMMIGRATION;" also "EMIGRATION.") | | | |
| AGENTS (See "EMIGRATION.") | | | |
| AGGRESSIONS (See "CHINESE.") | | | |
| AGRICULTURAL (See "CROWN LANDS.") | | | |
| AGRICULTURE:— | | | |
| AND MANUFACTURES:— | | | |
| Petitions presented in reference to encouragement of, 85, 141 | 2 | | 643, 645 |
| Resolutions moved in reference to, 201; Select Committee appointed to inquire into state of in the Colony, 407; Progress Report brought up, 735 | 5 | | 1041 |
| AID STATE (See "GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.") | | | |
| ALIGNMENT (See "STREETS.") | | | |
| ALLEN, THOMAS DUKE (See "GAOLER.") | | | |
| ALLEY G. U. (See "ADMINISTRATION OF JUSTICE;" also "POSTAL.") | | | |
| ALLOWANCE (See "MILITARY;" "NAVAL;" also "CHURCH.") | | | |
| ALPACAS:— | | | |
| Return (<i>in continuation</i>) to Address (Session 1859-60), in reference to, 681. | | | |
| AMENDED (See "SECRET BILLS OF SALE (AMENDED) PREVENTION BILL.") | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|---|------------|-------|
| | | VOL. | PAGE. |
| A | | | |
| AMERICAN :— | | | |
| HostILITIES :— | | | |
| Despatch relative to maintenance of Neutrality, 2 | 1 | 1069 | |
| Despatch relative to Letters of Marque, 531 | 1 | 1073 | |
| ANDERSON, WILLIAM :— | | | |
| Petition presented from, in reference to an accident received whilst a passenger in the Pitt-street Tramway Car, 86; Motion made to refer to Select Committee on Pitt-street Tramway, and negatived, 325 | 5 | 563 | |
| APOLOGY :— | | | |
| (See "BUCHANAN, D.") | | | |
| APPEAL (See "GOLD FIELDS APPEAL COURT BILL.") | | | |
| APPRAISERS (See "CROWN LANDS.") | | | |
| APPROPRIATION BILL FOR 1862-3 :— | | | |
| Presented and read 1 ^o , 730; read 2 ^o , committed, and reported, 744; read 3 ^o , passed, and sent to Legislative Council, 747; returned by Council without amendment, 758; presented for Royal Assent, 762; assented to, 762. | | | |
| APPROPRIATIONS (See "FINANCE.") | | | |
| ARCHITECT, COLONIAL (See "WEAVER.") | | | |
| ARGYLE :— | | | |
| Seat for vacated, 531; Member for, sworn, 593. | | | |
| ARREST (See "ASSEMBLY.") | | | |
| ARTILLERY :— | | | |
| VOLUNTEER :— | | | |
| Motion made for Papers relative to the removal of Captain Lovell, R.A., 54; laid on Table, 215 | 2 | 637 | |
| ASSEMBLY (See "ADJOURNMENTS"; also "LEGISLATIVE ASSEMBLY DURATION BILL") :— | | | |
| Opening of, 1. | | | |
| Votes and Proceedings of, Nos. 1 to 121 | 1 | 1 to 764 | |
| Weekly Reports of Divisions in the Whole House, Nos. 1 to 27 | 1 | 765 to 880 | |
| Weekly Abstracts of Petitions received, Nos. 1 to 29 | 1 | 881 to 946 | |
| General Summary of ditto | 1 | 947 | |
| Alphabetical Register of Bills | 1 | 973 | |
| Ditto ditto of Addresses and Orders for Papers, and Addresses not being for Papers | 1 | 975 | |
| Register of Standing and Select Committees appointed during the Session .. | 1 | 981 | |
| Business of the Session | 1 | 987 | |
| Proclamation summoning, read by Clerk, 1. | | | |
| Seats vacated during recess reported by Mr. Speaker to House, 1. | | | |
| Seats vacated during Session, 69, 407, 499, 531, 735. | | | |
| Members sworn, 1, 489, 549, 593. | | | |
| Message from Governor, requesting attendance of, in Legislative Council, 1, 762. | | | |
| Governor's Opening Speech, 2. | | | |
| Committee appointed to prepare Address in reply, 3; Address brought up and read by Clerk, 3; adopted, 4; presented to Governor, 9; reply reported, 9. | | | |
| Sessional Orders passed, 10 (5), 11 (3), 34, 112, 303. | | | |
| Sessional Order rescinded, 134, 747. | | | |
| Standing Orders Committee appointed, 10; member added, 555. | | | |
| Library Committee appointed, 10. | | | |
| Chairman of Committees elected, 11. | | | |
| Leave of Absence granted to Members, 106, 253, 296, 450, 555, 664. | | | |
| Ditto negatived to Member, 350. | | | |
| Deputy Speaker's Commission to administer Oath, 16. | | | |
| Petition from D. Blair relative to his dismissal from the staff of Messengers, 10; ordered to be printed, 17 | 1 | 989 | |
| Speaker's Warrant for appointment of Committee of Elections and Qualifications laid on Table, 15; members of ditto sworn, 40; Question of Privilege referred to, 40; Report brought up, 86 | 1 | 991 | |
| Mr. Henry Gale.—Motion made for Correspondence in reference to his removal from the office of Clerk of Select Committees, 54; laid on Table, 215 | 1 | 1013 | |
| Motion made for reading Prayer before commencement of business, 112; rescinded, 134. | | | |
| Payment of Members.—Petition in favor of, 163; resolution moved in reference to, 376 | 1 | 1011 | |
| Modification of Standing Orders—Report of Standing Orders Committee, 261; Report adopted, 303 | 1 | 1029 | |
| Question of Order relative to Division Bell referred to Standing Orders Committee, 325; Report brought up, 375; adopted, 391; assent of Governor reported, 407 | 1 | 1033 | |
| Expense of Printing.—Motion made for return in reference to, 324; laid on Table, 623 | 1 | 1051 | |
| Counsel heard at Bar of House, 385. | | | |
| Ditto ditto before Select Committee, 311, 421, 459, 503, 623, 635, 735. | | | |
| Evidence at Bar in Committee of the Whole, 707; Ordered to be printed, 711. | 5 | 657 | |
| Additional business day proposed, 441. | | | |
| Member guilty of disorder, 392, 743. | | | |
| " committed to custody of Sergeant-at-Arms, 393; discharged from custody, 393; apologizes to the House, 407. | | | |
| Retirement of the Hon. T. A. Murray from the office of Speaker, 523; vacancy of the Speakership reported by Clerk, 527; vote of thanks to late Speaker, 537; letter conveying, 541; reply to, 575. | | | |
| Election of John Hay, Esquire, as Speaker, 527; presentation of, to Governor, 531; Commission to administer Oaths read by Clerk, 541. | | | |
| Correspondence in reference to Points of Order with Clerk of House of Commons, 549 | 1 | 1047 | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | | | |
|--|--|---------|-------|---|----------|
| A | | VOL. | PAGE. | | |
| ASSEMBLY (Continued):— | | | | | |
| Privilege.—Letter from Chairman of Select Committee requesting the Clerk to produce certain documents before Committee, 560; leave given, documents laid on Table and referred to Committee, 561. | | | | | |
| Vote of thanks to R. Torrens, Esquire, 649; Speaker reported having forwarded same, 663. | | | | | |
| Sittings after Midnight, 40, 62, 94, 100, 119, 134, 171, 179, 186, 297, 377, 385, 438, 442, 460, 495, 516, 532, 537, 555, 576, 583, 600, 629, 657, 675, 681, 699, 730, 749, 755. | | | | | |
| ASSENT:— | | | | | |
| To Bills, 370, 494, 532, 623, 712, 748, 758, 762 (2). | | | | | |
| ASSETS (See "BANK.") | | | | | |
| ASSISTED (See "IMMIGRATION.") | | | | | |
| ASSURANCE:— | | | | | |
| LIFE BILL (See "LIFE ASSURANCE BILL.") | | | | | |
| ASYLUMS (See "LUNATIC;" also "DESTITUTE.") | | | | | |
| ATTENDANCE:— | | | | | |
| OF MAGISTRATES (See "ADMINISTRATION OF JUSTICE.") | | | | | |
| AUCTION (See "CROWN LANDS.") | | | | | |
| AUDITOR GENERAL (See "FINANCE.") | | | | | |
| AURIFEROUS:— | | | | | |
| LANDS (See "CROWN LANDS;" also "COAL.") | | | | | |
| AUSTRALIA:— | | | | | |
| NORTH:— | | | | | |
| Despatch with Enclosures respecting laid on Table, 673..... | | | | 1 | 1091 |
| AUSTRALIAN:— | | | | | |
| COAL (See "COAL.") | | | | | |
| LIBRARY (See "LIBRARY.") | | | | | |
| MUSEUM (See "MUSEUM.") | | | | | |
| B | | | | | |
| BAILIFF (See "DISTRICT COURT.") | | | | | |
| BALANCES (See "FINANCE;" also "CHURCH AND SCHOOLS.") | | | | | |
| BALLOT:— | | | | | |
| FOR SELECT COMMITTEES:— | | | | | |
| Land Titles Declaration Bill, 62. | | | | | |
| Pilot Board, 87. | | | | | |
| Pitt-street Tramway, 253. | | | | | |
| Slaughter of Cattle under Cattle Disease Prevention Act, 294. | | | | | |
| Newcastle Church Land Sale Bill, 295. | | | | | |
| Presbyterian College Bill, 325. | | | | | |
| Town Hall Site Exchange Bill, 489. | | | | | |
| Pawnbrokers Bill, 504. | | | | | |
| Mount Pleasant Tramroad Bill, 510. | | | | | |
| Randwick Allotments, Sydney Water Reserves, 550. | | | | | |
| Petition of Thomas Charles Bentley, 617. | | | | | |
| PAPERS TAKEN AT ELECTIONS:— | | | | | |
| Resolution moved (by leave withdrawn) in reference to proceedings before Elections and Qualifications Committee, 47. | | | | | |
| BALLOTING:— | | | | | |
| Report from Standing Orders Committee relative to system of Balloting for Select Committees, 261; adopted, 303 | | | | 1 | 1029 |
| BANK:— | | | | | |
| Liabilities and Assets, 2 | | | | 4 | 115, 117 |
| SAVINGS LAW AMENDMENT AND CONSOLIDATION BILL (See "SAVINGS BANK.") | | | | | |
| BAR:— | | | | | |
| OF THE HOUSE:— | | | | | |
| Counsel heard at, on behalf of certain Members of the Church of England, in reference to the Grants for Public Worship Prohibition Bill, 385. | | | | | |
| OF COMMITTEE OF THE WHOLE HOUSE:— | | | | | |
| Evidence of Engineer-in-Chief for Harbours taken at,—in reference to Clarence River Breakwater, 707; laid on Table and ordered to be printed, 711 | | | | 5 | 657 |
| BARDWELL GEORGE (See "CATTLE.") | | | | | |
| BATE, JOHN MURRAY (See "GRIEVANCES.") | | | | | |
| BATHURST (See "ROADS.") | | | | | |
| BAY, WOOLLOOMOOLOO (See "WOOLLOOMOOLOO BAY.") | | | | | |
| BEATTY:— | | | | | |
| MR. JAMES:— | | | | | |
| Motion made for Committee of the Whole to consider Address in reference to compensation for injuries sustained in Electric Telegraph Department, 617 | | | | | |
| BEDELL:— | | | | | |
| WILLIAM HENRY (See "ADMINISTRATION OF JUSTICE.") | | | | | |
| BELL MR. W. SIMS (See "GRIEVANCES.") | | | | | |
| BELL:— | | | | | |
| DIVISION:— | | | | | |
| Ruling of Speaker in reference to ringing of, in Committee of the Whole House, 317; Referred to Standing Orders Committee, 325; Report brought up, 375; House in Committee of the Whole, Resolution reported, and Report adopted, 391; Governor's approval of, 407 | | | | 1 | 1033 |
| BENCH (See "ADMINISTRATION OF JUSTICE.") | | | | | |
| BENEVOLENT:— | | | | | |
| INSTITUTIONS:— | | | | | |
| Motion made for Return of Moneys derived from unclaimed Poundage, proceeds paid to, 694. | | | | | |
| BENTLEY MR. T. C. (See "GRIEVANCES.") | | | | | |
| BERRIMA:— | | | | | |
| TOLL-GATE (See "TOLL-GATE.") | | | | | |

INDEX.

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|-------------------------|-------|
| B | | VOL. | PAGE. |
| BERRY, ALEXANDER (See "ADMINISTRATION OF JUSTICE.") | | | |
| BIDDULPH, J. L. ESQ., J.P. (See "ADMINISTRATION OF JUSTICE.") | | | |
| BILLS :— | | | |
| PRIVATE :— | | | |
| Rule for Chairman's vote in Select Committees on, 11. | | | |
| Interpretation of Sessional Order as to printing Petitions in reference to, 53. | | | |
| RELATING TO TAXATION :— | | | |
| Speaker's ruling in reference to, 581. | | | |
| INITIATION OF :— | | | |
| Report from Standing Orders Committee in reference to brought up, 261 ; adopted as a Sessional Order, 303 | 1 | 1029 | |
| PRESENTATION OF (See "REGISTER OF BILLS.") | | | |
| RESERVATION OF (See "REGISTER OF BILLS.") | | | |
| ASSENT TO (See "REGISTER OF BILLS.") | | | |
| BILLS OF SALE PREVENTION (AMENDED) BILL (See "SECRET BILLS OF SALE PREVENTION BILL.") | | | |
| BIRTHS, DEATHS, AND MARRIAGES (See "REGISTRAR.") | | | |
| BLACK :— | | | |
| ROD (See "USHER.") | | | |
| ALEXANDER (See "FISH.") | | | |
| BLACK CREEK (See "POLICE"; also "ROADS.") | | | |
| BLAIR, DAVID (See "ASSEMBLY.") | | | |
| BLAKE, DR., J. P. (See "ADMINISTRATION OF JUSTICE.") | | | |
| BLANKETS (See "ABORIGINES.") | | | |
| BOATMEN :— | | | |
| GOVERNMENT (See "GRIEVANCES.") | | | |
| BOMBALA :— | | | |
| BRIDGE (See "BRIDGE.") | | | |
| BONDED DISTILLERIES AND SUGAR HOUSES BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 99 ; presented and read 1 ^o , 99 ; referred to Select Committee, 157 ; Report brought up, 407 ; Bill read 2 ^o , committed, and progress reported, 650 ; Committee resumed, and Bill reported with Amendments, 749 ; read 3 ^o , passed, and sent to Legis- lative Council, 755 ; returned by Council without Amendment, 762 ; pre- sented for Royal Assent, 762 ; assented to, 762 | 2 | 655 | |
| Petition presented praying the postponement of the operation of, 432 | 2 | 653 | |
| BOTANY RAILWAY COMPANY'S BILL :— | | | |
| Petition praying leave to introduce, 369 ; leave granted, 433 ; presented and read 1 ^o , 433 ; referred to Select Committee, 449 ; Report brought up, 479 ; Bill read 2 ^o , committed, and progress reported, 504 ; Committee resumed, and further progress reported, 543 ; Committee resumed, and Bill reported with Amendments, 566 ; recommitted, and progress reported, 589 ; Com- mittee resumed, and Bill reported with a further Amendment, 612 ; read 3 ^o , passed, and sent to Legislative Council, 636 ; returned by Council without Amendment, 713 ; Assent reported, 748 | 5 | 551 | |
| BOWENFELS (See "ROADS.") | | | |
| BOWLER, SAMUEL (See "CATTLE.") | | | |
| BRAIDWOOD (See "PRIVILEGE"; also "POSTAL.") | | | |
| BRANDS REGISTRATION BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 99 ; Presented and read 1 ^o , 100 ; discharged from Paper, 755. | | | |
| BREAKWATER (See "CLARENCE.") | | | |
| BRIDE :— | | | |
| CORNELIUS (See "CROWN LANDS.") | | | |
| BRIDGE :— | | | |
| ACROSS PARRAMATTA RIVER :— | | | |
| Motion made for Return of proposed cost of, 87. | | | |
| OVER TENTERFIELD CREEK :— | | | |
| Motion made for Correspondence respecting the site of, 106 ; laid on Table, 741 | 5 | 679 | |
| OVER THE NAMOI :— | | | |
| Petition presented relative to the proposed site of, 445 | 5 | 697 | |
| OVER THE PATERSON :— | | | |
| Petitions presented against the construction of, 531, 611, 687 ; Petition presented in favor of, 707 | 5 | { 699, 701, 703, 705 | |
| Motion made for Correspondence respecting the proposed site of, 712. | | | |
| AT BOMBALA :— | | | |
| Return to Order (Session 1861-2) in reference to, 559 | 5 | 689 | |
| OVER THE HUNTER AT WEST MAITLAND :— | | | |
| Motion made for Correspondence in reference to the proposed site of, 712. | | | |
| BROMLEY :— | | | |
| ANDREW (See "ADMINISTRATION OF JUSTICE.") | | | |
| BROWN (See "MOREHEAD AND YOUNG'S RAILWAY BILL.") | | | |
| BROWNE, H. H. (See "IMMIGRATION.") | | | |
| BUCHANAN, DAVID, ESQUIRE :— | | | |
| Disorderly words used by,—reported to House, 392 ; explanation offered, 392 ; declared guilty of contempt, 392 ; Speaker's Warrant issued, 393 ; taken in custody by Sergeant-at-Arms, 393 ; discharged from, 393 ; apology made to House, 407 ; seat vacated, 407. | | | |
| BUCKLAND T. (See "WOOLLOOMOOLOO BAY BILL.") | | | |
| BUILDING (See "UNIVERSITY.") | | | |
| BUILDINGS (See "FINANCE.") | | | |
| BULL COAL MINING COMPANY'S RAILWAY BILL :— | | | |
| Petition praying leave to introduce, 142 ; leave granted, 260 ; presented and read 1 ^o , 260 ; referred to Select Committee, 296 ; Report brought up, 376 ; Bill read 2 ^o , committed, and reported, 399 ; read 3 ^o , passed, and sent to Legislative Council, 425 ; Report of Select Committee sent to Council, 431 ; Bill returned by Council without Amendment, 479 ; Assent reported, 494 | 5 | 533 | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|--|---------|---------------|
| | VOL. | PAGE. |
| B | | |
| BUNTING:— | | |
| JABEZ (See "CHURCH AND SCHOOL LANDS;" also "DIVIDING FENCES.") | | |
| BURIAL:— | | |
| GROUNDS, SYDNEY:— | | |
| Motion made for Correspondence (<i>in continuation</i>) in reference to, 78; laid on Table, 757. | | |
| Motion made for Return of Trustees, Receipts, and Disbursements in connection with, 112; laid on Table (<i>in part</i>), 707 | 5 | 1169 |
| BURRANGONG (See "GOLD FIELDS.") | | |
| BUSBY:— | | |
| JOHN (See "GRIEVANCES.") | | |
| BUSH:— | | |
| MR. A. E. (See "GOLD FIELDS.") | | |
| BUSHRANGING (See "POLICE.") | | |
| BUSINESS (See "ASSEMBLY"; also "SESSIONAL ORDER.") | | |
| BUTLER:— | | |
| MR. J. (See "CROWN LANDS.") | | |
| BY-LAWS:— | | |
| ST. JOHN'S COLLEGE:— | | |
| Letter respecting laid on Table, 185..... | 4 | 231 |
| ST. PAUL'S COLLEGE:— | | |
| Letter respecting laid on Table, 185..... | 4 | 233 |
| C | | |
| CAMPBELL, W. D. (See "GOLD FIELDS.") | | |
| CAMPBELLTOWN (See "CHURCH"; also "WATER.") | | |
| CANNING, MR. A.:— | | |
| Petition presented praying leave to be heard by Counsel before Select Committee on Morehead and Young's Railway Bill, 459 | 5 | 469 |
| CARBONIFEROUS:— | | |
| DEPOSITS:— | | |
| Report from Examiner of Coal Fields upon, 587 | 5 | 1185 |
| CARCOAR:— | | |
| Seat for vacated, 499. | | |
| New Member sworn, 549. | | |
| CARRIERS LICENSING BILL:— | | |
| Motion made for leave to introduce, and leave granted, 25; presented and read 1 ^o , 27; discharged from paper, 105; leave granted to introduce a new Bill, 113; presented and read 1 ^o , 133; Motion made for second reading, and Bill discharged from paper, 193; Motion made for preliminary Committee, 295; House in Committee, resolution reported, adopted, and Bill presented and read 1 ^o , 401; Motion made for second reading, and negatived by question of " <i>this day six months</i> ," 445. | | |
| Petition in favor of, 193 | 5 | 1201 |
| CARTAGE:— | | |
| AND WHARFAGE OF GOVERNMENT GOODS:— | | |
| Motion made for return of cost of, 143; laid on Table, 193 | 5 | 711 |
| CASTING VOTE (See "SPEAKER.") | | |
| CATTLE:— | | |
| DISEASE:— | | |
| Proclamations respecting Pleuro-pneumonia, 2, 47, 699 | 5 | 139, 143, 145 |
| Statement of payments made under "Cattle Disease Prevention Act" of 1861, 125 | 5 | 135 |
| Statement of Compensation claimed for Cattle Slaughtered, 163 | 5 | 137 |
| Report of Cattle inoculated for, 331..... | 5 | 147 |
| SLAUGHTER OF:— | | |
| Motion made for Committee of the Whole House to consider of compensation for, 177; House in Committee, and resolution reported and adopted, 186. | | |
| Petitions presented in reference to, from:— | | |
| S. Bowler, 9; ordered to be printed, 17 | 5 | 153 |
| G. Bardwell, 293 | 5 | 155 |
| J. Purtell, 294 | 5 | 157 |
| W. Rial, 294 | 5 | 159 |
| J. Cox, 383 | 5 | 161 |
| C. Crisp, 383 | 5 | 163 |
| J. Keene, 383..... | 5 | 165 |
| J. M'Laurin, 408 | 5 | 167 |
| J. Morrice, 408 | 5 | 169 |
| W. H. Williams, 459 | 5 | 171 |
| Mrs. Anne Green, Session 1861-2, 383; referred to Select Committee, 383. | | |
| Select Committee appointed to inquire into, 294; Petitions referred to Committee, 383, 408, 459; Report brought up, 693; Motion made for adoption of, 712; Debate adjourned, 712; Debate resumed, and Report adopted, 743 | 5 | 173 |
| CEMETERIES (See "BURIAL GROUNDS.") | | |
| CENSUS:— | | |
| OF NEW SOUTH WALES FOR 1861:— | | |
| Laid on Table, 259 | 3 | 1 |
| CENTRAL:— | | |
| POLICE OFFICE (See "POLICE.") | | |
| CHAIRMAN:— | | |
| OF COMMITTEES OF THE WHOLE HOUSE:— | | |
| Election of, 11; Commission to administer Oaths to Members, 16. | | |
| OF SELECT COMMITTEES:— | | |
| Sessional Order respecting Vote on Private Bills, 11; Speaker's ruling with reference to Signature of—to Reports, 753..... | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|---|---------------|-------|
| C | | VOL. | PAGE. |
| CHARITABLE:— | | | |
| INSTITUTIONS:— | | | |
| Motion made for Return of Fines for Drunkenness paid to, 694. | | | |
| CHINESE (See "GOLD FIELDS"; also "IMMIGRATION.") | | | |
| CHISHOLM:— | | | |
| MRS. CAROLINE:— | | | |
| Motion made for Committee of the Whole House to consider Address for compensation to, 593; House in Committee, and counted out, 612; Order of the Day restored to Paper, 711; Committee resumed, and no report made, 736. | | | |
| CHRIST (See "CHURCH.") | | | |
| CHURCH:— | | | |
| AND SCHOOL LANDS:— | | | |
| Message No. 1, covering opinion of Crown Law Officers of England respecting, 10; Motion made for Correspondence, &c., with the Imperial Government respecting, 21; Laid on Table by Message, No. 2, 26; Motion made for Copies of all Despatches, &c., of Viscount Goderich respecting, 47; Laid on Table (in part), 111 | | | |
| | 4 | 335, 339, 343 | |
| Petitions in reference to, from:— | | | |
| District of St. Patrick, Sydney, 54 | | | |
| | 4 | 419 | |
| | 4 | 423 | |
| | 4 | 421 | |
| | 4 | 417 | |
| | 4 | 425 | |
| | 4 | 413 | |
| | 4 | 415 | |
| | 4 | 359 | |
| | 4 | 411 | |
| | 4 | 409 | |
| | 4 | 407 | |
| | 4 | 397 | |
| | 4 | 403 | |
| | 4 | 385 | |
| | 4 | 405 | |
| | 4 | 399 | |
| | 4 | 395 | |
| | 4 | 401 | |
| | 4 | 391 | |
| | 4 | 357 | |
| | 4 | 353 | |
| | 4 | 355 | |
| | 4 | 351 | |
| | 4 | 347 | |
| | 4 | 345 | |
| | 4 | 341 | |
| | 4 | 747 | |
| Schedule of payments to Clergymen from the Revenue of, 93 | | | |
| List of Ministers receiving Stipends from, 269 | | | |
| AND SCHOOL LANDS BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 16; presented and read 1 ^o , 16; read 2 ^o , 40; committed, and progress reported, 94; Committee resumed, and further progress reported, 100; Committee resumed, and Bill reported with Amendments, 119; Report adopted, 150; read 3 ^o , passed, and sent to Legislative Council, 179; returned by Council with Amendments, 605; House in Committee for consideration of Amendments, and progress reported, 650; discharged from Paper, 755. | | | |
| Petitions presented <i>in favor of</i> ,—from | | | |
| District of Bathurst, 142 | | | |
| | 4 | 375 | |
| | 4 | 393 | |
| | 4 | 379 | |
| | 4 | 381 | |
| | 4 | 377 | |
| | 4 | 373 | |
| | 4 | 387 | |
| | 4 | 389 | |
| | 4 | 365 | |
| | 4 | 363 | |
| | 4 | 361 | |
| | 4 | 367 | |
| | 4 | 369 | |
| | 4 | 383 | |
| | 4 | 371 | |
| | 4 | 427 | |
| | 4 | 429 | |
| | 4 | 349 | |
| Petitions presented <i>in opposition to</i> ,—from | | | |
| | 4 | 431 | |
| | 4 | 433 | |
| | 4 | 435 | |
| | 4 | 437 | |
| AND SCHOOL LANDS DECLARATORY BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 21; presented and read 1 ^o , 21; motion made for second reading, and debate adjourned, 27, discharged from Paper, 737. | | | |
| CHRIST NEWCASTLE:— | | | |
| Motion made for correspondence in reference to appointment of the Rev. Canon Fletcher as Trustee, 143; laid on Table, 465 | | | |
| | 4 | 761 | |
| GLEBE AT CAMPBELLTOWN:— | | | |
| Petition presented from Rev. E. Smith respecting, 85 | | | |
| | 4 | 751 | |
| PRESBYTERIAN TEMPORALITIES ACTS:— | | | |
| Motion made for adoption of Report of Select Committee of last Session upon, and by leave withdrawn, 47. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|---|----------|-------|
| | | VOL. | PAGE. |
| C | | | |
| CHURCH (Continued):— | | | |
| SCOTS' JAMISON-STREET, EXCHANGE OF LAND BILL:— | | | |
| Petition presented, praying for leave to bring in, 163; second petition presented, 259; leave granted, 295; Bill presented and read 1°, 296; referred to Select Committee, 325; Member of Legislative Council summoned as Witness, 333; reply reported, 391; further powers granted to Committee, 433; Report brought up, 635; second reading of Bill postponed, 687; discharged from Paper, 737 | 4 | 785, 787 | |
| NEWCASTLE LAND SALE BILL:— | | | |
| Petition praying leave to introduce, 10; leave granted, 143; presented and read 1°, 143; referred to Select Committee, 295; Report brought up, 402; Bill read 2°, committed, and reported, 450; read 3°, passed, and sent to Legislative Council, 463; returned by Council without Amendment, 510; Assent reported, 532 | 4 | 779 | |
| CIVIL:— | | | |
| SERVICE (See "FINANCE.") | | | |
| CLAIMS AGAINST GOVERNMENT ENFORCEMENT BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 510; presented and read 1°, 523; read 2°, 542; committed and reported with Amendments, 566; recommitted and reported with a further Amendment, 611; read 3°, 635; passed, and sent to Legislative Council, 636. | | | |
| CLARENCE:— | | | |
| RIVER BREAKWATER:— | | | |
| Engineer-in-Chief for Harbours examined in Committee of the Whole, in reference to formation of, 707; Evidence ordered to be printed, 711 | 5 | 657 | |
| CLASSIFICATION (See "ROADS"; also "FINANCE.") | | | |
| CLERGY RETURNS REGISTRATION BILL:— | | | |
| Motion made for preliminary Committee, 303; House in Committee, Resolution reported and adopted, 340; Bill presented and read 1°, 340; read 2°, committed, and reported with Amendments, 480; read 3°, 493; passed and sent to Legislative Council, 494; returned by Council with Amendments, 605; no further action taken. | | | |
| CLERGYMEN (See "CHURCH.") | | | |
| CLERICAL:— | | | |
| STIPEND AND GLEBE ALLOWANCE:— | | | |
| Petition relative to alteration in amount of at Gunning and Collector, 432 .. | 4 | 753 | |
| CLERK:— | | | |
| OF HOUSE OF COMMONS:— | | | |
| Correspondence with, relative to points of Order, 549 | 1 | 1047 | |
| OF LEGISLATIVE ASSEMBLY:— | | | |
| Address in reply to Governor's Opening Speech read by, 3; Address of Condo- lence to Her Majesty, read by, 39; Extract from Votes in reference to Grants for Public Worship Prohibition Bill read by, 119; Petitions read by, 142, 193, 349, 333, 583, 711; Message No. 1 covering Estimates, read by, 304; Instruction from Mr. Speaker to, in reference to irregular questions appearing on the Votes and Proceedings, 284; Summoned to produce documents before Supreme Court, 285; Leave granted, 286; Words of Heat taken down by, 392; Reports to House resignation of Speaker (The Hon. T. A. Murray), 527; Presides at Election of new Speaker (The Hon. John Hay), 527; Speaker's Commission to administer Oath to Members read by, 541; Requested to produce documents before Select Committee, 560; Produces Evidence taken before Select Committee of Session 1859-60, 561. | | | |
| OF SELECT COMMITTEES:— | | | |
| Produces Minutes of Evidence, &c., of Committee of Session 1861-62, 53. | | | |
| OF PETTY SESSIONS (See "LIARDET, MR. J. E.") | | | |
| CLOSE, EDWARD CHARLES, JUNR., ESQ.:— | | | |
| Sworn as Member for "Morpeth," 489. | | | |
| COAL FIELDS REGULATION BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 15; presented and read 1°, 16; read 2°, committed, and progress reported, 125; Committee resumed, and further progress reported, 153, 305; Committee resumed, and House counted out, 311; Bill restored to paper, 331; Committee resumed and progress reported, 358, 392; Committee resumed, and Bill reported with amendments, 416; recommitted, and further amendments reported, 416; read 3°, passed, and sent to Legislative Council, 421; returned by Council with Amendments, 742; Amendments agreed to with an Amendment, 749; Message to Council, 754; Council agrees to Amendment, 762; presented for Royal Assent, 762; Assented to, 762; Petition in reference to presented, 53 | 5 | 797 | |
| TRAMWAY AT WOLLONGONG. | | | |
| Petition in reference to the formation of by Illawarra Coal Company, 111 | 5 | 635 | |
| AUSTRALIAN:— | | | |
| Letter from E. Hamilton, Esq., with Enclosure from the Admiralty, relative to the use of on board Her Majesty's ships, 441..... | 5 | 799 | |
| FIELDS EXAMINER:— | | | |
| Report from relative to Carboniferous and Auriferous Deposits, 567..... | 5 | 1185 | |
| CO-OPERATIVE MINING COMPANY'S BILL (See "CO-OPERATIVE.") | | | |
| BULL MINE COMPANY'S RAILWAY BILL (See "BULL.") | | | |
| WARATAH MINING COMPANY'S INCORPORATION BILL (See "WARATAH.") | | | |
| COCKERELL, JOHN (See "ADMINISTRATION OF JUSTICE.") | | | |
| COHEN, MRS. ELLEN (See "GRIEVANCES.") | | | |
| COLLECTOR (See "CLERICAL.") | | | |
| COLLEGE (See "PRESBYTERIAN COLLEGE BILL.") | | | |
| COLLEGES (See "BY-LAWS.") | | | |
| COLLETT, MR. (See "ROADS.") | | | |
| COLONIAL:— | | | |
| ALLOWANCE (See "MILITARY"; also "NAVAL.") | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|---------|-------|
| C | | VOL. | PAGE. |
| COLONIAL (Continued):— | | | |
| EMPIRE OF GREAT BRITAIN (See "MUSEUM.") | | | |
| WINES SALE OF, REGULATION BILL (See "SALE OF COLONIAL WINES REGULATION BILL.") | | | |
| COLONY:— | | | |
| DEFENCE OF (See "MILITARY"; also "NAVAL.") | | | |
| COMMERCIAL:— | | | |
| AGENCY IN LONDON:— | | | |
| Return to Address (Session 1861-2) in reference to, 39. | | | |
| COMMISSION:— | | | |
| DEPUTY SPEAKER'S:— | | | |
| Laid on Table, 16. | | | |
| SPEAKER'S:— | | | |
| Laid on Table, 541. | | | |
| COMMISSIONERS (See "GOLD FIELDS"; also "EXHIBITION.") | | | |
| COMMISSIONS:— | | | |
| OF THE PEACE:— | | | |
| Resolution moved relative to exclusions from, and House counted out, 351. | | | |
| COMMITTEE:— | | | |
| SELECT (See "ORDER.") | | | |
| OF ELECTIONS, &c. (See "ELECTIONS, &c.") | | | |
| COMMITTEES:— | | | |
| OF THE WHOLE HOUSE:— | | | |
| Election of Chairman of, 11. | | | |
| COMMON:— | | | |
| FIELD OF MARS:— | | | |
| Select Committee appointed to inquire into Petitions presented in reference to, 25; Report brought up, 485; Motion made for adoption of, 549..... | | | |
| | 5 | | I |
| COMMUNICATION:— | | | |
| IMPROVED WITH THE INTERIOR:— | | | |
| Petition presented last Session in reference to, ordered to be printed, 26..... | | | |
| | 5 | | 445 |
| COMPENSATION (See "CATTLE," "ROADS," "GOLD FIELDS"; also "JONES, MRS.") | | | |
| CONDOLENCE (See "DEATH.") | | | |
| CONFISCATED PROPERTY (See "ADMINISTRATION OF JUSTICE.") | | | |
| CONTEMPT:— | | | |
| Member declared guilty of, 392. | | | |
| CONTINGENCIES (See "FINANCE.") | | | |
| CONTINGENT:— | | | |
| Notices moved, 178, 304, 383, 416, 494, 730. | | | |
| CONTRACTS (See "RAILWAY.") | | | |
| COOGEE (See "CROWN LANDS.") | | | |
| COOPER, MR. SUB-COMMISSIONER (See "GOLD FIELDS.") | | | |
| CO-OPERATIVE COAL MINING COMPANY'S BILL:— | | | |
| Petition praying leave to introduce, 425; leave granted, 433; presented and read 1 ^o , 433; referred to Select Committee, 450; Report brought up, 473; Bill read 2 ^o , committed, and reported with an Amendment, 504; read 3 ^o , passed, and sent to Legislative Council, 511; returned by Council with Amendments, 644; Council's Amendments agreed to, 663; Assent reported, 712 | | | |
| | 5 | | 543 |
| Petition presented in reference to, 503 | | | |
| | 5 | | 541 |
| CORONER (See "ADMINISTRATION OF JUSTICE.") | | | |
| CORPORATION (See "SYDNEY CORPORATION LAWS AMENDMENT BILL.") | | | |
| COST (See "RAILWAY.") | | | |
| COSTS (See "ADMINISTRATION OF JUSTICE.") | | | |
| COTTON:— | | | |
| SEED:— | | | |
| Correspondence respecting the supply of, 15 | | | |
| | 5 | | 1177 |
| PROMOTION OF GROWTH OF:— | | | |
| Resolutions moved in reference to, 260; Motion made for Committee of the Whole House in reference to, 409; House in Committee and progress reported, 465; Committee resumed, and further progress reported, 504; Committee resumed, resolution reported and adopted, 551. | | | |
| CULTIVATION ENCOURAGEMENT BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 134; presented and read 1 ^o , 134; Motion made for second reading and debate adjourned, 252; Debate resumed and Bill read 2 ^o , 269; Committed and reported with Amendments, 296; read 3 ^o , 332; passed and sent to Legislative Council, 333; returned by Council without Amendment, 364; Assent reported, 370. | | | |
| COUNCIL (See "LEGISLATIVE;" also "MUNICIPAL.") | | | |
| COUNSEL:— | | | |
| Petitions praying leave to be heard by, at Bar of House, 364, 375 (2), 376 ... | | | |
| Motion made on behalf of the prayer of certain Members of the Church of England to be heard by, and leave granted, 384; Counsel introduced by Sergeant-at-Arms, and heard at Bar, 385. | | | |
| Motion made for leave to appear by, before Select Committee on the case of Mr. F. Flanagan, and leave granted, 311. | | | |
| Petitions praying leave to appear by, before Select Committee, 421, 459, 503, 623, 635, 735. | | | |
| COURT (See "DISTRICT COURTS.") | | | |
| COX (See "CATTLE.") | | | |
| CRANE:— | | | |
| STEAM AT NEWCASTLE:— | | | |
| Return to Order (Session 1861-2) in reference to cost of, laid on Table, 2 | | | |
| | 5 | | 713 |
| CREEK:— | | | |
| BLACK (See "POLICE.") | | | |
| CRICKET MATCH:— | | | |
| Resolution moved relative to the Parliamentary Stand in Domain, 171. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|--|---------|---------------|
| | VOL. | PAGE. |
| C | | |
| CRIMINAL LAW AND PRACTICE AMENDMENT BILL :— | | |
| Motion made for leave to introduce, and leave granted, 11; presented and read 1 ^o , 11; read 2 ^o , committed, and reported with Amendments, 47; read 3 ^o , passed, and sent to Legislative Council, 77. | | |
| CASES (See "ADMINISTRATION OF JUSTICE;" also "LAW OF EVIDENCE BILL.") | | |
| CRISP CHARLES (See "CATTLE.") | | |
| CROPS (See ("LIENS ON CROPS BILL.")) | | |
| CROWN LANDS :— | | |
| Schedule of, reserved from sale for water supply, 125 | 4 | 999 |
| Return of lands selected and deposits paid, 324 } | 4 | 1001 |
| Ditto ditto measured, 324 } | | |
| Ditto ditto payments to surveyors, 324 } | 4 | 1007 |
| Ditto ditto appraisers of, 331 | | |
| Return to Order (Session 1861-2) in reference to Tenders for Runs, 339 | 4 | 1037 |
| Correspondence having reference to Proclamation of Reserves, Pre-emptive Right, and Pastoral Leases, 437 | 4 | 1003 |
| Correspondence respecting land at Macdonald River, applied for by Mr. J. Butler, 741 | 4 | 1087 |
| Abstract of Lands dedicated to Religious purposes | 4 | 755 |
| Motion made for Correspondence relative to reservations upon the Runs Gocup and Gadura, 229. | | |
| Motion made for Statistics in reference to selection and survey of, and by leave withdrawn, 324. | | |
| Petition from A. Toogood relative to, at Watson's Ray, 681; Correspondence in reference to, 735 | 4 | 1095 |
| Motion made for Returns of—-forfeited for non-residence, and negatived by previous question, 351; motion again moved, 407; laid on Table, 753 .. | 4 | 997 |
| Motion made for Returns relative to applications for leases of Auriferous Lands, 408; laid on Table, 721 | 4 | 1029 |
| Motion made for Return of—-advertised for sale or sold by auction, 408; laid on Table, 741 | 4 | 1009 |
| Motion made for Statistics of sale and measurement of, 431; Returns laid on Table, 623, 721, 741 | 4 | 853, 935, 991 |
| Motion made for Correspondence relative to tender of Mr. Dangar, for DZ Run, 433; laid on Table, 599 | 4 | 1075 |
| Motion made for Committee of the Whole in reference to Reserves for Public Recreation, 433. | | |
| Return to Order (Session 1861-2) relative to Tala and Moolpa Runs, laid on Table, 757. | | |
| Petition from T. G. Dangar, in reference to land tendered for in the Warrego District, 9; ordered to be printed, 17 | 4 | 1097 |
| Petition from Cornelius Bride in reference to land tendered for in the Warrego District, 141 | 5 | 831 |
| Motion made for Return of Grants subject to quit-rent, 294. | | |
| Petition in reference to valuation of Town Allotments at Sofala, 369; Motion made for Committee of the Whole in reference to, 410 | 4 | 1035 |
| Plan of Randwick Allotments, laid on Table, 549; Resolutions moved in reference to, and referred to Select Committee, 550. | | |
| PRE-MEASUREMENTS OF COUNTRY LANDS :— | | |
| Resolution moved in reference to, and by leave withdrawn, 693. | | |
| CULTURE :— | | |
| OF FISH (See "FISH.") | | |
| CUMMINGS :— | | |
| WILLIAM, Esq. (See "ABSENCE.") | | |
| CURATOR (See "MUSEUM.") | | |
| CURRIERS (See "TANNERS, &c.") | | |
| CUSTODY (See "SERGEANT-AT-ARMS.") | | |
| CUSTOMS :— | | |
| Petition relative to the Revision of the Tariff, 85, 141; Resolutions moved in reference to, 201 | 2 | 643, 645 |
| Correspondence relative to Equalization of Tariffs, 333 | 2 | 647 |
| Resolution moved in reference to appointment of Delegates in reference to Equalization of Tariffs, 437. | | |
| Petition from A. Edenborough, late Locker in the Department of, 469 | 2 | 651 |
| Motion made for Return of Names, &c., of Lockers in Department of, 143; laid on Table, 163 | 2 | 649 |
| CUSTOMS BILL :— | | |
| Motion made for leave to introduce, and leave granted, 39; presented, and read 1 ^o , 39; referred to Select Committee, 125. | | |
| CUTOLO :— | | |
| CESARE :— | | |
| Petition praying leave to be heard by Counsel before Select Committee on the case of Mr. T. C. Bentley, 635 | 5 | 867 |
| D | | |
| DALLEY, W. B., ESQ. (See "EMIGRATION;" also "ASSEMBLY.") | | |
| DANGAR, T. G. (See "CROWN LANDS.") | | |
| DANIEL (See "VACANT SEATS.") | | |
| DARLEY (See "PILOT BOARD.") | | |
| DARLING :— | | |
| HARBOUR RAILWAY (See "RAILWAY.") | | |
| DAYS :— | | |
| FOR BUSINESS (See "SESSIONAL ORDERS.") | | |
| FOR SUPPLY (See "SESSIONAL ORDERS.") | | |

| VOTES AND PROCEEDINGS—(REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|----------|-------|
| | | VOL. | PAGE. |
| D | | | |
| DEATH:— | | | |
| OF PRINCE CONSORT:— | | | |
| Despatch in reference to, 2..... | 1 | 1057 | |
| Select Committee appointed to prepare Address of Condolence to Her Majesty upon the, 11; Report brought up, 25; Address read by Clerk, and adopted by House, 39; Deputation appointed to present to Governor for transmission, 39..... | 1 | 1059 | |
| Message No. 11 covering Despatch from Duke of Newcastle, in reply to, 650 | 1 | 1063 | |
| NATIONAL MEMORIAL TO PRINCE CONSORT:— | | | |
| Despatch in reference to, 707..... | 1 | 1065 | |
| DEATHS (See "REGISTRAR.") | | | |
| DEBATE:— | | | |
| ADJOURNMENT OF (See "ADJOURNMENT.") | | | |
| DEBENTURES (See "FINANCE.") | | | |
| DEBT (See "QUEENSLAND DEBT BILL.") | | | |
| DECLARATION IN LIEU OF OATH BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 142; presented and read 1 ^o , 142; Motion made for second reading, and debate adjourned, 194; read 2 ^o , 427; Motion made for committal, and negatived by Amendment of " <i>this day six months</i> ," 427. | | | |
| DEFENCES (See "NAVAL"; also "MILITARY.") | | | |
| DELEGATES (See "CUSTOMS.") | | | |
| DENOMINATIONAL (See "EDUCATION.") | | | |
| DEPOSITS (See "CROWN LANDS"; also "FINANCE.") | | | |
| DEPUTY (See "SPEAKER"; also "REGISTRAR.") | | | |
| DESPATCHES:— | | | |
| IN REFERENCE TO:— | | | |
| Death of the Prince Consort, 2..... | 1 | 1057 | |
| Maintenance of Neutrality in American Hostilities, 2..... | 1 | 1069 | |
| Precedence of Ecclesiastical Dignitaries, 9..... | 1 | 1075 | |
| Chinese Immigration Act, 9..... | 4 | 151 | |
| Queensland Public Debt, 15..... | 1 | 1081 | |
| Church and School Estates, 26..... | 4 | 335 | |
| Sydney Branch Royal Mint, 407, 449..... | 4 | 119, 123 | |
| Immigration Agent (H. H. Browne), 431..... | 4 | 165 | |
| Naval Allowance, 523..... | 2 | 617 | |
| American Letters of Marque, 531..... | 1 | 1073 | |
| Lancashire Relief Fund, 643..... | 5 | 1183 | |
| Acknowledgment of Address of Condolence to Her Majesty, 650..... | 1 | 1063 | |
| Northern Portion of Australia, 678..... | 1 | 1091 | |
| National Memorial to the late Prince Consort, 707..... | 1 | 1065 | |
| DESTITUTE:— | | | |
| ASYLUM:— | | | |
| Correspondence in reference to, 149..... | 4 | 315 | |
| List of Office-Bearers and Directors, 185..... | 4 | 333 | |
| DETECTIVE (See "POLICE.") | | | |
| DIGNITARIES (See "ECCLESIASTICAL.") | | | |
| DISCIPLINE (See "PRISON.") | | | |
| DISEASE (See "CATTLE.") | | | |
| DISORDER:— | | | |
| Member charged with, 392, 743. | | | |
| " apologizes for, 407. | | | |
| DISTILLERIES (See "BONDED DISTILLERIES BILL.") | | | |
| DISTRICT:— | | | |
| COURTS:— | | | |
| Returns under 103rd Section of Act, 15; further ditto, 21..... | 2 | 7 | |
| Petition relative to John Smith, late Bailiff of, 349..... | 5 | 837 | |
| Petition from ditto ditto, 537..... | 5 | 839 | |
| Resolution moved in reference to travelling expenses of officers of, 409; Correspondence respecting ditto, 415..... | 1 | 1109 | |
| COURTS ACT AMENDMENT BILL:— | | | |
| Motion made for leave to introduce and leave granted, 617. | | | |
| DIVIDING FENCES BILL:— | | | |
| Motion made for leave to introduce and leave granted, 9; presented and read 1 ^o , 9; motion made for second reading and debate adjourned, 34; debate resumed and again adjourned, 62; read 2 ^o , 70; motion made for committal, and debate adjourned for five months, 136; discharged from Paper, 755. | | | |
| Petition presented <i>in favour of</i> , from:— | | | |
| Singleton, 203..... | 4 | 1099 | |
| " <i>in opposition to</i> , from:— | | | |
| Rocky River, 142..... | 4 | 1101 | |
| Jabez Bunting, 141..... | 4 | 1103 | |
| Timbarra, 169..... | 4 | 1105 | |
| Tenterfield, 169..... | 4 | 1107 | |
| DIVISION:— | | | |
| BELL:— | | | |
| Rule for ringing, before division in Committee of the Whole, 317; referred to Standing Orders Committee, 325; Report brought up, 375; adopted, 391; approval of Governor reported, 407..... | 1 | 1033 | |
| TELLERS ON:— | | | |
| Disagree as to result of, 636. | | | |
| LIST:— | | | |
| Correction of errors in, 363, 561. | | | |
| NO TELLERS REPORTED UPON:— | | | |
| For Noes, 245. | | | |
| For Ayes, 324. | | | |

| VOTES AND PROCEEDINGS—(REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|--|---------|-------|
| | | VOL. | PAGE. |
| D | | | |
| DIVISIONS:— | | | |
| IN THE HOUSE:— | | | |
| Adjournments of House, 126, 208, 223, 317, 438 (2), 442. | | | |
| " Debate, 62, 208, 216, 238, 285 (2), 409, 624, 688. | | | |
| Limitation of Business hours, 11, 747. | | | |
| Mr. Edward Hammond Hargraves, 27. | | | |
| Church and School Lands Declaratory Bill, 27. | | | |
| Emigration Agents and Lecturers, 33. | | | |
| Church and School Lands Bill, 40 (2), 94, 150 (2), 178, 179 (2), 650. | | | |
| Fortifications of Port Jackson, 54 (2). | | | |
| John Cockerell, 55, 402. | | | |
| Dividing Fences Bill, 62, 69, 70, 186, 187. | | | |
| Matrimonial Causes Bill, 77, 223, 252, 376 | | | |
| Pitt-street Tramway, 86 (2). | | | |
| Road from Glebe Island, 87. | | | |
| Bridges across Parramatta River, 87. | | | |
| Prayer before Business, 112 (2), 134. | | | |
| Amended Secret Bills of Sale Prevention Bill, 133. | | | |
| Mrs. Mary Jones, 134. | | | |
| Printing Petition of G. U. Alley, 150, 304. | | | |
| Magistrates Attendances, 170. | | | |
| Parliamentary Stand at Cricket Match, 171. | | | |
| Compensation for Cattle slaughtered, 178. | | | |
| The Tariff, 201. | | | |
| Grants for Public Worship Prohibition Bill, 208, 216 (2), 238, 245, 331, 332, 357, 358, 384 (3), 385 (3), 600. | | | |
| Promotion of Immigration, 260. | | | |
| Cotton Cultivation Encouragement Bill, 269, 296, 332 (2), 333. | | | |
| Masters and Servants Act Amendment Bill, 285. | | | |
| Law of Primogeniture Abolition Bill, 285 (2), 463. | | | |
| Triple Postal Daily Delivery, 295. | | | |
| James Ralfe, 296, 509. | | | |
| New Trials Limitation Bill, 318. | | | |
| Question of Order—Division Bell, 325. | | | |
| Maitland and Morpeth Railway Company 350 (2). | | | |
| Leave of Absence, 350. | | | |
| Road from Morpeth to Hinton, 350. | | | |
| Railway Plans, 364. | | | |
| Payment of Members of Parliament, 377 (2). | | | |
| Postponement of Orders of the Day, 399. | | | |
| Bulli Coal Mining Company's Railway Bill, 400. | | | |
| Travelling Expenses of Officers of District Courts, 409 (2), 693. | | | |
| Coal Fields Regulation Bill, 416, 421. | | | |
| Supply, 416, 494, 674. | | | |
| Sale of Colonial Wines Regulation Bill, 425, 426 (6), 464 (2), 543, 587, 736 | | | |
| Declaration in lieu of Oath Bill, 427 (5). | | | |
| Sydney Corporation Laws Amendment Bill, 434. | | | |
| Additional Business Day, 441 (2). | | | |
| Carriers Licensing Bill, 445 (2). | | | |
| Real Property Bill, 450. | | | |
| Pawnbrokers' Bill, 465, 504. | | | |
| Queensland Debt Bill, 473 (2). | | | |
| Tiens on Crops Bill, 474, 560 (2) 576. | | | |
| Gold Duties Reduction Bill, 480. | | | |
| Clergy Returns Registration Bill, 493. | | | |
| Fee for Publicans' Licenses, 510. | | | |
| Claims against Government Enforcement Bill, 542, 566, 612, 636. | | | |
| Fisheries Protection Bill, 543 (2). | | | |
| Sydney Gymnasium, 550. | | | |
| Growth of Cotton, 551. | | | |
| Privilege, 560, 561, 761. | | | |
| Morehead and Young's Railway Bill, 565. | | | |
| Australian Library, 582 (2), 583. | | | |
| Mount Pleasant Tramroad Bill, 588. | | | |
| Law of Evidence in Criminal Cases Amendment Bill, 589 (2). | | | |
| Botany Railway Company's Bill, 589. | | | |
| Pilot Board, 594. | | | |
| Petition of T. C. Bentley, 617. | | | |
| Mr. James Beatty, 617. | | | |
| Assisted Immigration, 618. | | | |
| Legislative Council Bill, 624, 629 (2), 630, 674 (2). | | | |
| Mr. F. Flanagan, 643. | | | |
| Exchange of Land Scots Church Bill, 687 (2). | | | |
| Presbyterian College Bill, 688. | | | |
| Steam Tug for Richmond River, 694. | | | |
| Salary of Engineer-in-Chief for Railways, 695. | | | |
| Mr. W. S. Bell, 713. | | | |
| Re-assembling of Parliament, 714. | | | |
| Culture of Fish, 714. | | | |
| Sydney Mint Bill, 730. | | | |
| Site for Public Library, 742 (2). | | | |
| Rescission of Sessional Order, 747. | | | |
| Public Works Loan Bill, 748. | | | |
| Gold Fields Appeal Court Bill, 749, 754. | | | |
| Bonded Distilleries Bill, 755. | | | |
| Discharge of Orders of the Day, 755. | | | |
| IN COMMITTEE OF THE WHOLE:— | | | |
| Criminal Law and Practice Amendment Bill, 765 (2). | | | |
| Church and School Lands Bill, 767 (3), 769 (5). | | | |
| " " (Legislative Council's Amendments) 861 (4). | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|---|---------|----------|
| | VOL. | PAGE. |
| D | | |
| DUNSTAN :— | | |
| Mr. (See "ELECTRIC.") | | |
| DUTIES (See "CUSTOMS"; also "GOLD.") | | |
| DUTY (See "GOLD"; also "KIAMA" and "WOLLONGONG.") | | |
| D. Z. RUN (See "CROWN LANDS.") | | |
| E | | |
| ECCLESIASTICAL :— | | |
| DIGNITARIES :— | | |
| Despatch in reference to Precedence of, 9; Resolutions moved in reference to, and House counted out, 87; Resolutions again moved, 170 | 1 | 1075 |
| EDENBOROUGH :— | | |
| Mr. A. (See "CUSTOMS.") | | |
| EDUCATION (See "COLLEGES"; also "BY-LAWS.") | | |
| Report for 1861, Sydney Grammar School, 207 | 4 | 307 |
| " National Board of, for 1861, 515 | 4 | 171 |
| " Denominational School Board for 1861, 376 | 4 | 219 |
| PUBLIC BILL :— | | |
| Motion made for leave to introduce, and leave granted, 555; Presented and read 1 ^o . 555; Discharged from Paper, 755. | | |
| EDWARDS, H. W. (See "GRIEVANCES.") | | |
| EGAN, DANIEL, ESQ. (See "ABSENCE.") | | |
| ELECTIONS :— | | |
| BALLOT PAPERS TAKEN AT :— | | |
| Resolution moved in reference to, and by leave withdrawn, 47. | | |
| AND QUALIFICATIONS COMMITTEE :— | | |
| Speaker's Warrant appointing, laid on Table, 15; Members sworn, 40, 47. | | |
| Question of Privilege referred to, 40; Report brought up, 86 | 1 | 991 |
| ELECTORS :— | | |
| Return of number of in each Electoral District, 673 | 2 | 1 |
| Ditto ditto on Gold Fields, 673 | 2 | 3 |
| ELECTRIC :— | | |
| TELEGRAPH DEPARTMENT :— | | |
| Motion made for papers relative to the Audit of Accounts of Mr. Dunstan, 144; laid on Table, 303 | 2 | 929 |
| Motion made for Committee of the Whole to consider of compensation to Mr. Beatty, for injuries sustained in the discharge of his duties, 617; Motion made for Return of Expense of Government Telegrams, 651. | | |
| EMANUEL, S. ESQ. :— | | |
| Sworn as Member for Argyle, 593. | | |
| EMIGRATION :— | | |
| AGENTS AND LECTURERS :— | | |
| Resolution moved with reference to the recall of, 33; Correspondence from, 69, 105 | 4 | 139, 147 |
| ENGINEER-IN-CHIEF (See "RAILWAYS"; also "BREAKWATER.") | | |
| EQUALITY (See "RELIGIOUS.") | | |
| EQUALIZATION (See "TARIFF"; also "CUSTOMS.") | | |
| ERROR (See "DIVISION.") | | |
| ESTATE (See "GIBSON'S"; also "REAL.") | | |
| ESTATES (See "CHURCH AND SCHOOL.") | | |
| ESTIMATES :— | | |
| OF EXPENDITURE FOR 1862-3 :— | | |
| Estimates for 1863, laid on Table, 229 | 3 | 1133 |
| Supplementary, for 1862 | 3 | 1209 |
| Message No. 3, covering ditto, 229 | 3 | 1131 |
| Referred to Committee of Supply, 304. | | |
| OF WAYS AND MEANS :— | | |
| Laid on Table, 311 | 3 | 1217 |
| EVERT (See "BEDELL.") | | |
| EVIDENCE :— | | |
| Produced by Clerk, 561. | | |
| Produced by Clerk of Select Committees, 53. | | |
| Taken at Bar of Committee of the Whole, 707; and ordered to be printed, 711 | 5 | 657 |
| LAW OF IN CRIMINAL CASES AMENDMENT BILL (See "LAW.") | | |
| EXCHANGE (See "CHURCH.") | | |
| EXCLUSION (See "COMMISSION.") | | |
| EXHIBITION :— | | |
| COMMISSIONERS :— | | |
| Motion made for copies of Letters from E. Hamilton, Esq., to, 755. | | |
| EXPENDITURE (See "RAILWAY," "FINANCE"; also "ROADS.") | | |
| EXPENSE (See "PRINTING"; also "ELECTIVE.") | | |
| EXPENSES (See "TRAVELLING"; also "ADVERTISEMENTS.") | | |
| EXPERIMENTS (See "TRAMWAY.") | | |
| EXPORT (See "GUNPOWDER.") | | |
| F | | |
| FAIRFAX, MR. J. (See "CROWN LANDS.") | | |
| FALBROOK (See "ROADS.") | | |
| FARRELL, M. (See "ADMINISTRATION OF JUSTICE.") | | |
| FEE (See "LICENSES.") | | |
| FENCES (See "DIVIDING.") | | |
| FENCING (See "ROADS.") | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|--|---------|--------------------------------------|
| | VOL. | PAGE. |
| F | | |
| FERRY :— | | |
| AT MORPETH :— | | |
| Petition presented relative to the Toll charged at, 407 | 5 | 707 |
| FROM SYDNEY TO NORTH SHORE :— | | |
| Petition presented praying the establishment of, 711 | 5 | 709 |
| FIELD OF MARS (See "COMMON.") | | |
| FINANCE (See also "SUPPLY") :— | | |
| Trust Moneys Deposit Account, 25 | 3 | 1337 |
| Unexpended Balances, Church and School Land Revenue, 93 | 4 | 341 |
| Abstracts of Public Accounts of New South Wales for 1861, 111. | 3 | 1037 |
| Returns (<i>in part</i>) to Order (Session 1861-2) in reference to Money paid for Medical Services, 111, 303 | 3 | 1289, 1323 |
| Resolution moved in reference to expenditure of Public Money (Auditor General's Department), 111. | | |
| Correspondence (<i>further</i>) relative to the Accounts between Queensland and New South Wales, 149 | 1 | 1085 |
| Resolutions moved relative to extension of the Tariff, 201. | | |
| Estimates of Expenditure, 1862-3, 229, referred to Committee of Supply, 304. | 3 | { 1131, 1133 1209 1217 1231 |
| Estimates of Ways and Means, 311 | 3 | |
| Particulars of Savings on Votes of Parliament, 311 | 3 | |
| Motion made relative to the Civil Service Expenditure, 229. | | |
| Return to Order (Session 1861-2,) in reference to Appropriations from Loans for Public Works, 351 | 3 | 1233 |
| Return to Order (Session 1861-2), in reference to Appropriations from Ordinary Revenue for Public Works, 351 | 3 | 1237 |
| Motion made for a Return of all Debentures issued by Government, 550; laid on Table, 657 | 3 | 1253 |
| Return (<i>in part</i>) to Address (Session 1859-60,) in reference to Public Expendi- ture, 575. | 3 | 1257 |
| FINES :— | | |
| FOR DRUNKENNESS :— | | |
| Motion made for Return of, paid to Treasurers of Hospitals, 694; laid on Table, 721. | 2 | 223 |
| FIRE (See "INSURANCE.") | | |
| FISH :— | | |
| CULTURE OF :— | | |
| Petition presented in reference to (Session 1861-2),—inhabitants Eastern Coast of Australia; ordered to be printed, 216 | 5 | 1189 |
| Ditto Ditto, 216 | 5 | 1191 |
| Petition presented from Mr. A. Black in reference to, 593 | 5 | 1187 |
| Resolution moved in reference to, 714. | | |
| Motion made for copy of Report of Mr. A. Black upon, 756. | | |
| RIVER (See "RIVERS.") | | |
| FISHER THOMAS (See "WHARF.") | | |
| FISHERIES PROTECTION BILL (See also "OYSTER.") | | |
| Motion made for leave to introduce, and leave granted, 401; presented and read 1 ^o , 409; motion made for second reading, and Bill referred to Select Committee, 542. | | |
| FLAG-STAFF HILL (See "RESERVES.") | | |
| FLANAGAN, MR. F. (See "GRIEVANCES.") | | |
| FORSTER, R., ESQ. :— | | |
| Sworn as Member for New England, 1. | | |
| FORTIFICATIONS :— | | |
| OF PORT JACKSON :— | | |
| Resolution moved in reference to, 54. | | |
| FOX, H. T. (See "PILOT BOARD.") | | |
| FREE :— | | |
| PUBLIC LIBRARY (See "LIBRARY.") | | |
| FUND :— | | |
| BUILDING (See "UNIVERSITY.") | | |
| LANCASHIRE RELIEF (See "LANCASHIRE.") | | |
| FURNITURE (See "LENEHAN.") | | |
| G | | |
| GALE, MR. H. :— | | |
| Motion made for Correspondence in reference to the removal of,—from the Public Service, 54; laid on Table, 215 | 1 | 1013 |
| GAME, PRESERVATION OF, BILL :— | | |
| Motion made for leave to introduce, and leave granted, 469. | | |
| GAOLER :— | | |
| PARRAMATTA :— | | |
| Petition presented from T. D. Allen, complaining of his dismissal from the office of, 363; Motion made for Correspondence in reference to, 408; laid on Table, 503; Select Committee appointed to enquire into, 651; Progress Report brought up, 757..... | 2 | 539, 541, 549 |
| GEOLOGICAL (See "COAL.") | | |
| GIBSON'S ESTATE BILL :— | | |
| Petition praying leave to introduce, 149; leave granted, 349; presented and read 1 ^o , 350; referred to Select Committee, 408; Report brought up, 421; Bill read 2 ^o , committed, and reported, with an Amendment, 450; read 3 ^o , passed, and sent to Legislative Council, 464; returned by Council without Amendment, 559; Assent reported, 623 | 5 | 1163 |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|---|----------|-------|
| | | VOL. | PAGE. |
| G | | | |
| GLASS :— | | | |
| MINUTE (See "STANDING ORDER.") | | | |
| GLEBE :— | | | |
| (See "CHURCH," "ABATTOIRS"; also "ROADS.") | | | |
| GOLD :— | | | |
| FIELDS :— | | | |
| Regulations laid on Table, 2. | 4 | 1 | |
| Return of number of Electors on, 673 | 2 | 3 | |
| Petition respecting discovery of, from E. H. Hargraves, 21; ordered to be printed, 26; Motion made for Select Committee in reference to the case of, 26 | 4 | 39 | |
| Petition in reference to Mr. Sub-Commissioner Cooper, at Kiandra, 33; Motion made for Correspondence in reference to, 106; laid on Table, 459; Resolution moved in reference to, and House counted out, 737 | 4 | 65, 67 | |
| Select Committee appointed to consider the claims of Mr. A. E. Bush, for services on, 53; Member of Legislative Council requested to attend as witness, 85; reply, 99; Report brought up, 408; adopted, 449. | 4 | 43 | |
| Motion made for papers connected with the case of W. Spicer, during riots at Burrangong, 231; laid on Table (<i>in part</i>), 431 | 2 | 235 | |
| Reports from W. D. Campbell relative to aggressions on Chinese at Burrangong, 399 | 4 | 9 | |
| Motion made for Correspondence with Mr. James Roberts, relative to his claim for compensation for rations to Chinese, during riots at Burrangong, 409; laid on Table, 635 | 4 | 29 | |
| Petition presented relative to the removal of head-quarters of Meroo Gold Field, 681 | 4 | 41 | |
| Motion made for papers connected with the intention to proclaim Martial Law at Burrangong, 695; laid on table, 757 | 2 | 231 | |
| FIELDS APPEAL COURT BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 721; presented and read 1 ^o , 721; read 2 ^o , committed, and reported with an Amendment, 749; read 3 ^o , passed, and sent to Legislative Council, 754. | | | |
| DUTY :— | | | |
| Petition presented, praying for repeal of, 376; contingent notice moved for abolition of, 416 | 4 | 37 | |
| DUTIES REDUCTION BILL :— | | | |
| Motion made for leave to introduce and leave granted, 415; presented and read 1 ^o , 415; read 2 ^o , committed, and reported with Amendments, 474; read 3 ^o , passed, and sent to Legislative Council, 480; returned by Council, without Amendment, 519; assent reported, 532. | | | |
| GOORANGOOLA (See "ROADS.") | | | |
| GORDON ALEXANDER (See "COUNSEL.") | | | |
| GOVERNMENT :— | | | |
| ADVERTISEMENTS :— | | | |
| Motion made for Return of Expense of, 509; laid on Table (<i>in part</i>), 757 | 1 | 1101 | |
| DEBENTURES (See "FINANCE.") | | | |
| MEMBERS OF PARLIAMENT EMPLOYED BY (See "PARLIAMENT.") | | | |
| TELEGRAMS (See "ELECTRIC.") | | | |
| OFFICERS (See "TRAVELLING.") | | | |
| HOUSE (See "LENEHAN.") | | | |
| BOATMEN :— | | | |
| Petition presented from,—praying relief, 207 | 5 | 861 | |
| GOODS :— | | | |
| Motion made for Returns of expense of wharfage, &c., upon, 143; laid on Table, 193 | 5 | 711 | |
| BUSINESS DAYS (See "SESSIONAL ORDERS.") | | | |
| CLAIMS AGAINST BILL (See "CLAIMS AGAINST GOVERNMENT BILL.") | | | |
| RAILWAYS LEASING BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 515; presented and read 1 ^o , 515; Motion made for postponement of Order of the Day, and House counted out, 561; restored to Paper, 575; discharged from Paper, 755. | | | |
| GOVERNOR :— | | | |
| Proclamation of, on opening Session read by Clerk, 1. | | | |
| Message from, summoning Assembly to hear Opening Speech, 1. | | | |
| Opening Speech of, 2; Address in reply, 3; presented and reply reported, 9. | | | |
| Prorogation Speech of, 762. | | | |
| SALARIES OF FUTURE :— | | | |
| Contingent Notice moved in reference to, 494. | | | |
| GRAFTON (See "WHARF.") | | | |
| GRAHAM (See "ADMINISTRATION OF JUSTICE.") | | | |
| GRAMMAR SCHOOL (See "EDUCATION.") | | | |
| GRANTS OF LAND (See "CROWN LANDS.") | | | |
| GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 61; presented and read 1 ^o , 61; withdrawn, 119; leave given to introduce new Bill, 119; Bill (No. 2) presented and read 1 ^o , 133; Motion made for second reading, and Debate adjourned, 208, 216, 238; Bill read 2 ^o , 245; committed, and reported without Amendment, 331; re-committed, and reported with Amendments, 357; Order for third reading postponed, 364; Counsel in opposition to, heard at Bar, 385; Bill read 3 ^o , and passed, 385; sent to Legislative Council, 386; returned by Council with Amendments, 583; Council's Amendments agreed to <i>in part</i> , 599; Message to Council, 605; Council does not insist on its Amendment, 703; Message from Council, correcting error in former Message, 713; Bill reserved, 762. | | | |
| PETITIONS IN FAVOR OF, FROM :— | | | |
| Members of Church of England, 133, 169 | 4 | 439, 441 | |
| Inhabitants of Tamworth, 141 | 4 | 443 | |
| Electorate of Illawarra, 149 | 4 | 445 | |
| Electorate of Illawarra, 149, 238 | 4 | 447, 507 | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|---|----------|-------|
| G | | VOL. | PAGE. |
| GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL (Continued) :— | | | |
| PETITIONS IN FAVOR OF, FROM :— | | | |
| Scots Church, Sydney, 149 | 4 | 449 | |
| Residents of Newtown, 169 | 4 | 457 | |
| Do. Sydney, 169 | 4 | 461 | |
| Ministers, &c., of the Presbytery of Sydney, 169 | 4 | 455 | |
| Members of the Church of England, &c., Muswellbrook, 169 | 4 | 463 | |
| Residents of Northern Gold Fields, 169 | 4 | 451 | |
| Do. the Manning River District, 169, 238 | 4 | 453, 505 | |
| Members of the Church of England, 169, 193 | 4 | 441 | |
| Primitive Methodists, Newcastle, 170 | 4 | 459 | |
| Free Presbyterians, do., 170 | 4 | 465 | |
| Do., Shoalhaven, 177 | 4 | 467 | |
| Do., Kiama, 185 | 4 | 469 | |
| Do., Twofold Bay, 317 | 4 | 513 | |
| Do., Bega, 317 | 4 | 517 | |
| Electors of Ashfield, 178 | 4 | 473 | |
| Inhabitants of Mummell, 178 | 4 | 475 | |
| Do. Goulburn, 178 | 4 | 471 | |
| Do. Brisbane Water, 185 | 4 | 477 | |
| Do. Paterson, 193 | 4 | 479 | |
| Congregational Church, Campbelltown, 201 | 4 | 485 | |
| Inhabitants of Gundaroo, 201 | 4 | 483 | |
| Do. Menangle, 207 | 4 | 489 | |
| Do. Campbelltown, 207 | 4 | 487 | |
| Do. Port Macquarie, 207 | 4 | 491 | |
| Do. District of Morpeth, 215 | 4 | 495 | |
| Free Church, Ahalton, 215 | 4 | 493 | |
| Inhabitants of District of Mudgee, 223 | 4 | 497 | |
| Do. Raymond Terrace, 230 | 4 | 499 | |
| Do. Maitland, 237 | 4 | 501 | |
| Do. Upper Williams, 237 | 4 | 503 | |
| Do. Waverley, 259 | 4 | 511 | |
| Do. Murrurundi, 259 | 4 | 509 | |
| Do. Bathurst, 317 | 4 | 515 | |
| Do. Tenterfield, 323 | 4 | 519 | |
| Camden, 331 | 4 | 521 | |
| Jervis Bay, 357 | 4 | 523 | |
| Lower Hunter, 383 | 4 | 525 | |
| IN OPPOSITION TO— | | | |
| Inhabitants of Braidwood, 149 | 4 | 527 | |
| Moderator of the Synod, 169 | 4 | 529 | |
| Parish of St. Michael, Sydney, 185 | 4 | 531 | |
| Do. Prospect, 185 | 4 | 537 | |
| Do. St. Philip, 185 | 4 | 535 | |
| Do. St. Lawrence, 185 | 4 | 533 | |
| Inhabitants of Canberry, 185 | 4 | 539 | |
| Do. Balmain, 201 | 4 | 541 | |
| Do. Darlinghurst, 201 | 4 | 543 | |
| Do. Scone, 207, 339 | 4 | 545, 557 | |
| Do. New England, 229 | 4 | 547 | |
| Do. Bathurst, 237 | 4 | 549 | |
| Do. Port Macquarie, 238 | 4 | 551 | |
| Do. Campbelltown, 251 | 4 | 553 | |
| Do. Hartley, 323 | 4 | 555 | |
| Clergy of Roman Catholic Church, praying to be heard by Counsel <i>in opposition to</i> , 364 | 4 | 561 | |
| Members of Wesleyan Church, praying to be heard by Counsel <i>in favour of</i> , 375 | 4 | 563 | |
| Members of various Protestant Churches, praying to be heard by Counsel <i>in favour of</i> , 375 | 4 | 565 | |
| Members of the Church of England, praying to be heard by Counsel <i>in opposition to</i> , 376 | 4 | 559 | |
| GREEN, MRS. A. (See "CATTLE.") | | | |
| GRIEVANCES :— | | | |
| MR. JOHN ANDERSON ROBERTSON :— | | | |
| Petition praying redress for his dismissal from the office of Commissioner of Crown Lands, 4; Ordered to be printed, 11 | 5 | 327 | |
| MR. THOMAS GORDON DANGAR :— | | | |
| Petition praying investigation relative to Land tendered for in the Warrego District, 9; Ordered to be printed, 17 | 4 | 1097 | |
| DAVID BLAIR :— | | | |
| Petition praying redress for dismissal from the office of Doorkeeper to Legislative Assembly, 10; Ordered to be printed, 17 | 1 | 989 | |
| Mrs. M. H. HOURIGAN :— | | | |
| Petition praying relief, 69 | 2 | 933 | |
| W. ANDERSON :— | | | |
| Petition praying redress for injuries sustained by him whilst travelling on the Pitt-street Tramway Car, 86; referred to Select Committee on Pitt-street Tramway, 325 | 5 | 563 | |
| H. W. DUDLEY :— | | | |
| Petition praying redress for losses sustained in connection with the Refreshment Room, Sydney Railway Station, 111 | 5 | 447 | |
| MR. A. LENEHAN :— | | | |
| Petition praying redress for losses sustained by supplying furniture for Government House, 113; Select Committee appointed to inquire into, 230; Report brought up, 699; adopted, 743 | 5 | 895, 897 | |
| C. P. LAWRENCE (See "POLICE.") | | | |
| H. H. BROWNE (See "IMMIGRATION.") | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|---------------|-------|
| G | | VOL. | PAGE. |
| GRIEVANCES (Continued) :— | | | |
| MISS I. M. KELLY :— | | | |
| Petition, presented Session 1861-2, ordered to be printed, 215; Select Committee appointed to inquire into the case of, 469; Petition to be heard by Counsel, 503; Evidence of Session 1859-60 referred to Select Committee, 561; Members of Legislative Council requested to attend as Witnesses, 581; reply, 583; Report brought up, 753 | 2 | 87, 89, 91 | |
| JAMES MILLER (See "ROADS.") | | | |
| MR. F. FLANAGAN :— | | | |
| Select Committee appointed to inquire into the claims of, 295; Motion made for leave to appear by Counsel, and leave granted, 311; Member of Legislative Council requested to attend as Witness, 376; reply, 581; Report brought up, 593; adopted, 643 | 5 | 943 | |
| JAMES RALFE :— | | | |
| Select Committee appointed to consider Evidence taken during Session 1861, 296; Progress Report of Committee of Session 1861 referred, 303; Letter from, referred to Committee, 339; Report brought up, 399; adopted, 509 | 5 | 937 | |
| MRS. K. H. HARPER :— | | | |
| Petition praying relief in consequence of her late husband having lost his sight in the Public Service, 323 | 5 | 833 | |
| MRS. E. LOCKYER :— | | | |
| Petition praying relief in consequence of the death of her husband, the late Sergeant-at-Arms, 323 | 1 | 1045 | |
| H. W. EDWARDS :— | | | |
| Petition praying investigation into the circumstances of his dismissal from office as boatman in the Pilot Department, 323 | 5 | 859 | |
| JOHN SMITH (See "DISTRICT COURT.") | | | |
| J. M. BATE :— | | | |
| Petition praying redress for loss of gratuity to his late father on the abolition of his office, 349 | 5 | 835 | |
| T. D. ALLEN (See "GAOLER.") | | | |
| ALFRED WITTS (See "POLICE.") | | | |
| GOVERNMENT BOATMEN :— | | | |
| Petition praying relief, 207 | 5 | 861 | |
| WILLIAM RADLEY :— | | | |
| Petition praying redress for proceedings in connection with the Administration of Justice, 383; read by Clerk, 383 | 2 | 85 | |
| MR. W. SIMS BELL :— | | | |
| Petition in reference to land claimed from the Crown, 432; Select Committee appointed to inquire into, 490; Motion made for Correspondence connected with, 449; Laid on Table, 515; Referred to Committee, 520; Report brought up, 694; Motion made for adoption of and negatived, 713 | 5 | 869, 871, 877 | |
| A. J. LIDDINGTON :— | | | |
| Petition praying compensation in lieu of Grant of Land, 449 | 5 | 841 | |
| MR. PERCY SIMPSON :— | | | |
| Petition praying relief for loss of office under Government, 459 | 5 | 843 | |
| MR. A. EDENBOROUGH (See "CUSTOMS.") | | | |
| JEREMIAH O'BRIEN :— | | | |
| Petition representing his being arrested for horse-stealing and not being put upon his trial, 503 | 5 | 845 | |
| MR. J. BUSBY :— | | | |
| Petition setting forth his claim to a grant of land, 531 | 5 | 847 | |
| MR. G. JOLL :— | | | |
| Petition praying relief under certain circumstances therein set forth, 549 | 5 | 849 | |
| P. J. MORONEY (See "POLICE.") | | | |
| MR. THOMAS CHARLES BENTLEY :— | | | |
| Petition from, in reference to alleged persecution of self and wife, 565; Select Committee appointed to inquire into, 617; Petition praying to be heard by Counsel, and leave granted, 623; Petition from C. Cutolo, praying to be heard by Counsel, 635; Motion made for leave to Select Committee to report upon the case, 761; House prorogued during discussion, 762 | 5 | 863, 865, 867 | |
| MRS. C. CHISHOLM (See "CHISHOLM.") | | | |
| TRUCK SYSTEM ON RAILWAY (See "RAILWAYS.") | | | |
| MR. J. BEATTY (See "ELECTRIC.") | | | |
| H. TEBBUTT (See "POSTAL.") | | | |
| JAMES KILLOUGH (See "POLICE.") | | | |
| MR. G. THORNTON :— | | | |
| Petition representing his claim to a grant of land as heir-at-law of J. C. Thornton, 699; Motion made for papers in reference to, 756; laid on Table, 757 | 5 | 855 | |
| REV. J. STEELE :— | | | |
| Petition in reference to the proceedings of a Magistrate of the Territory in the District of Bombala, 711 | 2 | 221 | |
| MRS. E. COHEN :— | | | |
| Petition representing her claim to certain moneys held by the Sheriff, 735 | 5 | 857 | |
| MICHAEL FARRELL :— | | | |
| Motion made for proceedings in the case of, at Police Office, Sydney, 756. | | | |
| GUNDAROO (See "POST OFFICE.") | | | |
| GUNNEDAH :— | | | |
| Petition for the appointment of a Police Magistrate for, 376 | 2 | 531 | |
| GUNNING (See "CLERICAL.") | | | |
| GUNPOWDER EXPORT RESTRICTION BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 16; presented and read 1 ^o , 16; read 2 ^o , committed, and reported, 474; read 3 ^o , passed, and sent to Legislative Council, 479; returned by Council without Amendment, 519; Assent reported, 532. | | | |
| GYMNASIUM :— | | | |
| SYDNEY :— | | | |
| Motion made for Committee of the Whole to consider an Address for funds in aid of, 550. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|------|----------|--|
| | VOL. | PAGE. | |
| H | | | |
| HAMILTON, EDWARD :— | | | |
| Letter from relative to use of Australian Coal on board H. M. Ships, 441 | 5 | 799 | |
| Do. do. Museum of Colonial Products in London, 441 | 5 | 771 | |
| Do. do. Cultivation of Tobacco in New South Wales, 657 | 5 | 1175 | |
| Motion made for Correspondence with the Exhibition Commissioners, Sydney, 755. | | | |
| HANNELL, J. (See "RAILWAY.") | | | |
| HARBOUR (See "PILOTAGE;" also "RAILWAY.") | | | |
| HARGRAVE, THE HON. J. F. :— | | | |
| Messages to Council requesting his attendance before Select Committees, 383, 437, 581; replies, 391, 437, 583. | | | |
| HARGRAVES, E. H. (See "GOLD;" also "MAGISTRATES.") | | | |
| HARGRAVES :— | | | |
| TOWNSHIP (See "GOLD.") | | | |
| HARPER, MRS. K. H. (See "GRIEVANCES.") | | | |
| HARPUR, J. J., ESQ. (See "ABSENCE.") | | | |
| HARRIS (See "RAILWAY;" also "ULTIMO.") | | | |
| HARRISON, J. (See "MAGISTRATES.") | | | |
| HAWKERS' LICENSES AMENDMENT BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 26; presented and read 1 ^o , 26; read 2 ^o , committed, and reported with Amendments, 77; read 3 ^o , passed, and sent to Legislative Council, 105; returned by Council with Amendments, 304; Council's Amendments agreed to <i>in part</i> , 450; Message to Council, 460; Council does not insist upon Amendments, 485; Assent reported, 494. | | | |
| Petition presented in reference to, 15 | 5 | 1203 | |
| HAY, THE HON. JOHN :— | | | |
| Elected Speaker, 527. | | | |
| Presented to Governor, 531. | | | |
| Commission to Administer Oaths, 541. | | | |
| HAYMARKET (See "RESERVES.") | | | |
| HEAT :— | | | |
| WORDS OF :— | | | |
| Spoken by Members, 392 (2). | | | |
| HELY, H. (See "MAGISTRATES.") | | | |
| HEXHAM (See "RAILWAYS.") | | | |
| HILL-END (See "RAILWAY.") | | | |
| HINTON (See "ROADS.") | | | |
| HOSPITALS (See "FINES.") | | | |
| HOSTILITIES :— | | | |
| AMERICAN (See "AMERICAN.") | | | |
| HOURIGAN Mrs. (See "GRIEVANCES.") | | | |
| HOUSES :— | | | |
| OF PARLIAMENT ("See PARLIAMENT.") | | | |
| HUNTER (See "BRIDGE.") | | | |
| I | | | |
| ILLAWARRA (See "COAL.") | | | |
| IMMIGRATION :— | | | |
| AGENT, LATE :— | | | |
| Motion made for Papers in reference to removal of, 113; laid on Table, 559 | 4 | 157 | |
| Petition from, praying redress, 201; Despatch in reference to, 431 | 4 | 155, 165 | |
| ASSISTED :— | | | |
| Regulations respecting, 549 | 4 | 153 | |
| Resolution moved in reference to distribution of funds for, 618. | | | |
| PROMOTION OF :— | | | |
| Resolutions moved in reference to, 260, | | | |
| OF NAVVIES :— | | | |
| Motion made for Committee of the Whole to consider Address for funds for promotion of, and House counted out, 644. | | | |
| CHINESE :— | | | |
| Despatch relative to Act, 9 | 4 | 151 | |
| IMPOUNDING BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 93; presented and read 1 ^o , 93; discharged from Paper, 755. | | | |
| Petitions in reference to, 259, 531 | 5 | 295, 297 | |
| INCORPORATION (See "MUNICIPALITIES.") | | | |
| INDEMNIFICATION (See "ADMINISTRATION OF JUSTICE.") | | | |
| INDICES (See "REGISTRAR.") | | | |
| INFORMALITY (See "PETITIONS.") | | | |
| INITIATION :— | | | |
| OF BILLS (See "BILLS.") | | | |
| INQUEST (See "ADMINISTRATION OF JUSTICE.") | | | |
| INSOLVENT :— | | | |
| ESTATES :— | | | |
| Statistics respecting, 15 | 2 | 57 | |
| COMMISSIONER OF :— | | | |
| Petitioner of H. H. Newman complaining of the prohibition of Agents from preparing Insolvents Schedules, 673 | 5 | 863 | |
| INSURANCE (See "LIFE ASSURANCE BILL;" also "UNITED," "PACIFIC," AND "LIVERPOOL.") | | | |
| INTEREST :— | | | |
| PERSONAL (See "ORDER.") | | | |
| INTERESTS (See "PASTORAL INTERESTS BILL.") | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|---|---------|------------|
| | VOL. | PAGE. |
| I | | |
| INTERIOR (See "RAILWAYS.") | | |
| INTESTATES (See "REAL ESTATE OF INTESTATES BILL.") | | |
| INTOXICATING :— | | |
| DRINKS :— | | |
| Petition praying the prohibition of the sale of, 437 | 5 | 1139 |
| ISLAND (See "GLEBE.") | | |
| J | | |
| JAMES, H. K. (See "REGISTRAR.") | | |
| JERVIS BAY (See "LIGHT HOUSE.") | | |
| JOLL, MR. G. (See "GRIEVANCES.") | | |
| JONES, MRS. MARY (See "POSTAL.") | | |
| JURORS :— | | |
| SPECIAL :— | | |
| Motion made for return of number fined for non-attendance, 409; laid on Table, 594 | 2 | 217 |
| JUSTICE (See "ADMINISTRATION OF.") | | |
| K | | |
| KEANE, JOHN (See "CATTLE.") | | |
| KEENE, W. (See "COAL.") | | |
| KELLY, MISS I. M. (See "GRIEVANCES.") | | |
| KIAMA TONNAGE DUTY POSTPONEMENT BILL :— | | |
| Motion made for leave to introduce, and leave granted, 17; presented, and read 1 ^o , 17; read 2 ^o , committed, and reported, 474; read 3 ^o , passed, and sent to Legislative Council, 480; returned by Council without Amendment, 519; Assent reported, 532. | | |
| KIANDRA (See "GOLD FIELDS.") | | |
| KILLOUGH JAMES (See "POLICE.") | | |
| L | | |
| LAKE MACQUARIE :— | | |
| Return to Order (Session 1361-2) in reference to, 711 | 5 | 673 |
| LAMBING FLAT (See "GOLD FIELDS.") | | |
| LANCASHIRE :— | | |
| RELIEF FUND :— | | |
| Despatch in reference to, 643 | 5 | 1163 |
| LAND (See also "CROWN LANDS") :— | | |
| ORDNANCE ACT AMENDMENT BILL :— | | |
| Presented and read 1 ^o , 2; no further action taken. | | |
| TITLES DECLARATION BILL :— | | |
| Motion made for leave to introduce, and leave granted, 34; presented, and read 1 ^o , 34; Referred to Select Committee, 61; Progress Report brought up, 269; <i>Title altered</i> , "Land Titles Declaration and Transfer Facilitation Bill," and Bill read 2 ^o , 357; committed, and reported with Amendments, 392; Read 3 ^o , passed, and sent to Legislative Council, 415; Returned by Council with Amendments, 561; Council's Amendments agreed to, 576; (Final Report brought up, 469); Assent reported, 623 | 4 | 1125, 1273 |
| Resolution moved in reference to Salaries of Officers under, 753. | | |
| TRANSFER AND REGISTRY BILL :— | | |
| Motion made for leave to introduce, and leave granted, 34; presented and read 1 ^o , 34; referred to Select Committee on "Land Titles Declaration Bill," 62. | | |
| CHURCH AND SCHOOL BILL (See "CHURCH AND SCHOOL," &c.) | | |
| SCOTS CHURCH EXCHANGE BILL (See "CHURCH," "SCOTS," &c.) | | |
| CHURCH NEWCASTLE SALE BILL (See "CHURCH LAND," &c.) | | |
| WOOLLOOMOOLOO BAY BILL (See "WOOLLOOMOOLOO BAY.") | | |
| DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES :— | | |
| Abstract of, 61 | 4 | 755 |
| LANDING WAITERS (See "CUSTOMS.") | | |
| LAW (See "CRIMINAL," "PROPERTY," "MUNICIPALITIES," "BANK"; also "MARTIAL.") | | |
| OF EVIDENCE IN CRIMINAL CASES AMENDMENT BILL :— | | |
| Motion made for leave to introduce, and leave granted, 401; presented and read, 1 ^o , 409; Motion made for second reading, and negatived by Question of "this day six months," 589. | | |
| PRACTICE, ADMISSION TO, REGULATION BILL :— | | |
| Motion made for leave to introduce, and leave granted, 351; presented and read 1 ^o , 351; discharged from Paper, 425. | | |
| OF PRIMOGENITURE ABOLITION BILL :— | | |
| Motion made for leave to introduce, and leave granted, 85; presented and read 1 ^o , 86; motion made for 2 ^o , and Debate adjourned, 285; Debate resumed, and Bill read 2 ^o , committed, and reported with Amendments, 450; read 3 ^o , passed, and <i>title altered</i> to "Real Estate of Intestates Distribution Bill," 464; sent to Legislative Council, 465; returned by Council with Amendments, 729; Council's Amendments agreed to with an Amendment, 736; Message to Council, 741; Council agrees to Assembly's Amendment, 748; reserved, 762. | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|----------|-------|
| | | VOL. | PAGE. |
| L | | | |
| LAWS :— | | | |
| SEAMEN'S AMENDMENT BILL (See "SEAMEN'S.") | | | |
| SYDNEY CORPORATION AMENDMENT AND CONSOLIDATION BILL (See "SYDNEY CORPORATION BILL.") | | | |
| LAWRENCE C. P. (See "POLICE.") | | | |
| LEASES (See "CROWN LANDS.") | | | |
| LEASING GOVERNMENT RAILWAYS BILL (See "GOVERNMENT RAILWAYS BILL.") | | | |
| LEAVE (See "ABSENCE.") | | | |
| LECTURERS (See "EMIGRATION.") | | | |
| LEDGER, MR. (See "ALPACAS.") | | | |
| LEGAL :— | | | |
| COSTS (See "ADMINISTRATION OF JUSTICE.") | | | |
| LEGISLATIVE :— | | | |
| ASSEMBLY :— | | | |
| Motion made for Return of Expense of Printing for, 324; laid on Table, 623. | 1 | 1051 | |
| ASSEMBLY DURATION BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 695,—no further action taken. | | | |
| COUNCIL :— | | | |
| Messages requesting attendance of Members of as Witnesses before Select Committees of Legislative Assembly, 85, 383, 437, 576, 581; Messages in reply, 99, 391, 437, 581, 583. | | | |
| COUNCIL BILL :— | | | |
| Received from Council by Deputation of Members and read 1 ^o , 516; order for second reading postponed, 606; Motion made for second reading, and Debate adjourned, 623; read 2 ^o , 629; discharged from Paper, 673. | | | |
| LE MARCHANT, SIR DENIS (See "CLERK.") | | | |
| LENEHAN, MR. ANDREW (See "GRIEVANCES.") | | | |
| LETTERS (See "POSTAL.") | | | |
| LETTERS OF MARQUE (See "HOSTILITIES.") | | | |
| LEWIS THOMAS, ESQ. :— | | | |
| Leave of Absence granted to, 450. | | | |
| Resignation of Seat by, 735. | | | |
| LIABILITIES (See "Banks.") | | | |
| LIARDET J. E. (See "ADMINISTRATION OF JUSTICE.") | | | |
| LIBRARY :— | | | |
| COMMITTEE :— | | | |
| Appointed, 10; Member added, 555; Report brought up from, 283; adopted, 303 | 1 | 1037 | |
| AUSTRALIAN :— | | | |
| Correspondence in reference to the proposed purchase of, 87; further correspondence, 463; Resolution moved in reference to, 582..... | 5 | 773, 777 | |
| FREE PUBLIC :— | | | |
| Resolution moved in reference to the immediate building of, 433. | | | |
| Resolutions moved in reference to the proposed site for, 742. | | | |
| LICENSES :— | | | |
| PUBLICANS' FEE :— | | | |
| Resolution moved in reference to reduction of, 510. | | | |
| LICENSING (See "HAWKERS BILL"; also "CARRIERS BILL.") | | | |
| LIDDINGTON A. J. (See "GRIEVANCES.") | | | |
| LIENS ON CROPS BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 93; presented and read 1 ^o , 93; read 2 ^o , 126; committed and progress reported, 474; Committee resumed, and Bill reported with Amendments, 559; read 3 ^o , passed, and sent to Legislative Council, 576; returned by Council without amendment, 635; Assent reported, 712. | | | |
| LIFE ASSURANCE ENCOURAGEMENT BILL (See also "INSURANCE.") | | | |
| Motion made for leave to introduce, and leave granted, 651; presented and read 1 ^o , 651; read 2 ^o , 664; committed and reported, 695; read 3 ^o , passed, and sent to Legislative Council, 712; returned by Council without Amendment, 754; presented for assent, 762; assented to 762. | | | |
| LIGHT HOUSE (See also "HOURIGAN, MRS.") :— | | | |
| JERVIS BAY :— | | | |
| Report of Commission on, 2 | 2 | 931 | |
| LIMITATION :— | | | |
| OF BUSINESS HOURS (See "SESSIONAL ORDERS.") | | | |
| OF NEW TRIALS BILL (See "NEW TRIALS BILL.") | | | |
| LIVERPOOL AND LONDON FIRE AND LIFE INSURANCE COMPANY'S BILL :— | | | |
| Petition praying leave to introduce, 53; leave granted, 78; presented and read, 1 ^o , 78; referred to Select Committee, 106; Report brought up, 134; Bill read 2 ^o , committed, and reported, 144; read 3 ^o , passed, and sent to Legislative Council, 251; returned by Council without Amendment, 332; Assent reported, 370 | 5 | 779 | |
| LOAN PUBLIC WORKS BILL :— | | | |
| Presented and read 1 ^o , 730; read, 2 ^o , committed, and reported, 748; read 3 ^o , passed, and sent to Legislative Council, 748; returned by Council without Amendment, 758; presented for Assent, 762; assented to, 762. | | | |
| LOANS :— | | | |
| APPROPRIATIONS FROM (See "FINANCE.") | | | |
| LOCKERS (See "CUSTOMS.") | | | |
| LOCKYER MRS. E. (See "GRIEVANCES.") | | | |
| LONG COVE (See "BRIDGE.") | | | |
| LOVELL CAPTAIN, R. A. (See "VOLUNTEERS.") | | | |
| LUNATIC (PRIVATE) ASYLUMS BILL :— | | | |
| Received from Legislative Council, 581; no action taken. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|---------|----------|
| | | VOL. | PAGE. |
| M | | | |
| MACDONALD :— | | | |
| RIVER (See "CROWN LANDS.") | | | |
| MACKENZIE R. J. P. (See "ADMINISTRATION OF JUSTICE.") | | | |
| MAGISTERIAL :— | | | |
| SENTENCES (See "ADMINISTRATION OF JUSTICE.") | | | |
| MAGISTRATE (See "POLICE.") | | | |
| MAGISTRATES :— | | | |
| ATTENDANCES (See also "ADMINISTRATION OF JUSTICE.") | | | |
| SUPERSEDED :— | | | |
| Petition presented from Messrs. Hely, Scott, and Harrison, relative to their removal from the Commission of the Peace, 747; Motion made for Correspondence in reference to, 755 | 2 | | 227 |
| MAIN :— | | | |
| ROADS (See "ROADS.") | | | |
| MAITLAND (See "POLICE," "BRIDGE"; also "ROADS.") | | | |
| AND MORPETH RAILWAY COMPANY :— | | | |
| Motion made for Committee of the whole House to consider an Address for funds to reimburse the Shareholders, 350; House in Committee and counted out, 370. | | | |
| MAJESTY HER (See "DEATH OF PRINCE CONSORT.") | | | |
| MANAGEMENT :— | | | |
| OF POLICE OFFICE (See "POLICE.") | | | |
| MANUFACTURES :.. | | | |
| AND AGRICULTURE :— | | | |
| Petitions praying for a revision of the Tariff in favour of Colonial, 85, 141.... | 2 | | 643, 645 |
| Resolutions moved in reference to, 201. | | | |
| Select Committee appointed to inquire into the progress and state of, 407; | | | |
| Progress Report brought up, 735..... | 5 | | 1041 |
| MARINE :— | | | |
| INSURANCE (See "PACIFIC INSURANCE COMPANY'S BILL.") | | | |
| MARKHAM, GEORGE, ESQ. :— | | | |
| Resignation of Seat by, 1. | | | |
| MARQUE :— | | | |
| LETTERS OF :— | | | |
| (See "AMERICAN.") | | | |
| MARRIAGES, &c. (See "REGISTRAR.") | | | |
| MARS :— | | | |
| FIELD OF (See "COMMON.") | | | |
| MARTIAL :— | | | |
| LAW (See "ADMINISTRATION OF JUSTICE.") | | | |
| MARTIN, JAMES, ESQ. :— | | | |
| Sworn as Member for Orange, 158. | | | |
| MASON, MR. A. (See "RAILWAY.") | | | |
| MASTERS AND SERVANTS ACT AMENDMENT BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 230; presented and read 1 ^o , 231; Order for second reading postponed, 235, 318; Bill withdrawn from Paper, 370. | | | |
| MATRIMONIAL CAUSES BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 48; presented and read 1 ^o , 48; read 2 ^o , 77; committed, and progress reported, 164; Committee resumed, and progress reported, 225, 252; Committee resumed, and no Report made, 235; Motion made to restore Order of the Day, and negatived, 376. | | | |
| Petitions presented <i>in opposition to</i> , from— | | | |
| Roman Catholic Clergy, Sydney, 135 | 5 | | 959 |
| Clergymen and others at Parramatta, 201 | 5 | | 961 |
| " " Appin, 207 | 5 | | 965 |
| " " St. Leonards, 207 | 5 | | 973 |
| " " Sydney, North 207..... | 5 | | 969 |
| " " Sydney District, 207..... | 5 | | 971 |
| " " St. Benedict's, 207 | 5 | | 963 |
| " " Sacred Heart, 207 | 5 | | 967 |
| " " Windsor, 215 | 5 | | 985 |
| " " Campbelltown, 215..... | 5 | | 975 |
| " " Hartley, 215 | 5 | | 979 |
| " " Menangle, 215..... | 5 | | 983 |
| " " Camden, 215 | 5 | | 981 |
| " " Morpeth, 223 | 5 | | 977 |
| " " Of Church of England, 223 | 5 | | 987 |
| " " Balmain, 223 | 5 | | 989 |
| " " Liverpool, 223..... | 5 | | 991 |
| " " East Maitland, 223..... | 5 | | 993 |
| " " Wollombi, 229..... | 5 | | 995 |
| " " Patrick's Plains, 237..... | 5 | | 1007 |
| " " Broulee, 237 | 5 | | 997 |
| " " Ditto (<i>informal</i>), 238. | | | |
| " " Raymond Terrace, 238 | 5 | | 999 |
| " " Goulburn, 238..... | 5 | | 1001 |
| " " West Maitland, 238 | 5 | | 1003 |
| " " Braidwood, 238 | 5 | | 1005 |
| " " Petersham, 251 | 5 | | 1013 |
| " " Illawarra, 251..... | 5 | | 1009 |
| " " Ditto (<i>informal</i>), 251. | | | |
| " " New England, 251..... | 5 | | 1011 |
| " " Yass, 259..... | 5 | | 1021 |
| " " Berrima, 259 | 5 | | 1023 |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|---------|------------|
| | | VOL. | PAGE. |
| M | | | |
| MATRIMONIAL CAUSES BILL (Continued):— | | | |
| Petitions presented in opposition to, from— | | | |
| Clergymen and others at Port Macquarie, 259 | 5 | | 1019 |
| " " Muswellbrook, 259 | 5 | | 1017 |
| " " Murrurundi, 260 | 5 | | 1015 |
| " " Ditto (informal), 260 | | | |
| " " Nerriwa, 269 | 5 | | 1025 |
| " " Wellington, 284 | 5 | | 1027 |
| " " Maneroo, 284 | 5 | | 1029 |
| " " Mudgee, 284 | 5 | | 1031 |
| " " Burrowa, 293 | 5 | | 1033 |
| " " Peel and Sofala, 303 | 5 | | 1035 |
| " " Ryde, 311 | 5 | | 1037 |
| " " Bathurst, 376 | 5 | | 1039 |
| MAYOR (See "ADMINISTRATION OF JUSTICE.") | | | |
| M'LAURIN, J. (See "CATTLE.") | | | |
| MEANS:— | | | |
| AND WAYS:— | | | |
| (See "WAYS AND MEANS.") | | | |
| MEASUREMENT:— | | | |
| OF LAND:— | | | |
| (See "CROWN LANDS.") | | | |
| MEDICAL:— | | | |
| PROFESSION:— | | | |
| Return (in part) to Order of (Session 1861-2), relative to money paid for Services to Government, 111; further Return laid on Table, 303 | 3 | | 1289, 1323 |
| MEMBER (See "LEGISLATIVE COUNCIL.") | | | |
| MEMBERS:— | | | |
| SWORN:— | | | |
| 1, 158, 489, 549, 593. | | | |
| PROPOSED PAYMENT OF:— | | | |
| Petition presented in favour of from New England, 163 | 1 | | 1011 |
| Resolution moved in reference to, 376. | | | |
| PECUNIARILY INTERESTED (See "SPEAKER.") | | | |
| GUILTY OF DISORDER, 407. | | | |
| OF PARLIAMENT EMPLOYED BY GOVERNMENT:— | | | |
| Motion made for Return of Names of, 550. | | | |
| MEMORIAL (See "DEATH.") | | | |
| MEROO (See "GOLD FIELDS.") | | | |
| MESSAGES:— | | | |
| TRANSMISSION OF BETWEEN THE TWO HOUSES:— | | | |
| Sessional Order in reference to, 10. | | | |
| FROM THE GOVERNOR:— | | | |
| Summons to attend in Legislative Council, 1, 762. | | | |
| No. 1. Church and School Estate, 10. | | | |
| 2. Do. do., 26. | | | |
| 3. Estimates for 1863 and Supplementary for 1862, 229. | | | |
| 4. Salaries of Parliamentary Officers, 293. | | | |
| 5. Remuneration to Deputy Registrar of the Bishop of Sydney, 294 | | | |
| 6. Assent to Bill, 370. | | | |
| 7. Do., 494. | | | |
| 8. Do., 494. | | | |
| 9. Do., 532. | | | |
| 10. Do., 623. | | | |
| 11. Acknowledgment of Address of Condolence to Her Majesty, 650. | | | |
| 12. Assent to Bills, 712. | | | |
| 13. Do., 748. | | | |
| 14. Do., 758. | | | |
| FROM ASSEMBLY TO COUNCIL:— | | | |
| Requesting attendance of Members of Council as Witnesses before Select Committees, 85, 383, 437, 576, 581. | | | |
| Transmitting Criminal Law and Practice Amendment Bill, 77. | | | |
| " Hawkers' Licenses Amendment Bill, 105. | | | |
| " Church and School Lands Bill, 179. | | | |
| " Liverpool and London Fire and Life Insurance Company's Bill, 252. | | | |
| " Cotton Cultivation Encouragement Bill, 333. | | | |
| " Grants for Public Worship Prohibition Bill, 386. | | | |
| " Land Titles Declaration and Transfer Facilitation Bill, 415. | | | |
| " Woolloomooloo Bay Land Reclamation Bill, 415. | | | |
| " Coal Fields Regulation Bill, 421. | | | |
| " Bulli Coal Mining Company's Railway Bill, 425. | | | |
| " Report of Select Committee on ditto, 431. | | | |
| " Newcastle Church Land Sale Bill, 463. | | | |
| " Gibson's Estate Bill, 464. | | | |
| " Law of Primogeniture Abolition Bill, 465. | | | |
| " Gunpowder Export Restriction Bill, 479. | | | |
| " Wollongong Tonnage Duty Postponement Bill, 480. | | | |
| " Kiama do. do. 480. | | | |
| " Gold Duties Reduction Bill, 480. | | | |
| " Queensland Debt Bill, 493. | | | |
| " Clergy Returns Registration Bill, 494. | | | |
| " Co-operative Coal Mining Company's Bill, 511. | | | |
| " Liens on Crops Bill, 576. | | | |
| " Morehead and Young's Railway Bill, 538. | | | |
| " Mount Pleasant Tramroad Bill, 538. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|--|---------|-------|
| | | VOL. | PAGE. |
| M | | | |
| MESSAGES (Continued) :— | | | |
| FROM ASSEMBLY TO COUNCIL (Continued) :— | | | |
| | Transmitting Pacific Fire and Marine Insurance Company's Incorporation Bill, 611. | | |
| " | Claims against Government Enforcement Bill, 636. | | |
| " | Botany Railway Company's Bill, 636. | | |
| " | Town Hall Site Exchange Bill, 637. | | |
| " | Taylor and Walker's Railway Bill, 663. | | |
| " | United Fire and Life Insurance Company's Incorporation Bill, 664. | | |
| " | Property Law Trustees and Mortgagees Bill, 664. | | |
| " | Life Assurance Encouragement Bill, 712. | | |
| " | Savings Bank Law Amendment and Consolidation Bill, 713. | | |
| " | Sale of Colonial Wines Regulation Bill, 743. | | |
| " | Appropriation Bill, 747. | | |
| " | Public Works Loan Bill, 748. | | |
| " | Gold Fields Appeal Court Bill, 754. | | |
| " | Bonded Distilleries and Sugar Houses Bill, 755. | | |
| " | Seamen's Laws Amendment Bill, 757. | | |
| | Agreeing to Amendments in Woolloomooloo Bay Land Reclamation Bill, 493. | | |
| " | " Land Titles Declaration and Transfer Facilitation Bill, 576. | | |
| " | " Co-operative Coal Mining Company's Incorporation Bill, 664. | | |
| " | " Property Law Trustees and Mortgagees Bill, 744. | | |
| " | " United Fire and Life Insurance Company's Incorporation Bill, 744. | | |
| | Agreeing (in part) to Amendments in Hawkers' Licenses Amendment Bill, 460. | | |
| " | Grants for Public Worship Prohibition Bill, 605. | | |
| " | Real Estate of Intestates Distribution Bill, 741. | | |
| " | Coal Fields Regulation Bill, 754. | | |
| FROM COUNCIL TO ASSEMBLY :— | | | |
| | In reply to Messages requesting attendance of Members as Witnesses before Select Committees of Assembly, 391, 437, 581, 583. | | |
| | Transmitting Legislative Council Bill, 516. | | |
| " | Private Lunatic Asylums Bill, 581. | | |
| | Returning Hawkers' Licenses Amendment Bill, with Amendments, 304. | | |
| " | Liverpool and London Fire and Life Insurance Company's Bill, 332. | | |
| " | Cotton Cultivation Encouragement Bill, 364. | | |
| " | Woolloomooloo Bay Land Reclamation Bill, with Amendments, 479. | | |
| " | Bulli Coal Mining Company's Railway Bill, 479. | | |
| " | Newcastle Church Land Sale Bill, 510. | | |
| " | Gold Duties Reduction Bill, 519. | | |
| " | Kiama Tonnage Duty Postponement Bill, 519. | | |
| " | Wollongong do. do., 519. | | |
| " | Gunpowder Export Restriction Bill, 519. | | |
| " | Queensland Debt Bill, 541. | | |
| " | Gibson's Estate Bill, 559. | | |
| " | Land Titles Declaration and Transfer Facilitation Bill, with Amendments, 561. | | |
| " | Grants for Public Worship Prohibition Bill, with Amendments, 583. | | |
| " | Clergy Returns Registration Bill, with Amendments, 605. | | |
| " | Church and School Lands Bill, with Amendments, 605. | | |
| " | Liens on Crops Bill, 635. | | |
| " | Morehead and Young's Railway Bill, 643. | | |
| " | Co-operative Coal Mining Company's Incorporation Bill, with Amendments, 644. | | |
| " | Pacific Fire and Marine Insurance Company's Incorporation Bill, 650. | | |
| " | Town Hall Site Exchange Bill, 674. | | |
| " | Mount Pleasant Tramroad Bill, 713. | | |
| " | Botany Railway Bill, 713. | | |
| " | Taylor and Walker's Railway Bill, 713. | | |
| " | Real Estate of Intestates Distribution Bill, with Amendments, 729. | | |
| " | Property Law Trustees and Mortgagees Bill, with Amendments, 729. | | |
| " | United Fire and Life Insurance Company's Incorporation Bill, with an Amendment, 736. | | |
| " | Savings Bank Law Amendment and Consolidation Bill, 742. | | |
| " | Coal Fields Regulation Bill, with Amendments, 742. | | |
| " | Life Assurance Encouragement Bill, 754. | | |
| " | Appropriation Bill, 758. | | |
| " | Sale of Colonial Wines Regulation Bill, 758. | | |
| " | Public Works Loan Bill, 758. | | |
| " | Bonded Distilleries and Sugar Houses Bill, 762. | | |
| | Not insisting on Amendments in :— | | |
| " | Hawkers' Licenses Amendment Bill, 485. | | |
| " | Grants for Public Worship Prohibition Bill, 703. | | |
| " | Real Estate of Intestates Distribution Bill, 748. | | |
| " | Coal Fields Regulation Bill, 762. | | |
| | Correction of error in Message dated 3rd December, 1862, 713. | | |
| MESSENGERS :— | | | |
| SPECIAL :— | | | |
| | Deliver Legislative Council Bill, 516. | | |
| MIDNIGHT :— | | | |
| SITTINGS AFTER (See "ASSEMBLY.") | | | |
| MILITARY :— | | | |
| AND NAVAL :— | | | |
| | Correspondence respecting Defence of the Colonies, 15 | 1 | 1077 |
| | Do. do. Colonial Allowance to, 449 | 2 | 619 |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|----------|-------|
| M | | VOL. | PAGE. |
| MILLER JAMES (See "ROADS.") | | | |
| MINERALS (See "CROWN LANDS.") | | | |
| MINING (See "COAL"; also "CROWN LANDS.") | | | |
| MINISTERS (See also "CHURCH");— | | | |
| QUESTIONS PUT TO (See "SPEAKER.") | | | |
| SALARIES OF:— | | | |
| Contingent Notice moved in reference to, 494. | | | |
| MINOR (See "ROADS.") | | | |
| MINT:— | | | |
| SYDNEY BRANCH ROYAL:— | | | |
| Despatch respecting, 407, 449 | 4 | 119, 123 | |
| Report of Committee of House of Commons on, 643..... | 4 | 125 | |
| SYDNEY BILL:— | | | |
| Motion made for preliminary Committee, 681; House went in Committee, and progress reported, 730; discharged from Paper, 755. | | | |
| MINUTE:— | | | |
| GLASS (See "ASSEMBLY.") | | | |
| MOFFAT W. P. (See "POLICE.") | | | |
| MONARO (See "ROADS.") | | | |
| MONEY (See "FINANCE"; also "PAYMENT.") | | | |
| MOOLPA:— | | | |
| RUN (See "CROWN LANDS.") | | | |
| MOONAN:— | | | |
| ROAD (See "ROADS.") | | | |
| MONTEFIORE J. L. (See "PACIFIC INSURANCE COMPANY'S BILL.") | | | |
| MOREHEAD AND YOUNG'S RAILWAY BILL:— | | | |
| Petition praying leave to introduce, 163; leave granted, 323; presented and read 1°, 323; referred to Select Committee, 409; Report brought up, 532; Bill read 2°, committed, and reported with amendments, 565; read 3°, passed, and sent to Legislative Council, 588; returned by Council without Amendment, 643; Assent reported, 712 | 5 | 471 | |
| Petitions in opposition to, from— | | | |
| A. Brown, 459 | 5 | 461 | |
| Ditto, ditto, 459..... | 5 | 463 | |
| Ditto, ditto, 459..... | 5 | 465 | |
| A. Canning, 431 | 5 | 467 | |
| A. Canning, 459 | 5 | 469 | |
| Leave given to be heard by Counsel, 459. | | | |
| MORIARTY M. M., ESQ. (See "ELECTIONS AND QUALIFICATIONS COMMITTEES.") | | | |
| MORONEY P. J. (See "POLICE.") | | | |
| MORPETH (See "ROADS," "FERRY," "BUCHANAN," "MAITLAND"; also "CLOSE.") | | | |
| MORRICE J., ESQ. (See also "CATTLE DISEASE.") | | | |
| Leave of absence granted to, 296. | | | |
| MORTGAGEES AND TRUSTEES PROPERTY BILL (See "PROPERTY LAW BILL.") | | | |
| MOSS MR., J. P. (See "ADMINISTRATION OF JUSTICE.") | | | |
| MOTIONS:— | | | |
| Notices of for future day, 223. | | | |
| WITHDRAWN:— | | | |
| 10, 11, 16, 21, 25 (2), 26, 27, 33, 34 (2), 47 (2), 53 (2), 55, 61 (3), 69, 77, 78, 85, 87 (2), 93 (2), 99, 105, 106 (3), 111, 112, 113, 142 (2), 143 (2), 144, 149, (2), 157, 169 (2), 170, 186, 193, 201 (2), 207, 215, 229 (2), 230 (3), 238 (2), 253, 260 (2), 261, 293, 294, 295 (2), 303, 323 (2), 324 (2), 349, 350, 357, 363, 369, 370, 383, 391, 399, 401 (2), 402 (2), 410, 421, 425, 431, 432, 433 (3), 449 (4), 469 (2), 473, 489 (4), 490, 509, 510 (2), 511, 531 (3), 537, 542, 549 (2), 550 (2), 555, 560, 575 (3), 587, 593 (2), 594, 599, 606, 617, 618, 623, 629, 635, 643 (2), 649 (2), 651 (2), 673 (3), 681, 693, 694, 695 (2), 711 (2), 737, 742, 743 (2), 744, 747, 755, 758. | | | |
| DROPPED:— | | | |
| 21, 25, 26 (2), 27, 78, 106 (3), 112, 143, 144 (2), 253 (3), 261, 324, 401 (2), 402 (3), 432, 433 (2), 449 (4), 460, 469, 489 (3), 504, 651, 695 (2), 713, 743 (2), 758. | | | |
| POSTPONED:— | | | |
| 408. | | | |
| MOUNT PLEASANT TRAMROAD BILL:— | | | |
| Petition praying leave to introduce, 349; motion made for and leave granted, 402; presented and read 1°, 403; referred to Select Committee, 510; Report brought up, 542; Bill read 2°, committed, and reported, 566; read 3°, passed, and sent to Legislative Council, 588; returned by Council without Amendment, 713; Assent reported, 748 | 5 | 639 | |
| Petition in reference to, 537 | 5 | 637 | |
| MUDGE (See "ROADS"; also "POSTMASTER");— | | | |
| STREETS:— | | | |
| Motion made for Correspondence in reference to alignment of, 261; laid on Table, 747 | 5 | 649 | |
| MUNICIPAL (See also "TOWN HALL SITE EXCHANGE BILL");— | | | |
| COUNCIL:— | | | |
| Petition from Randwick relative to regulations respecting public vehicles, 317 | 5 | 721 | |
| MUNICIPALITIES LAW AMENDMENT BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 177; presented and read 1°, 260; discharged from Paper, 755. | | | |
| Petitions presented in reference to, from— | | | |
| Inhabitants of Shoalhaven, 357..... | 5 | 743 | |
| " Kiama, 582..... | 5 | 745 | |
| Ditto, ditto, (<i>informal</i>), 503. | | | |
| Municipal Council, Waverley, 606 | 5 | 749 | |
| " Paddington, 635 | 5 | 737 | |
| " Waterloo, 663..... | 5 | 739 | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|------|---------|--|
| | VOL. | PAGE. | |
| O | | | |
| ORDER :— | | | |
| QUESTIONS OF :— | | | |
| In reference to :— | | | |
| Matters occurring in Select Committee before Report brought up, 141. | | | |
| Language of Petition, 142; referred to Standing Orders Committee, 149; | | | |
| Report brought up, 157. | | | |
| Irrelevancy of Members' argument, 150. | | | |
| Irregularity of Petitions, 157, 245, 284, 509. | | | |
| Rule of Debate, 186. | | | |
| Initiation of Bills relating to trade, 193. | | | |
| Initiation of Money Bills, 599, 611, 635, 650, 749. | | | |
| Notices of Motion, 223, 606, 743. | | | |
| Members changing sides after Tellers appointed on a Division, 252. | | | |
| Notice being taken of the absence of a Quorum during a Ballot for Select Committee, 253. | | | |
| Language of questions put to Ministers, 284. | | | |
| Clerk expunging objectionable matter from questions, 284. | | | |
| Bell being rung before House counted, 317; referred to Standing Orders Committee, 325; Report brought up, 375 | 1 | 1033 | |
| Absence of Clause limiting duration of Bill as required by, 381st; Standing Order of House of Commons, 349. | | | |
| Members personally interested in matters before the House, 582. | | | |
| Proceedings on Orders of the Day, 587. | | | |
| Petition presented after Select Committee have reported on Private Bills, 588. | | | |
| Proceedings in Select Committee in reference to Preamble to Private Bills, 687. | | | |
| Amendments on Council's Amendments in Bills not being relevant, 749. | | | |
| Reports from Select Committee not being signed by Chairman, 753. | | | |
| Correspondence with Clerk of House of Commons in reference to, 549 | 1 | 1047 | |
| ORDERS :— | | | |
| SESSIONAL (See "SESSIONAL.") | | | |
| STANDING (See "STANDING.") | | | |
| OF THE DAY :— | | | |
| Discharged, 755. | | | |
| ORDNANCE :— | | | |
| RETURNS :— | | | |
| Laid on Table, 2 | 2 | 635 | |
| LAND ACT AMENDMENT BILL :— | | | |
| Presented and read 1 ^o , 2; no further action taken. | | | |
| OVERSEERS (See "ROADS.") | | | |
| OYSTER FISHERIES BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 16; presented and read 1 ^o , 16; discharged from Paper, 755. | | | |
| Petition in opposition to, 25 | 5 | 1193 | |
| P | | | |
| PACIFIC FIRE AND MARINE INSURANCE COMPANY'S INCORPORATION BILL :— | | | |
| Petition praying for leave to introduce, 503; leave granted, 510; presented and read 1 ^o , 510; referred to Select Committee, 549; Report brought up, 565; read 2 ^o , committed, and reported, 588; read 3 ^o , passed, and sent to Legislative Council, 611; returned by Council without Amendment, 650; Assent reported, 712 | 5 | 735 | |
| PARKER :— | | | |
| SIR H. W. (See "CROWN LANDS.") | | | |
| PARKES :— | | | |
| HENRY (See "EMIGRATION"; also "PRISONS.") | | | |
| PARLIAMENT :— | | | |
| Opening of, 1; Prorogation of, 762. | | | |
| PAYMENT OF MEMBERS OF :— | | | |
| Petition in favour of from New England, 163 | 1 | 1011 | |
| Resolution moved in reference to, 376. | | | |
| EMPLOYMENT OF MEMBERS OF BY GOVERNMENT :— | | | |
| Motion made for Return of names of, 550. | | | |
| TIME FOR RE-ASSEMBLING OF :— | | | |
| Resolution moved in reference to, 714. | | | |
| HOUSES OF, SITE BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 515; presented and read 1 ^o , 515; discharged from Paper, 532. | | | |
| PARLIAMENTARY :— | | | |
| STAND :— | | | |
| Resolution moved in reference to erection of in Domain, 171. | | | |
| OFFICERS' SALARIES BILL :— | | | |
| Motion made for preliminary Committee, 177; Message No. 4 from Governor covering Schedule, 293; Order for consideration in Committee discharged from Paper, 707; Order for preliminary Committee discharged from Paper, 755 | 1 | 1043 | |
| PARRAMATTA (See "GAOLER"; also "ROADS.") | | | |
| PASTORAL INTERESTS CONTRIBUTION BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 93; presented and read 1 ^o , 93; discharged from Paper, 755. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|---|---|---------------|-------|
| | | VOL. | PAGE. |
| P | | | |
| PASTORAL INTERESTS CONTRIBUTION BILL (Continued):— | | | |
| Petitions in opposition to, from— | | | |
| Committee of Muswellbrook Benevolent Society, 150 | 4 | 1109 | |
| „ Goulburn Hospital, 178..... | 4 | 1111 | |
| „ Scone Benevolent Society, 207 | 4 | 1113 | |
| „ Singleton ditto 251..... | 4 | 1115 | |
| „ Albury ditto 293..... | 4 | 1117 | |
| „ Tamworth ditto 339..... | 4 | 1119 | |
| „ Murrurundi ditto 339..... | 4 | 1121 | |
| „ Maitland Hospital, 431 | 4 | 1123 | |
| LEASES (See "CROWN LANDS.") | | | |
| PATERSON (See "BRIDGE.") | | | |
| PAWNBROKERS' BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 78; presented and read 1 ^o , 78; Bill withdrawn, 252; Motion made for preliminary Committee, 376; House in Committee, resolution reported and adopted, 400; Bill presented and read 1 ^o , 400; second reading postponed, 464; referred to Select Committee, 504. | | | |
| Petitions in opposition to, from:— | | | |
| Pawnbrokers of Sydney, 141 | 2 | 705 | |
| Inhabitants do. 163. | 2 | 707 | |
| Do. do. 503. | 2 | 709 | |
| PAYMENT OF WAGES IN MONEY COMPULSION BILL:— | | | |
| Motion made for preliminary Committee, 673; Order of the Day discharged from Paper, 755. | | | |
| PECUNIARY:— | | | |
| INTEREST (See "PARLIAMENT.") | | | |
| PEISLEY J., ESQUIRE:— | | | |
| Resignation of Seat for Orange, 69. | | | |
| PERSONAL:— | | | |
| INTEREST (See "PARLIAMENT.") | | | |
| PETIT MR. C., (See "POSTMASTER.") | | | |
| PETITIONS:— | | | |
| PRINTING OF:— | | | |
| Sessional Order in reference to, 34; suspension of, 149. | | | |
| Interpretation of, 53; further interpretation of, 215. | | | |
| OF G. U. ALLEY:— | | | |
| Read by Clerk, 142; suspension of Sessional Order in reference to, 149; referred to Standing Orders Committee, 149; Report brought up, 157; adopted, 304. | | | |
| INFORMALITY IN:— | | | |
| Signature of Chairman of Public Meeting, 157; addressed to Council, 245, 284; signatures on separate sheet, 260. | | | |
| Praying leave to introduce Private Bill, 261; Appendices to, 509. | | | |
| PETO & CO. (See "RAILWAY.") | | | |
| PILOT (See also "GRIEVANCES.") | | | |
| BOARD:— | | | |
| Petition presented from certain late Members of, 2; ordered to be printed, 9; Motion made for papers connected with the dismissal of, 21; laid on Table, 25; Select Committee appointed, 86; Committee empowered to make visits of inspection to schooner "Sea Witch," 339; Report brought up, 510; Motion made for adoption of, 594..... | | | |
| | 2 | 935, 937, 957 | |
| PILOTAGE:— | | | |
| REGULATIONS:— | | | |
| Petition praying the revision of, 33 | 2 | 1145 | |
| SERVICE:— | | | |
| Motion made for Committee of the Whole in reference to funds for providing a Steam Tug for Richmond River, 694. | | | |
| NEWCASTLE:— | | | |
| Motion made for Statistics in reference to, 143. | | | |
| PILOTAGE BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 33; presented and read 1 ^o , 34; read 2 ^o , 474; discharged from Paper, 755. | | | |
| PISCICULTURE (See "FISH.") | | | |
| PITT-STREET:— | | | |
| TRAMWAY:— | | | |
| Motion made for Return of Cost Construction, &c., 21; laid on Table, 53; Resolution moved in reference to its being taken up, 85; Resolution moved in reference to experiments in heavy loading upon, 113; Select Committee appointed to inquire into working of, 253; leave given to make Special Report, 369; Special Report brought up, 369; Progress Report brought up, 735; Petition in reference to injuries sustained by a passenger on, 86; Motion made to refer to Select Committee, 325 | | | |
| | 5 | 563 567 | |
| Petition in opposition to, from certain Residents of Sydney, 53..... | | | |
| | 5 | 561 | |
| PLANS (See "RAILWAY"; also "CROWN LANDS.") | | | |
| PLEURO-PNEUMONIA (See "CATTLE.") | | | |
| PLUNKETT, THE HON. J. H.:— | | | |
| Message requesting attendance as Witness before Select Committee of Legislative Assembly, 581; reply, 533. | | | |
| POLICE:— | | | |
| FORCE:— | | | |
| Rules for New South Wales, 15..... | 2 | 245 | |
| Report upon progress of formation of, 324 | 2 | 271 | |
| Motion made for Return of Penalties, &c., inflicted by Officers of, 401. | | | |
| Return of the Names of Detectives, 542..... | 2 | 277 | |
| Petition from W. P. Moffat in reference to, 479..... | 2 | 533 | |
| PROTECTION, FISH RIVER:— | | | |
| Resolution moved in reference to, and by leave withdrawn, 106. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|--|---------|--------------------|
| | VOL. | PAGE. |
| P | | |
| POLICE (Continued):— | | |
| JAMES KILLOUGH , Petition complaining of his dismissal from the Force, presented Session 1861-2; ordered to be printed, 34 | 5 | 851 |
| ARRANGEMENTS AT MATTLAND AND BLACK CREEK:— | | |
| Motion made for papers in reference to, 134. | | |
| MAGISTRATE FOR GUNNEDAH:— | | |
| Petition praying for the appointment of, 376..... | 2 | 531 |
| CHIEF CONSTABLE:— | | |
| Petition from Alfred Witts, complaining of his dismissal from force, 376; Select Committee appointed to inquire into, 450; Report brought up, 663; Motion made for adoption of, and by leave withdrawn, 694..... | 2 | 353, 355 |
| REGULATION ACT OF 1862:— | | |
| Motion made for Return of all Robberies, &c., committed since the passing of, 489; laid on Table (<i>in part</i>), 519 | 2 | 535 |
| SYDNEY:— | | |
| Motion made for Correspondence in reference to dismissal of P. J. Moroney from, 551; laid on Table, 623. | | |
| SERGEANT MAJOR LAWRENCE:— | | |
| Petition complaining of his dismissal from the force, 193; Correspondence in reference to, 269; Select Committee appointed to inquire into the circumstances, 295; Petition praying for leave to be heard by Counsel, and leave granted, 421; Member added to Committee, 519; Report brought up, 576 | 2 | 279, 281, 283, 297 |
| OFFICE GEORGE-STREET:— | | |
| Select Committee appointed to inquire into Management of, 170; Committee empowered to send for persons and papers, 201; Report brought up, 735.. | 2 | 383 |
| Petition of William Radley in reference to, 383; referred to Select Committee, 581 | 2 | 85 |
| REGULATION ACT REPEAL BILL:— | | |
| Motion made for leave to introduce, and House counted out, 469. | | |
| PORT JACKSON (See "FORTIFICATIONS.") | | |
| POSTAL:— | | |
| INTERCEPTED LETTER:— | | |
| Return to Order (Session 1861-2) in reference to, 2 | 2 | 711 |
| CONTRACT (MRS. MARY JONES):— | | |
| Motion made for Committee of the Whole, to consider Address for Compensation to, 134; House in Committee, Resolution reported and adopted, 400. | | |
| TIME TABLE, BRAIDWOOD:— | | |
| Motion made for Report of Inspector upon, 143; laid on Table, 293 | 2 | 911 |
| TRIPLE DAILY DELIVERY:— | | |
| Resolution moved in reference to in Sydney, 295. | | |
| STEAM SERVICE:— | | |
| Correspondence respecting additional subsidy, 449 | 2 | 905 |
| POSTMASTER:— | | |
| SINGLETON:— | | |
| Petition presented respecting the removal of Charles Petit from the office of, 469; Motion made for Correspondence in reference to, 489; laid on Table, 559 | 2 | 919, 921 |
| MUDGE:— | | |
| Petition presented complaining of the dismissal of H. Tebbutt from the office of, 673..... | 2 | 927 |
| POST OFFICE:— | | |
| RETURNS:— | | |
| Return to Order (Session 1861-2), 25 | 2 | 735 |
| GUNBAROO:— | | |
| Motion made for Correspondence in reference to detention of Letters, &c., 25; laid on Table, 69 | 2 | 729 |
| SYDNEY:— | | |
| Report of Board of Inquiry into the working of, 25 | 2 | 747 |
| Annual Report (seventh), 711 | 2 | 879 |
| POSTS SIGNAL (See "RAILWAY.") | | |
| POUNDAGE:— | | |
| PROCEEDS UNCLAIMED:— | | |
| Motion made for Return in reference to Amount of, paid to Treasurers of Charitable Institutions, 694. | | |
| POUNDKEEPERS:— | | |
| Motion made for Return of the names, &c. of, 644. | | |
| POUNDS (See "POUNDKEEPERS.") | | |
| PRACTICE:— | | |
| RULES OF (See "SESSIONAL ORDERS.") | | |
| PRAYER:— | | |
| BEFORE COMMENCEMENT OF BUSINESS:— | | |
| Resolution moved in reference to, 112; Sessional Order adopted, 112; Read by Speaker, 119, 125, 133; Sessional Order rescinded, 134. | | |
| PRECEDENCE (See "ECCLESIASTICAL.") | | |
| PRE-EMPTIVE:— | | |
| Right (See "CROWN LANDS.") | | |
| PRESBYTERIAN COLLEGE BILL:— | | |
| Petition praying for leave to introduce, 259; second Petition presented, with similar: prayer, 284; leave granted, 295; Bill presented and read 1 ^o , 295; referred to Select Committee, 325; Report brought up, 644; Motion made for second reading of Bill, and debate adjourned, 687; Bill discharged from Paper, 737..... | 4 | 239 |
| Petitions in opposition to, from,—Rev. J. M'Gibbon, 323; and Synod of Australia, 593,—referred to Select Committee, 593 | 4 | 235, 237 |
| PRESBYTERIAN CHURCH TEMPORALITIES ACTS:— | | |
| Motion made for adoption of Report of Select Committee of Session 1861-2 upon; 47. | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|--|---------|------------|
| | | VOL. | PAGE. |
| P | | | |
| PRESENTATION :— | | | |
| Of Bills (See "BILLS.") | | | |
| PRESERVATION OF GAME BILL (See "GAME.") | | | |
| PRIMOGENITURE LAW OF ABOLITION BILL (See "LAW OF PRIMOGENITURE BILL.") | | | |
| PRINCE CONSORT (See "DEATH.") | | | |
| PRINCE OF WALES :— | | | |
| MAJORITY OF :— | | | |
| Motion made for Returns of Prisoners released on the occasion of, 714; laid on Table, 753..... | | 2 | 229 |
| PRINTING (See "PETITIONS"; also "ASSEMBLY.") | | | |
| PRISONS :— | | | |
| IN ENGLAND :— | | | |
| Letter from H. Parkes, Esq., in reference to, 441..... | | 2 | 605 |
| PRISONERS (See "PRINCE OF WALES.") | | | |
| PRIVATE (See "LUNATIC"; also "ROADS.") | | | |
| PRIVILEGE :— | | | |
| BREACH OF :— | | | |
| In reference to, — | | | |
| Qualification of M. M. Moriarty, Esq., Member for Braidwood, referred to Committee of Elections and Qualifications, 40; Report brought up, 86 .. Document produced before Select Committee and removed by witness, 369. | | 1 | 991 |
| Clerk required to produce Document before Select Committee, 560. | | | |
| Initiation of Money Bill by Legislative Council, 581. | | | |
| Amendments made by Legislative Council in Money Bill, 599. | | | |
| Publication of Report of Select Committee before being laid on the Table, 761. | | | |
| Question of, not suddenly arising, 761. | | | |
| PROCLAMATION (See "CATTLE"; "PARLIAMENT"; also "LAND.") | | | |
| PROPAGATION :— | | | |
| OF SALMON (See "FISH.") | | | |
| PROPERTY :— | | | |
| CONFISCATED (See "ADMINISTRATION OF JUSTICE.") | | | |
| PROPERTY LAW TRUSTEES AND MORTGAGEES BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 34; presented and read 1 ^o , 34; referred to Select Committee on " <i>Land Titles Declaration Bill</i> ," 62: Member of Legislative Council requested to appear as witness, 437; Reply, 437; Final Report brought up, 469; Bill read 2 ^o , committed, and reported with Amendments, 651; read 3 ^o , passed, and sent to Legislative Council, 664; returned by Council, with Amendments, 729; Council's Amendments agreed to, 744; assent reported, 758 | | 4 | 1273 |
| PROPERTY REAL BILL (See "REAL PROPERTY BILL.") | | | |
| PROROGATION (See "PARLIAMENT.") | | | |
| PUBLIC :— | | | |
| WORKS LOAN BILL :— | | | |
| Bill presented and read 1 ^o , 730; read 2 ^o , committed, and reported, 748; Read 3 ^o , passed, and sent to Legislative Council, 748; returned by Council without Amendment, 758; presented for Assent, 762; assented to, 762. | | | |
| ACCOUNTS (See "FINANCE.") | | | |
| LIBRARY (See "LIBRARY.") | | | |
| MONEY (See "FINANCE.") | | | |
| OFFICERS (See "TRAVELLING"; also "SECURITY.") | | | |
| PURPOSES (See "LANDS.") | | | |
| RESEVES (See "LANDS.") | | | |
| STATUTES OF NEW SOUTH WALES :— | | | |
| Fourth vol. laid on Table, 2. | | | |
| WORKS (See "FINANCE.") | | | |
| WORSHIP (See "GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.") | | | |
| VEHICLES :— | | | |
| Petition in reference to Regulations respecting, 317..... | | 5 | 721 |
| PUBLICANS :— | | | |
| LICENSE FEE (See "LICENSES.") | | | |
| PURTELL, JOHN (See "CATTLE.") | | | |
| PYRMONT (See "RAILWAY.") | | | |
| Q | | | |
| QUALIFICATIONS (See "ELECTIONS.") | | | |
| QUEEN :— | | | |
| HER MAJESTY THE (See "DEATH OF PRINCE CONSORT.") | | | |
| v. WHITTAKER (See "ADMINISTRATION OF JUSTICE.") | | | |
| QUEENSLAND :— | | | |
| DEBT BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 61; presented and read 1 ^o , 61; read 2 ^o , committed, and reported with an Amendment, 473; read 3 ^o , passed, and sent to Legislative Council, 493; returned by Council without Amendment, 541; Assent reported, 623. | | | |
| PUBLIC DEBT :— | | | |
| Despatch respecting, 15; further Correspondence respecting adjustment of, 149 | | 1 | 1081, 1035 |
| QUESTIONS (See also "ORDER") :— | | | |
| PUT TO MINISTERS :— | | | |
| Ruling of Speaker in reference to language of, 284. | | | |
| QUIT RENT (See "CROWN LANDS.") | | | |
| QUORUM (See "ADJOURNMENTS.") | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|--|---------|------------|
| R | VOL. | PAGE. |
| RADLEY W. (See "POLICE OFFICE.") | | |
| RAILWAY :— | | |
| COST AND EXPENDITURE OF :— | | |
| Return to Order (Session 1861-2) in reference to, 2 | 5 | 439 |
| COMMUNICATION WITH THE INTERIOR :— | | |
| Petition praying for improved means of, ordered to be printed, 26 | 5 | 445 |
| SIGNAL POSTS :— | | |
| Motion made for return of cost of, 27 ; laid on Table, 33 | 5 | 443 |
| CONTRACTS :— | | |
| Return to Order (Session 1860) in reference to, 69 ; motion made for copy of agreement with Agents of Messrs. Peto and Co., 87 | 5 | 415 |
| PLANS :— | | |
| Copies of, with Books of Reference, exhibited, 87, 323. | | |
| Resolution moved in reference to, 113, 363. | | |
| STATION, SYDNEY :— | | |
| Petition complaining of losses sustained by H. W. Dudley, as Lessee of Refreshment Room, 111 | 5 | 447 |
| PYRMONT :— | | |
| Resolution moved relative to experiments on, 113. | | |
| Do. do. extension of, 325. | | |
| Petition in reference to extension of, 757 | 5 | 455 |
| Petition relative to the non-completion of, 532 | 5 | 457 |
| Select Committee appointed to inquire into, 694 ; Petition from J. Harris and others, praying leave to be heard by Counsel, and leave granted, 735 | 5 | 459 |
| STATION, HILL END :— | | |
| Motion made for Correspondence relative to the erection of, 510. | | |
| TRUCK SYSTEM OF PAYMENT OF WAGES :— | | |
| Petition praying that steps may be taken to suppress the system on Southern Railway, 593 | 5 | 451 |
| NAVIES :— | | |
| Motion made for Committee of the Whole, to consider Address for funds for Immigration of, and House counted out, 644. | | |
| STATION, HEXHAM :— | | |
| Petition from John Hannell in opposition to the removal of, 673 | 5 | 453 |
| ENGINEER-IN-CHIEF FOR :— | | |
| Resolution moved in reference to the payment of Salary of out of money raised by Loan, 695. | | |
| NORTHERN EXTENSION :— | | |
| Motion made for Correspondence relative to Claims for Compensation, 711. | | |
| MAITLAND AND MORPETH COMPANY :— | | |
| Motion made for Committee of the Whole, to consider Address for funds to compensate, 350 ; House in Committee, and counted out, 370. | | |
| BULLI COAL MINING COMPANY'S,—BILL (See "BULLI.") | | |
| BOTANY,—BILL (See "BOTANY.") | | |
| CO-OPERATIVE COAL MINING COMPANY'S,—BILL (See "CO-OPERATIVE.") | | |
| MOREHEAD AND YOUNG'S,—BILL (See "MOREHEAD.") | | |
| TAYLOR AND WALKER'S,—BILL (See "TAYLOR.") | | |
| RAILWAYS, GOVERNMENT LEASING BILL (See "GOVERNMENT.") | | |
| RALFE JAMES (See "GRIEVANCES.") | | |
| RANDWICK :— | | |
| ALLOTMENTS (See "CROWN LANDS.") | | |
| REAL ESTATE OF INTESATES DISTRIBUTION BILL (See also "LAW OF PRIMOGENITURE ABOLITION BILL.") | | |
| Motion made for leave to introduce, and leave granted, 85 ; presented and read 1 ^o , 86 ; Motion made for second reading, and Debate adjourned, 285 ; Debate resumed, and read 2 ^o , committed, and reported with Amendments, 450 ; read 3 ^o , passed, 463 ; sent to Legislative Council, 465 ; returned by Council with Amendments, 729 ; Council's Amendments agreed to with an Amendment, 736 ; Message to Council, 741 ; Council agrees to Assembly's Amendment, 748 ; reserved, 762. | | |
| REAL PROPERTY BILL :— | | |
| Motion made for preliminary Committee, 48 ; House in Committee, and Resolution reported, 77 ; Bill presented and read 1 ^o , 251 ; discharged from Paper, 451. | | |
| REDMAN, W., ESQ. :— | | |
| Motion made for leave of absence to, and negatived, 350. | | |
| REGISTER :— | | |
| STATISTICAL FOR 1861 , 519 | 3 | 703 |
| REGISTRAR :— | | |
| DEPUTY TO BISHOP :— | | |
| Message, No. 5, from Governor, recommending payment for services rendered in preparing Indices to Births, &c., 294 ; letter from Mr. H. K. James, relative to Indices, 736 ; motion in reference to, ruled inadmissible, 743 .. | 3 | 1033, 1035 |
| GENERAL :— | | |
| Sixth Annual Report of Births, Deaths, and Marriages, 303 | 3 | 1005 |
| REGISTRATION CLERGY RETURNS BILL (See "CLERGY.") | | |
| REGISTRATION OF BRANDS BILL (See "BRANDS.") | | |
| REGISTRY (See also "LAND TRANSFER BILL.") | | |
| OF WRECKS :— | | |
| Resolution moved in reference to, 743. | | |
| REGULATIONS (See "ABATTOIRS," "POLICE"; also "PILOTAGE.") | | |
| RELIEF (See "LANCASHIRE.") | | |
| RELIGION (See "GRANTS FOR PUBLIC WORSHIP"; also "CHURCH.") | | |
| STATE AID TO :— | | |
| Petition presented in favour of, from— | | |
| Inhabitants of Fairy Meadow, 99 | 4 | 593 |
| " American Creek, 99 | 4 | 595 |
| " Wollongong, 105 | 4 | 597 |
| " Camden, 105 | 4 | 599 |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|---------|-------|
| R | | VOL. | PAGE. |
| RELIGION (Continued):— | | | |
| STATE AID TO (Continued):— | | | |
| Petition presented in favour of, from— | | | |
| Inhabitants of Wilberforce, 111..... | 4 | 603 | |
| " Pitt Town, 111..... | 4 | 605 | |
| " Upper Colo, 111..... | 4 | 601 | |
| " Parish of St. James', 119..... | 4 | 609 | |
| " Parish of Holy Trinity, 119..... | 4 | 607 | |
| " Bulli, 119..... | 4 | 611 | |
| " Windsor, 125..... | 4 | 617 | |
| " Richmond, 125..... | 4 | 613 | |
| " Bathurst, 125..... | 4 | 619 | |
| " Dapto, 125..... | 4 | 615 | |
| " Picton and the Oaks, 141..... | 4 | 621 | |
| " Cook and Narellan, 163..... | 4 | 623 | |
| " Ryde, 177..... | 4 | 625 | |
| " Willoughby, 177..... | 4 | 629 | |
| " Darlinghurst, 177..... | 4 | 627 | |
| " Patrick's Plains, 185..... | 4 | 631 | |
| " Mudgee, 185..... | 4 | 636 | |
| " Queanbeyan, 185..... | 4 | 635 | |
| " Ashfield, &c., 186..... | 4 | 637 | |
| " Parramatta, 193..... | 4 | 639 | |
| Richard Bligh and others, 198..... | 4 | 641 | |
| Members of Church of England, Chippendale, &c., 193..... | 4 | 645 | |
| " Jamberoo, 230..... | 4 | 657 | |
| Inhabitants of Goulburn, 193..... | 4 | 643 | |
| " Cook's River, 201..... | 4 | 647 | |
| " Petersham, 237..... | 4 | 685 | |
| " Smithfield, 207..... | 4 | 649 | |
| " Charcoal, 215..... | 4 | 651 | |
| " Sofala, 229..... | 4 | 655 | |
| " Berrima, 229..... | 4 | 673 | |
| " Sutton Forest, 229..... | 4 | 659 | |
| " Murrurundi, 229..... | 4 | 653 | |
| Catholics of East Maitland, 237..... | 4 | 683 | |
| " Campbelltown, 237..... | 4 | 659 | |
| " St. Patrick's, Sydney, 237..... | 4 | 681 | |
| " St. Benedict's, 237..... | 4 | 679 | |
| " St. Mary's, 237..... | 4 | 665 | |
| Residents in Williams District, 237..... | 4 | 667 | |
| Clergy of Church of England, 237..... | 4 | 671 | |
| Catholics of Picton, 237..... | 4 | 663 | |
| " Muswellbrook, 237..... | 4 | 661 | |
| " Raymond Terrace, 237..... | 4 | 687 | |
| Inhabitants of Wagga Wagga, 238..... | 4 | 675 | |
| Catholics of West Maitland, 238..... | 4 | 669 | |
| " Balmain, 238..... | 4 | 691 | |
| " Nepean, 238..... | 4 | 677 | |
| " Morpeth, 245..... | 4 | 693 | |
| " Liverpool, 245..... | 4 | 695 | |
| " Wollongong, &c., 251..... | 4 | 701 | |
| " Waverley, 251..... | 4 | 699 | |
| " Parish of Sacred Heart, 251..... | 4 | 697 | |
| Inhabitants of Tenterfield, 259..... | 4 | 587 | |
| " Cooma, 259..... | 4 | 703 | |
| " Ulladulla, 223..... | 4 | 589 | |
| Catholics of Goulburn, 284..... | 4 | 705 | |
| " St. Leonards, 284..... | 4 | 711 | |
| Inhabitants of Kiama, 375..... | 4 | 713 | |
| Catholics of Kiama and Jamberoo, 284..... | 4 | 715 | |
| " Hartley, 284..... | 4 | 707 | |
| Residents of Maneroo, 284..... | 4 | 709 | |
| " Dooral, 284..... | 4 | 717 | |
| Catholics of Gundagai, 293..... | 4 | 719 | |
| " Peel and Sofala, 303..... | 4 | 721 | |
| " Braidwood, 303..... | 4 | 727 | |
| Residents of Yass, 304..... | 4 | 723 | |
| Catholics of Windsor, 311..... | 4 | 733 | |
| " Wellington, 311..... | 4 | 731 | |
| " Ryde, 311..... | 4 | 729 | |
| " Mudgee, 317..... | 4 | 735 | |
| " Yass, 331..... | 4 | 725 | |
| Inhabitants of Bathurst, 331..... | 4 | 737 | |
| " Shoalhaven, 349..... | 4 | 739 | |
| Catholics of Moruya, 349..... | 4 | 741 | |
| " Gosford, 369..... | 4 | 743 | |
| Inhabitants of Tumut, 376..... | 4 | 745 | |
| In opposition to, from— | | | |
| Committee of the Synod of Australia, 125..... | 4 | 585 | |
| Office-bearers of the Wesleyan Church, 169..... | 4 | 567 | |
| Mr. Geoffrey Eagar, 169..... | 4 | 577 | |
| Members of the Baptist Chapel, Bathurst-street, 170..... | 4 | 569 | |
| " Liverpool-street, 177..... | 4 | 571 | |
| Citizens of Sydney, 178..... | 4 | 573 | |
| George Whitford and others, 193..... | 4 | 579 | |
| Members of the Home Missionary Society, 207..... | 4 | 581 | |
| Inhabitants of Smithfield, 237..... | 4 | 583 | |
| Citizens of Sydney, 238..... | 4 | 575 | |
| Ulladulla, 269..... | 4 | 591 | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|---------|-------|
| | | VOL. | PAGE. |
| R | | | |
| RELIGIOUS :— | | | |
| PURPOSES :— | | | |
| Abstract of Lands dedicated to, after the passing of the Constitution Act, 61. | 4 | 755 | |
| EQUALITY :— | | | |
| Resolutions moved in reference to, and House counted out, 87. | | | |
| Resolutions again moved, 170. | | | |
| REPORTS :— | | | |
| FROM :— | | | |
| Sydney Municipal Council—Sewerage and Water Supply, 2 | 5 | 723 | |
| Medical Adviser, on Vaccination, for 1861, 2 | 5 | 823 | |
| Commission on Light House, Jervis Bay, 2 | 2 | 931 | |
| Board of Inquiry into Management of Post Office, 25 | 2 | 747 | |
| Trustees of Australian Museum, 111 | 5 | 759 | |
| Senate of University of Sydney, 185 | 4 | 309 | |
| Trustees of Sydney Grammar School, 207 | 4 | 307 | |
| Registrar General, 303 | 3 | 1005 | |
| Denominational School Board, 376 | 4 | 219 | |
| W. D. Campbell, on Claims of Chinese for losses sustained during Riots at Burrayong, 399 | 4 | 9 | |
| Commissioners of National Education, 615 | 4 | 171 | |
| Mr. W. Keene, on Carboniferous and Auriferous Deposits, 587 | 5 | 1185 | |
| Select Committee of House of Commons on Sydney Mint, 643 | 4 | 125 | |
| Postmaster General, for 1861, 711 | 2 | 879 | |
| STANDING COMMITTEES :— | | | |
| Standing Orders—Petition of G. U. Alley, 157. | | | |
| " Rules of Practice relative to Ballot Papers and Initiation of Bills, 261 | 1 | 1029 | |
| " Question of Order respecting Division Bell, 375 | 1 | 1033 | |
| Elections and Qualifications—Question of Privilege, Seat of Member for Braidwood, 86 | 1 | 991 | |
| LIBRARY :— | | | |
| Alteration in arrangements of Parliamentary, 283 | 1 | 1037 | |
| SELECT COMMITTEES :— | | | |
| In reply to Governor's Opening Speech, 3. | | | |
| Address of Condolence to Her Majesty on the Death of the Prince Consort, 25 | 1 | 1059 | |
| Liverpool and London Fire and Life Insurance Company's Bill, 134 | 5 | 779 | |
| Land Titles Declaration Bill (Progress), 269 | 4 | 1125 | |
| Ditto ditto, (Final) | 4 | 1273 | |
| Pitt-street Tramway (Special), 369. | | | |
| (Progress) 735 | 5 | 567 | |
| Bulli Coal Mining Company's Railway Bill, 376 | 5 | 533 | |
| James Ralfe, 399 | 5 | 937 | |
| Newcastle Church Land Sale Bill, 402 | 4 | 779 | |
| Bonded Distilleries and Sugar Houses Bill, 407 | 2 | 655 | |
| Mr. A. E. Bush, 408 | 4 | 43 | |
| Gibson's Estate Bill, 421 | 5 | 1163 | |
| Tanners and Carriers Bill, 463 | 5 | 1121 | |
| Co-operative Coal Mining Company's Bill, 473 | 5 | 543 | |
| Botany Railway Company's Bill, 479 | 5 | 551 | |
| Field of Mars Common, 485 | 5 | 1 | |
| Pilot Board, 510 | 2 | 957 | |
| Town Hall Site Exchange Bill, 532 | 5 | 729 | |
| Morehead and Young's Railway Bill, 532 | 5 | 471 | |
| Mount Pleasant Tramroad Bill, 542 | 5 | 639 | |
| Taylor and Walker's Railway Bill, 549 | 5 | 525 | |
| Pacific Fire and Marine Insurance Company's Incorporation Bill, 565 | 5 | 785 | |
| Mr. Charles Phillips Lawrence, 576 | 2 | 297 | |
| United Fire and Life Insurance Company's Incorporation Bill, 593 | 5 | 791 | |
| Mr. Francis Flanagan, 593 | 5 | 943 | |
| Exchange of Land, Scots Church, Jamison-street, Legalizing Bill, 635 | 4 | 787 | |
| Presbyterian College Bill, 644 | 4 | 239 | |
| Alfred Witts, 663 | 2 | 355 | |
| Slaughter of Cattle under Cattle Disease Prevention Act, 693 | 5 | 173 | |
| Mr. W. Sims Bell, 694 | 5 | 877 | |
| Mr. Andrew Lenehan, 699 | 5 | 897 | |
| Waratah Coal Company's Incorporation Bill, 721 | 5 | 801 | |
| Management of Central Police Office, 735 | 2 | 383 | |
| State of Manufactures and Agriculture in the Colony (Progress), 735 | 5 | 1041 | |
| Miss Isabella Mary Kelly, 753 | 2 | 91 | |
| Petition of Thomas Duke Allen (Progress), 757 | 2 | 549 | |
| NOT SIGNED BY DULY APPOINTED CHAIRMAN, 753. | | | |
| RESCISSION :— | | | |
| OF SESSIONAL ORDER :— | | | |
| Respecting Prayer before business, 134. | | | |
| Limitation of business hours, 747. | | | |
| RESERVATION (See also "CROWN LANDS.") | | | |
| OF BILLS FOR ROYAL ASSENT :— | | | |
| By Governor at Prorogation, 762. | | | |
| RESERVES (See "CROWN LANDS.") | | | |
| RESOLUTIONS :— | | | |
| OF SUPPLY :— | | | |
| Reported to, and adopted by House, 304, 721. | | | |
| OF WAYS AND MEANS :— | | | |
| Reported to, and adopted by House, 339, 730. | | | |
| RETIREMENT (See "SPEAKER.") | | | |
| REVENUE (See "FINANCE;" also "CHURCH.") | | | |
| RIAL, WILLIAM (See "CATTLE.") | | | |
| RICHMOND (See "PILOTAGE.") | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|---|----------|-------|
| | | VOL. | PAGE. |
| R | | | |
| RIOTS :— | | | |
| BURRANGONG (See "GOLD FIELDS.") | | | |
| RIVERS (See "BRIDGE"; also "POLICE.") | | | |
| ROADS :— | | | |
| GOORANGOOLA CREEK TO SINGLETON :— | | | |
| Petition representing the great want of, 2; ordered to be printed, 11 | 5 | 409 | |
| BOWENFELS TO MUDGE :— | | | |
| Motion made for Return of Moneys expended upon, 48; laid on Table, 515; ordered to be printed, 537 | 5 | 349 | |
| GLEBE ISLAND TO PARRAMATTA :— | | | |
| Motion made for copy of Plan and Specification of, 87; laid on Table, 251. | | | |
| MAIN AND MINOR :— | | | |
| Motion made for Returns relative to Fencing of, 113. | | | |
| Resolutions moved in reference to, and by leave withdrawn, 261. | | | |
| BATHURST TO NEPEAN :— | | | |
| Resolutions moved in reference to repair of, and by leave withdrawn, 106. | | | |
| TRUST ACCOUNTS :— | | | |
| Laid on Table, 185 | 5 | 299 | |
| BLACK CREEK TO SINGLETON :— | | | |
| Petition in reference to from James Miller,—ordered to be printed, 215 | 5 | 411 | |
| MR. COLLETT, LATE INSPECTOR OF :— | | | |
| Motion made for Correspondence relative to the dismissal of, 230; laid on Table, 431 | 5 | 343 | |
| PASSING THROUGH PRIVATE PROPERTY :— | | | |
| Motion made for Return of amount of Compensation paid since Responsible Government, 260. | | | |
| SUPERINTENDENTS AND OVERSEERS :— | | | |
| Motion made for Return of Names of, &c., 261; laid on Table (<i>in part</i>), 515; Return (<i>in continuation</i>), 649 | 5 | 337, 339 | |
| ORANGE TO WELLINGTON :— | | | |
| Motion made for Return of Expenditure upon, 324; laid on Table, 515 | 5 | 347 | |
| MORPETH AND HINTON :— | | | |
| Motion made for Committee of the Whole, to consider Address for funds for repair of, 350. | | | |
| SUTTON FOREST :— | | | |
| Petition representing the inconvenience suffered from the want of, 542 | 5 | 405 | |
| Second Petition presented, 606 | 5 | 407 | |
| GREAT NORTH :— | | | |
| Return to Address (Session 1861) in reference to Trustees of, 559 | 5 | 397 | |
| STATISTICS :— | | | |
| Return to Address (Session 1861-2) 559. Motion made for printing, and negatived, 694. | | | |
| SUBORDINATE :— | | | |
| Schedule of Classification and proposed Distribution of, for 1863, 606, 623..... | 5 | 331 | |
| PARRAMATTA :— | | | |
| Motion made for Correspondence with Mr. B. C. Rodd in reference to, 694. | | | |
| MATTLAND TRUST :— | | | |
| Return to Order (Session 1861-2) in reference to, 741..... | 5 | 311 | |
| SCONE TO MOONAN :— | | | |
| Motion made for Correspondence in reference to Expenditure of Special Grant upon, 741; laid on Table, 757 | 5 | 355 | |
| MUDGE TO WELLINGTON :— | | | |
| Return to Address (Session 1861-2) in reference to, 747..... | 5 | 377 | |
| MONARO TO COAST :— | | | |
| Return to Order (Session 1861-2) in reference to, 747 | 5 | 365 | |
| ROBBERIES See ("POLICE.") | | | |
| ROBERTS :— | | | |
| MR. J. (See "GOLD FIELDS.") | | | |
| ROBERTSON :— | | | |
| MR. J. A. (See "GRIEVANCES.") | | | |
| ROD :— | | | |
| BLACK (See "USHER.") | | | |
| RODD :— | | | |
| MR. B. C. (See "ROADS.") | | | |
| ROTTON :— | | | |
| HENRY, ESQ :— | | | |
| Leave of Absence granted to, 106. | | | |
| RULES :— | | | |
| OF PRACTICE (See "STANDING ORDERS.") | | | |
| RULING :— | | | |
| OF SPEAKER (See "SPEAKER.") | | | |
| RUNS (See "CROWN LANDS.") | | | |
| S | | | |
| SALARIES See ("GOVERNOR"; also "MINISTERS.") | | | |
| SALARY (See "PARLIAMENTARY," "RAILWAY"; also "LAND TITLES.") | | | |
| SALE OF COLONIAL WINES REGULATION BILL :— | | | |
| Motion made for preliminary Committee, 376; House in Committee, resolution reported and adopted, 400; Bill presented and read 1 ^o , 400; Motion made for second reading, 425; debate adjourned, 427; read 2 ^o , 464; committed, and progress reported, 464; Committee resumed, and further progress reported, 504; further consideration postponed, 543; Committee resumed and further progress reported, 587; further consideration postponed, 637; Committee resumed, and further progress reported, 688; Committee resumed, and Bill reported with Amendments, 736; recommitted, and reported with a further Amendment, 736; recommitted, and reported with further Amendments, 736; read 3 ^o , passed, and sent to Legislative Council, 743; returned by Council without Amendment, 758; presented for Royal Assent, 762; Assented to, 762. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|--|---------|-------|
| | VOL. | PAGE. |
| S | | |
| SALE OF COLONIAL WINES REGULATION BILL (Continued) :— | | |
| Petitions presented in opposition to, from— | | |
| Licensed Victuallers, Balmain, 499 | 5 | 1209 |
| Do., Sydney, 499 | 5 | 1211 |
| Do., do., 499 | 5 | 1213 |
| Do., Parramatta, 499 | 5 | 1215 |
| Do., Maitland, 503 | 5 | 1217 |
| Do., Albury, 549 | 5 | 1219 |
| SALMON (See "FISH.") | | |
| SAMUEL SAUL, ESQ. :— | | |
| Sworn as Member for Wellington, 1. | | |
| SAVINGS (See "FINANCE.") | | |
| SAVINGS BANK LAW AMENDMENT AND CONSOLIDATION BILL :— | | |
| Motion made for leave to introduce and leave granted, 651; presented and read, 1 ^o , 651; read 2 ^o , 664; committed and reported with an Amendment, 695; read 3 ^o , passed, and sent to Legislative Council, 713; returned by Council without Amendment, 742; Assent reported, 758. | | |
| SCAB (See "SHEEP.") | | |
| SCHOOL :— | | |
| AND CHURCH LANDS (See "CHURCH," &c.) | | |
| SCONE (See "ROADS.") | | |
| SCOTS CHURCH (See "CHURCH.") | | |
| SCOTT, LYALL (See "COMMISSION OF THE PEACE.") | | |
| SEAMEN'S LAWS AMENDMENT BILL :— | | |
| Motion made for leave to introduce, and leave granted, 559; presented and read 1 ^o , 559; read 2 ^o , committed, and reported with Amendments, 755; read 3 ^o , passed, and sent to Legislative Council, 757. | | |
| SEATS :— | | |
| VACATED :— | | |
| 1, 69, 407, 499, 531, 735. | | |
| SEA WITCH (See "PILOT BOARD.") | | |
| SECRET BILLS OF SALE (AMENDED) PREVENTION BILL :— | | |
| Motion made for leave to introduce, and leave granted, 78; presented and read 1 ^o , 78; Motion made for second reading, and postponed by question of " <i>this day six months</i> ," 133; discharged from Paper, 736. | | |
| Petition in opposition to, from :— | | |
| Trade Protection Society, 133 | 5 | 1205 |
| Bankers, &c., Sydney, 133 | 5 | 1207 |
| SECURITY (See "OFFICERS.") | | |
| SEED (See "COTTON.") | | |
| SENTENCES (See "ADMINISTRATION OF JUSTICE.") | | |
| SERGEANT-AT-ARMS :— | | |
| Member given into custody of, 393. | | |
| " discharged from custody of, 393. | | |
| SERVANTS (See "MASTERS," &c.; also "OFFICERS.") | | |
| SERVICE (See "CIVIL"; also "POSTAL.") | | |
| SESSION :— | | |
| Opening of, 1. | | |
| Conclusion of, 763. | | |
| SESSIONAL :— | | |
| ORDERS :— | | |
| In reference to,— | | |
| Business days, 10. | | |
| Precedence of Government Business, 10. | | |
| Precedence of Private Business, 10. | | |
| Transmission of Messages between the two Houses, 10. | | |
| Days for Committee of Supply, 10. | | |
| Rule for Chairman's vote in Select Committee, 11. | | |
| Special powers of Standing Orders Committee, 11. | | |
| Limitation of business hours, 11. | | |
| Rescission of do., 747. | | |
| Printing of Petitions, 34. Interpretation of, 53. | | |
| Suspension of do., 149. Further interpretation of, 215. | | |
| Prayer before business, 112. Rescission of do., 134. | | |
| Rule of Practice in reference to Balloting Papers, 303. | | |
| Rule of Practice in reference to initiation of Bills, 303. | | |
| SEWERAGE :— | | |
| AND WATER SUPPLY :— | | |
| Report from Sydney Municipal Council upon, 2 | 5 | 723 |
| SHEEP :— | | |
| DESTROYED UNDER SCAB ACT :— | | |
| Motion made for Correspondence in reference to, 743. | | |
| SHIPPING (See "PILOTAGE"; also "NEWCASTLE.") | | |
| SHIPWRECKS (See "REGISTRY.") | | |
| SHOALHAVEN (See "ALLEY, G. U.," "DISTRICT COURTS"; also "MOSS.") | | |
| SIGNAL :— | | |
| POSTS (See "RAILWAY.") | | |
| SIMPSON, MR. PERCY (See "GRIEVANCES.") | | |
| SINGLETON (See "ROADS"; also "POSTMASTER.") | | |
| SITE (See "LIBRARY," "PARLIAMENT HOUSES"; also "TOWN HALL.") | | |
| SKERRETT (See "MISS KELLY.") | | |
| SLAUGHTER (See "CATTLE.") | | |
| SMITH CHARLES (See "PILOT BOARD.") | | |
| SMITH JOHN (See "DISTRICT COURT.") | | |
| SOFALA (See "CROWN LANDS.") | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | | | |
|---|--|---------|-------|---|------|
| S | | VOL. | PAGE. | | |
| SPEAKER:— | | | | | |
| WARRANT OF:— | | | | | |
| Appointing Committee of Elections and Qualifications, 15. | | | | | |
| For taking Member into Custody, 393. | | | | | |
| COMMISSION OF:— | | | | | |
| To administer Oaths to Members, 541. | | | | | |
| RULING OF:— | | | | | |
| In reference to,— | | | | | |
| Sessional Order as to Printing Petitions, 53, 215. | | | | | |
| Matters occurring in Select Committees before Report brought up, 141. | | | | | |
| Language of Petition, 142. | | | | | |
| Relevancy of arguments used by Member, 150. | | | | | |
| Petitions signed by Chairman of Public Meeting, 157. | | | | | |
| Rules for Debate, 186. | | | | | |
| Bills relating to Trade, 193. | | | | | |
| Notices of Motion, 223. | | | | | |
| Members changing sides after Tellers appointed for Division, 252. | | | | | |
| Notice taken of no quorum during a Ballot for Select Committee, 253. | | | | | |
| Informality in Petition, 260, 261, 284. | | | | | |
| Language of Questions put to Ministers, 284. | | | | | |
| Instruction to Clerk with reference to objectionable matter appearing on Votes, 284. | | | | | |
| Division Bell being rung before counting House, 317. | | | | | |
| Omission of Clause limiting the duration of Bill of a temporary character, 349. | | | | | |
| Hearing Counsel in favour of a measure already supported by the House not regular, 384. | | | | | |
| Members using disorderly words, not being in the House, not amenable to censure, 392, 743. | | | | | |
| Disorderly words used by Member in his place in the House, 392. | | | | | |
| Initiation by Legislative Council of Bills containing Money Clauses, 581. | | | | | |
| Members having a personal interest in matters before the House, 582. | | | | | |
| Order of proceeding with the Orders of the Day, 587. | | | | | |
| Petition against a Private Bill after Select Committee have reported, 588. | | | | | |
| Initiation of Money Bills, 599, 611, 635, 650, 749. | | | | | |
| Powers of Legislative Council to alter Money Bills, 599. | | | | | |
| Members giving Notices of Motion <i>viva voce</i> , 606. | | | | | |
| Amendments made by Select Committee in Private Bill, 687. | | | | | |
| Notice of Motion involving an outlay of Public Money, 743. | | | | | |
| Report from Select Committee not signed by duly appointed Chairman, 753. | | | | | |
| Amendments upon Legislative Council's Amendments in Bills, 749. | | | | | |
| Publication of matter in Newspaper, purporting to be the Report of Select Committee, before Report brought up, 761. | | | | | |
| Motion in reference to a Matter of Privilege not suddenly arising, 761. | | | | | |
| CASTING VOTE OF:— | | | | | |
| 216, 350, 427, 582. | | | | | |
| CORRESPONDENCE WITH CLERK OF HOUSE OF COMMONS:— | | | | | |
| In reference to certain Points of Order, 549 | | | | 1 | 1047 |
| INTENDED RETIREMENT OF THE HON. T. A. MURRAY:— | | | | | |
| Speech addressed to House by, 523. | | | | | |
| RESIGNATION, 527. | | | | | |
| Seat declared vacant, 531. | | | | | |
| Vote of Thanks on, 537. | | | | | |
| Forwarded by the Honorable John Hay, 541. | | | | | |
| Reply reported to House, 575. | | | | | |
| ELECTION OF:— | | | | | |
| The Honorable John Hay, 527; presentation of to Governor, 531. | | | | | |
| DEPUTY:— | | | | | |
| R. Wisdom, Esq., elected, 11. | | | | | |
| Commission to Administer Oath to Members, 16. | | | | | |
| SPECIAL:— | | | | | |
| JURORS (See "ADMINISTRATION OF JUSTICE.") | | | | | |
| REPORT:— | | | | | |
| From Select Committee, 369. | | | | | |
| SPEECH (See "GOVERNOR"; also "SPEAKER.") | | | | | |
| SPICER (See "GOLD FIELDS.") | | | | | |
| STAND:— | | | | | |
| PARLIAMENTARY (See "PARLIAMENTARY.") | | | | | |
| STANDING:— | | | | | |
| ORDERS:— | | | | | |
| Committee appointed, 10; Member added, 555; special powers given to, 11. | | | | | |
| Petition of G. U. Alley referred to, 149; Report brought up, 157; adopted, 304. | | | | | |
| Report from,—brought up in reference to Balloting Papers; <i>also</i> , Initiation of Bills, 261; adopted, 303..... | | | | 1 | 1029 |
| Question as to Bell being rung before House counted referred to Committee, 325; Report brought up, 375; adopted, 391; approval of Governor, 407. | | | | 1 | 1033 |
| Suspension of 63rd, 489. | | | | | |
| Motion made for suspension of, and by leave withdrawn, 753. | | | | | |
| STATE:— | | | | | |
| AID TO RELIGION (See "RELIGION.") | | | | | |
| STATISTICAL:— | | | | | |
| REGISTER:— | | | | | |
| Of New South Wales for 1861, 519 | | | | 3 | 703 |
| STATISTICS (See "CROWN LANDS," "INSOLVENT," "ROADS"; also "NEWCASTLE.") | | | | | |
| STATUTES:— | | | | | |
| PUBLIC:— | | | | | |
| Of New South Wales (4th Vol.), 2. | | | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|--|---------|-------|
| | | VOL. | PAGE. |
| S | | | |
| STEAM:— | | | |
| POSTAL (See "POSTAL.") | | | |
| TUG (See "TUG.") | | | |
| FERRY (See "FERRY.") | | | |
| CRANE (See "CRANE.") | | | |
| STEELE:— | | | |
| REVD. J. (See "ADMINISTRATION OF JUSTICE.") | | | |
| STIPENDS (See "CHURCH.") | | | |
| ST. JOHN'S (See "EDUCATION.") | | | |
| ST. PAUL'S (See "EDUCATION.") | | | |
| STREETS (See "MUDGE.") | | | |
| SUBORDINATE (See "ROADS.") | | | |
| SUGAR HOUSES (See "BONDED DISTILLERIES BILL.") | | | |
| SUMMONS (See "CLERK.") | | | |
| SUPERINTENDENTS (See "ROADS.") | | | |
| SUPPLY:— | | | |
| Days for Committee of, 10. | | | |
| House in Committee of, 304, 416, 422, 437, 442, 460, 494, 499, 515, 516, 520, 532, 537, 555, 576, 583, 600, 606, 657, 674, 681, 699, 703, 707, 721. | | | |
| Resolutions reported from, 304, 721. | | | |
| Evidence taken at Bar in Committee of, 707; ordered to be printed, 711 | | | |
| | | 5 | 657 |
| WATER BILL (See "WATER SUPPLY BILL.") | | | |
| SURVEY (See "CROWN LANDS.") | | | |
| SURVEYOR (See "RALFE J."; also "HARPER.") | | | |
| SUSPENSION (See "STANDING ORDERS.") | | | |
| SUTTON:— | | | |
| FOREST (See "ROADS.") | | | |
| SYDNEY:— | | | |
| CORPORATION LAWS AMENDMENT AND CONSOLIDATION BILL:— | | | |
| Motion made for leave to introduce, and leave granted, 253; presented and read 1 ^o , 260; read 2 ^o , committed, and progress reported, 433; Committee resumed, and further progress reported, 451, 485; Committee resumed, and House counted out, 551, 637, 696; restored to Paper, 583, 664; lapsed in Committee for want of quorum, 696. | | | |
| BURIAL GROUNDS (See "CEMETERIES.") | | | |
| FORTIFICATIONS:— | | | |
| Resolutions moved in reference to, 54. | | | |
| CORPORATION (See "MUNICIPAL.") | | | |
| GYMNASIUM (See "GYMNASIUM.") | | | |
| LAND RESERVES (See "LAND.") | | | |
| MINT BILL (See "MINT.") | | | |
| STEAM FERRY (See "FERRY.") | | | |
| TOWN HALL (See "TOWN HALL SITE BILL.") | | | |
| UNIVERSITY (See "UNIVERSITY.") | | | |
| WATER RESERVES (See "LAND.") | | | |
| T | | | |
| TALA RUN (See "CROWN LANDS.") | | | |
| TANNERS AND CURRIERS BILL OF 1859-60:— | | | |
| Select Committee appointed to report on Evidence of, Session 1859-60, 294; | | | |
| Report brought up, 463; adopted, 594. | | | |
| | | 5 | 1121 |
| TARIFF (See "CUSTOMS.") | | | |
| TAYLOR AND WALKER'S RAILWAY BILL:— | | | |
| Petition praying leave to introduce, 499; leave granted, 504; Bill presented and read 1 ^o , 509; referred to Select Committee, 537; Report brought up, 549; Bill read 2 ^o , committed, and reported with an Amendment, 566; recommended, and reported with further Amendments, and <i>Title altered</i> 636; read 3 ^o , passed, and sent to Legislative Council, 663; returned by Council, without Amendment, 713; Assent reported, 748 | | | |
| | | 5 | 525 |
| TAXATION:— | | | |
| BILLS RELATING TO (See "SPEAKER'S RULING.") | | | |
| TEBBUTT (See "POSTMASTER.") | | | |
| TELEGRAMS (See "ELECTRIC.") | | | |
| TELEGRAPH (See "ELECTRIC.") | | | |
| TELLERS:— | | | |
| On Division none reported—for Noes, 245, 650; Ayes, 324. | | | |
| Disagree as to result of Division, 636. | | | |
| LISTS:— | | | |
| Correction of error in, 363. | | | |
| TENDERS:— | | | |
| FOR RUNS (See "CROWN LANDS.") | | | |
| TENTERFIELD (See "BRIDGE.") | | | |
| TERRY, S. ESQ. (See "BUCHANAN.") | | | |
| THANKS:— | | | |
| VOTE OF (See "SPEAKER"; also "TORRENS.") | | | |
| THOMSON:— | | | |
| THE HONORABLE E. D. (See "MESSAGES.") | | | |
| THORNTON, MR. G. (See "GRIEVANCES.") | | | |
| TIME TABLE (See "POSTAL.") | | | |
| TITLES (See "LAND TITLES BILL.") | | | |
| TOBACCO:— | | | |
| Letter from E. Hamilton, Esq., relative to the culture of in New South Wales, 657. | | | |
| | | 5 | 1175 |
| TOLL-GATE:— | | | |
| MURRURUNDI:— | | | |
| Petition praying for removal of, 349. | | | |
| | | 5 | 413 |
| BERRIMA:— | | | |
| Motion made in reference to the site of, and Debate adjourned, 401; Order for resumption of Debate discharged from Paper, 450. | | | |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | | PAPERS. | |
|--|--|---------|-------|
| T | | VOL. | PAGE. |
| TOMPSON C., (See "CLERK.") | | | |
| TONNAGE (See "KIAMA"; also "WOLLONGONG.") | | | |
| TOOGOOD, ALFRED (See "CROWN LANDS.") | | | |
| TORRENS, ROBERT :— | | | |
| Vote of Thanks passed to, 649. | | | |
| Speaker reported he had forwarded the same, 663. | | | |
| TOWER (See "SCOTS CHURCH.") | | | |
| TOWN ALLOTMENTS (See "CROWN LANDS.") | | | |
| TOWN HALL SITE EXCHANGE BILL :— | | | |
| Petition praying leave to introduce, 357; leave granted, 402; presented and read 1 ^o , 479; Standing Orders suspended in reference to, 489; referred to Select Committee, 489; Report brought up, 532; Bill read 2 ^o , committed, and reported with an Amendment, 565; read 3 ^o , passed, and sent to Legislative Council, 637; returned by Council without Amendment, 674; Assent reported, 712. | | | |
| | | 5 | 729 |
| TRAMROAD (See "MOUNT PLEASANT.") | | | |
| TRAMWAY (See "PIT-STREET"; also "COAL.") | | | |
| TRANSFER (See "LAND TRANSFER BILL.") | | | |
| TRANSMISSION (See "MESSAGES.") | | | |
| TRAVELLING :— | | | |
| EXPENSES :— | | | |
| Return to Order (Session, 1861-2) of Government Officers, 283..... | | | |
| | | 1 | 1123 |
| Correspondence in reference to laid on Table, 415 | | | |
| | | 1 | 1109 |
| Resolution moved in reference to allowances for; to the District Court Officers, 409. | | | |
| Resolution moved in reference to maximum rate of, 693. | | | |
| TRIALS (See "NEW TRIALS BILL.") | | | |
| TRUCK :— | | | |
| SYSTEM (See "RAILWAY.") | | | |
| TRUST (See "ROADS"; also "FINANCE.") | | | |
| TRUSTEES (See "PROPERTY LAW BILL"; also "MUSEUM.") | | | |
| TUG :— | | | |
| STEAM,—RICHMOND RIVER :— | | | |
| Motion made for Committee of the Whole, to consider an Address in reference to funds for, 694. | | | |
| TUMUT (See "CROWN LANDS.") | | | |
| U | | | |
| ULTIMO :— | | | |
| ESTATE (See "RAILWAY.") | | | |
| UNITED FIRE AND LIFE INSURANCE COMPANY'S INCORPORATION BILL :— | | | |
| Petition praying leave to introduce, 542; leave granted, 550; presented and read 1 ^o , 550; referred to Select Committee, 566; Report brought up, 593; Bill read 2 ^o , committed, and reported with Amendments, 636; read 3 ^o , passed, and sent to Legislative Council, 664; returned by Council with an Amendment, 736; Council's Amendment agreed to, 743; Assent reported, 758 | | | |
| | | 5 | 791 |
| UNIVERSITY :— | | | |
| SYDNEY :— | | | |
| Report from Senate for 1861, 185 | | | |
| | | 4 | 309 |
| Building Fund Account, 185 | | | |
| | | 4 | 313 |
| USHER :— | | | |
| OF BLACK ROD :— | | | |
| Delivers Message from Governor 1, 762. | | | |
| V | | | |
| VACANT :— | | | |
| SEATS (See "ASSEMBLY.") | | | |
| VACCINATION :— | | | |
| Report upon, for 1861, 2 | | | |
| | | 5 | 823 |
| VAGRANCY PREVENTION BILL :— | | | |
| Motion made for leave to introduce, and leave granted, 143; presented and read 1 ^o , 143; Motion made for second reading, and Debate adjourned, 285; Debate resumed, and House counted out, 428. | | | |
| VALUATION (See "CROWN LANDS.") | | | |
| VEHICLES :— | | | |
| PUBLIC (See "MUNICIPAL.") | | | |
| VOLUNTEER :— | | | |
| ARTILLERY :— | | | |
| Motion made for Correspondence relative to the cancelling of the Commission held by Captain Lovell, R.A., as Commandant of, 54; laid on Table, 215. | | | |
| | | 2 | 637 |
| VOTE (See "SPEAKER"; "TORRENS"; also "CHAIRMAN OF SELECT COMMITTEE.") | | | |
| W | | | |
| WAGES :— | | | |
| PAYMENT OF (See "PAYMENT OF WAGES BILL.") | | | |
| WALKER :— | | | |
| AND TAYLOR'S RAILWAY BILL (See "TAYLOR AND WALKER.") | | | |
| WAR (See "AMERICAN.") | | | |
| WARATAH COAL COMPANY'S INCORPORATION BILL :— | | | |
| Petition praying leave to introduce, 559; leave granted, 651; presented and read 1 ^o , 651; referred to Select Committee, 694; Report brought up, 721; Bill read 2 ^o , committed, and progress reported, 756; Committee resumed, and no Report made, 758..... | | | |
| | | 5 | 801 |

| VOTES AND PROCEEDINGS (REFERENCES TO)—VOL. I. | PAPERS. | |
|---|---------|-------|
| | VOL. | PAGE. |
| W | | |
| WARRANT (See "SPEAKER.") | | |
| WARREGO (See "CROWN LANDS.") | | |
| WATER:— | | |
| SUPPLY:— | | |
| Annual Report upon for Sydney, 2 | 5 | 723 |
| Petition in reference to, for Campbelltown, 582 | 5 | 1197 |
| Schedule of Crown Lands reserved for, 125 | 4 | 999 |
| RESERVES FOR SYDNEY:— | | |
| Plan of at Randwick, 549. | | |
| Resolutions moved in reference to, 550; Select Committee appointed to inquire into, 550. | | |
| SUPPLY IMPROVEMENT BILL:— | | |
| Motion made for leave to introduce, and leave granted, 119; presented and read 1 ^o , 119; discharged from Paper, 755. | | |
| WATSON'S BAY (See "CROWN LANDS.") | | |
| WATT W. R., ESQ.:— | | |
| Seat vacated, 499. | | |
| WAYS AND MEANS:— | | |
| Estimates of, for 1863, laid on Table, 311 | 3 | 1217 |
| House in Committee, 311, 339, 730. | | |
| Resolutions reported, 339, 730. | | |
| WEAVER MR. W.:— | | |
| Motion made for Select Committee to inquire into appointment of, to the Government Service, 324. | | |
| WEAVER v. MURRAY (See "ADMINISTRATION OF JUSTICE.") | | |
| WELLINGTON (See "ROADS"; also "SAMUEL S.") | | |
| WESTERN (See "RAILWAY.") | | |
| WHARF:— | | |
| AT GRAFTON:— | | |
| Motion made for Correspondence with Mr. R. Fisher in reference to, 47; laid on Table, 331. | | |
| WHARFAGE:— | | |
| OF GOVERNMENT GOODS:— | | |
| Motion made for Return of Expenses of, 143; laid on Table, 193 | 5 | 711 |
| WHITTAKER v. THE QUEEN (See "ADMINISTRATION OF JUSTICE.") | | |
| WILLIAMS, W. H. (See "CATTLE.") | | |
| WINDEYER:— | | |
| TOWNSHIP OF (See "GOLD FIELDS.") | | |
| WINES:— | | |
| SALE OF COLONIAL (See "SALE OF COLONIAL WINES BILL.") | | |
| WISDOM, R., ESQ.:— | | |
| Elected Chairman of Committees, 11. | | |
| Commission to administer Oath to Members, 16. | | |
| WITCH:— | | |
| SEA (See "PILOT BOARD.") | | |
| WITNESSES (See "LEGISLATIVE COUNCIL"; also "EVIDENCE AT BAR.") | | |
| WITTS ALFRED (See "POLICE.") | | |
| WOLLONGONG (See "COAL.") | | |
| WOLLONGONG TONNAGE DUTY POSTPONEMENT BILL:— | | |
| Motion made for leave to introduce, and leave granted, 16; presented and read 1 ^o , 17; read 2 ^o , committed, and reported, 474; read 3 ^o , passed, and sent to Legislative Council, 480; returned by Council without Amendment, 519; Assent reported, 532. | | |
| WOOLLOOMOOLOO BAY LAND RECLAMATION BILL:— | | |
| Motion made for leave to introduce, and leave granted, 9; presented, 9; and read 1 ^o , 10; read 2 ^o , 126; committed, and reported with Amendments, 393; read 3 ^o , passed, and sent to Legislative Council, 415; returned by Council with Amendments, 479; Council's Amendments agreed to, 493; Assent reported, 532. | | |
| Petition presented in reference to, 33 | 5 | 1195 |
| WORDS:— | | |
| OF HEAT (See "DISORDER.") | | |
| WORKS:— | | |
| PUBLIC (See "PUBLIC WORKS.") | | |
| WORSHIP:— | | |
| PUBLIC (See "GRANTS FOR PUBLIC WORSHIP PROHIBITION BILL.") | | |
| WRECKS (See "REGISTRY OF.") | | |
| Y | | |
| YASS:— | | |
| BENCH (See "ADMINISTRATION OF JUSTICE.") | | |
| YOUNG:— | | |
| AND MOREHEAD'S RAILWAY BILL (See "MOREHEAD AND YOUNG.") | | |

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ELECTORAL ROLLS.

(NUMBER OF ELECTORS IN EACH DISTRICT, FOR 1862-3.)

Ordered by the Legislative Assembly to be Printed, 26 November, 1862.

NEW SOUTH WALES.

RETURN shewing the Number of Electors on the Roll of each Electoral District for 1862-3.

| ELECTORAL DISTRICT. | NUMBER OF ELECTORS. |
|-------------------------------|---------------------|
| 1. Argyle | 1,421 |
| 2. Balranald | 801 |
| 3. Bathurst | 1,069 |
| 4. The Bogan | 1,506 |
| 5. Braidwood | 1,583 |
| 6. Camden | 2,176 |
| 7. Canterbury | 3,198 |
| 8. Carcoar | 1,053 |
| 9. The Clarence | 1,511 |
| 10. Central Cumberland | 2,194 |
| 11. Eden | 1,342 |
| 12. The Glebe | 2,218 |
| 13. Goulburn | 678 |
| 14. The Gwydir | 689 |
| 15. Hartley | 1,020 |
| 16. The Hastings | 1,630 |
| 17. The Hawkesbury | 1,557 |
| 18. The Hume... .. | 1,102 |
| 19. The Hunter | 1,600 |
| 20. The Lower Hunter | 877 |
| 21. The Upper Hunter | 1,462 |
| 22. Illawarra | 1,341 |
| 23. Kiama | 1,085 |
| 24. The Lachlan | 2,563 |
| 25. Liverpool Plains | 1,589 |
| 26. East Macquarie | 2,009 |
| 27. West Macquarie | 656 |
| 28. East Maitland | 805 |
| 29. West Maitland | 1,595 |
| 30. Monaro | 1,539 |
| 31. Morpeth | 784 |
| 32. Mudgee | 1,839 |
| 33. The Murray | 834 |
| 34. The Murrumbidgee | 1,258 |
| 35. Narellan | 930 |
| 36. The Nepean | 1,393 |
| 37. Newcastle | 982 |
| 38. New England | 1,791 |

ELECTORAL ROLLS.

| ELECTORAL DISTRICT. | NUMBER OF ELECTORS. |
|-----------------------------|---------------------|
| 39. Newtown | 1,902 |
| 40. Northumberland | 1,508 |
| 41. Orange | 730 |
| 42. Paddington | 2,118 |
| 43. Parramatta... .. | 1,280 |
| 44. The Paterson | 491 |
| 45. Patrick's Plains | 1,325 |
| 46. Queanbeyan | 991 |
| 47. Shoalhaven | 1,099 |
| 48. St. Leonard's | 1,827 |
| 49. East Sydney | 7,864 |
| 50. West Sydney | 6,462 |
| 51. Tenterfield | 906 |
| 52. The Tumut... .. | 1,245 |
| 53. Wellington... .. | 1,008 |
| 54. The Williams | 940 |
| 55. Windsor | 608 |
| 56. Wollombi | 1,057 |
| 57. Yass Plains | 1,048 |

*Colonial Secretary's Office,
Sydney, 20 November, 1862.*

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ELECTORAL ROLLS.

(NUMBER OF ELECTORS IN THE GOLD FIELDS DISTRICTS, FOR 1862-3.)

Ordered by the Legislative Assembly to be Printed, 26 November, 1862.

NEW SOUTH WALES.

RETURN shewing the estimated number of Electors entitled to Vote in the several Gold Fields Electoral Districts, for 1862-3.

| ELECTORAL DISTRICT. | ESTIMATED NUMBER OF ELECTORS. |
|-----------------------------|-------------------------------|
| 1. Gold Fields South | 6,750 |
| 2. Gold Fields West | 16,000 |
| 3. Gold Fields North | 1,200 |

*Colonial Secretary's Office,
Sydney, 20 November, 1862.*

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAM HENRY BEDELL.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of William Henry Bedell, of Forbes, on the Lachlan Gold Field,—

HUMBLY SHEWETH :—

That your Petitioner, accompanied by three reputable witnesses, attended the Court of Petty Sessions at Forbes, on the 30th January last, to prefer a charge against one Evert, for the offence of threatening to cut down your Petitioner, with uplifted axe, on the 23rd, same date.

That when the case was called on for adjudication, your Petitioner was, owing to his unbelief in revealed religion, denied a hearing by the Bench of Magistrates—although referring to his three witnesses, viz., Ford, Coleman, and Sheppard, as being present to prove the case.

That Peter Sheppard, on applying to the Clerk of Petty Sessions for a fresh summons against Evert, on public grounds of justice, three separate times, was put off by various excuses on the part of the above-named clerk, one Mitchell, and failed to obtain the summons.

That the aforesaid Mitchell, on the first application of Sheppard for a summons, did ask the said Sheppard, "Why did he bother himself about the case?" and on the reply of Sheppard "that he considered Bedell's life was in danger, and that Evert intended to have cut him down with the axe, had he not escaped from him, and therefore applied for the issue of another summons," Mitchell exclaimed, "Why, what if he had cut him down, he's only an infidel."

That your Petitioner subsequently put himself in communication with the Honorable the Attorney General, whose reply was to the effect "That I was an incompetent witness," thus indorsing the decision of 30th January.

That your Petitioner, being thus virtually outlawed, humbly prays for justice denied your Petitioner, owing to his conscientious opinions—whereby the family or property of your Petitioner are placed at the mercy of any knave or ruffian, without opportunity of redress.

And your Petitioner, as in duty bound, will ever pray.

W. H. BEDELL.

Forbes, 14 March, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DISTRICT COURTS ACT OF 1858.

(RETURNS UNDER THE 103RD CLAUSE OF.)

Ordered by the Legislative Assembly to be Printed, 29 May, 1862.

RETURNS under 103rd Section of the District Courts Act of 1858, for the Twelve Months preceding the 1st day of March, 1862.

METROPOLITAN AND COAST DISTRICT.

SYDNEY.
PARRAMATTA.
LIVERPOOL.
WINDSOR.
PENRITH.
CAMPBELLTOWN.

CAMDEN.
PICTON.
WOLLONGONG.
KILMARA.
EDEN.

SOUTHERN DISTRICT.

GOULBURN.
BERRIMA.
BRAIDWOOD.
QUEANBEYAN.

YASS.
COOMA.
BOMBALA.

SOUTH-WESTERN DISTRICT.

ALBURY.
TUMUT.
GUNDAGAI.

WAGGA WAGGA.
DENILQUIN.

WESTERN DISTRICT.

BATHURST.
SOFALA.
MUDGEE.
WELLINGTON.
DUBBO.

MOLONG.
ORANGE.
CARCOAR.
HARTLEY.

HUNTER RIVER DISTRICT.

DUNGOB.
EAST MAITLAND.
WEST MAITLAND.
SINGLETON.
MUSWELLBROOK.

SCONE.
PATERSON.
MURRURUNDI.
NEWCASTLE.

NORTHERN DISTRICT.

ARMIDALE.
TAMWORTH.
TENTERFIELD.
GLEN INNES.

GRAFTON.
PORT MACQUARIE, (not yet received.)

DISTRICT COURTS ACT

A RETURN of the Number of Suits commenced in the District Court holden at Sydney, and other
February,

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS. | THE COSTS OF THE SUITS. | DATE, PLACE, AND DURATION OF SITTINGS. | | | | |
|---|--|--|-----------|-----------|--------|----------|
| | | Date. | Place. | Duration. | | |
| | | | | Days. | Hours. | Minutes. |
| Goods sold .....2882 | *3047 Cases in which the amount sued for did not exceed £5 476 1 10 | 1861. | | | | |
| Wages, work, and labour..1120 | | March .. | Sydney .. | 11 | 59 | 55 |
| Bills of exchange, } cheques, and p. notes } | *1103 Cases in which the amount sued for did not exceed £10 310 4 4 | April | Ditto .. | 10 | 52 | 35 |
| Money paid, money recd... 140 | | May | Ditto .. | 10 | 45 | 10 |
| Rent 211 | *817 Cases in which the sum sued for did not exceed £30, and no attorney employed by plaintiff..... 331 18 1 | June | Ditto .. | 10 | 49 | |
| Breach of contract 54 | | July | Ditto .. | 10 | 46 | 40 |
| Board and lodging 74 | | August .. | Ditto .. | 10 | 49 | 30 |
| Trover and detinue 55 | 309 Cases in which the sum sued for did not exceed £30; attorney employed by and verdict for, plaintiff ....1176 1 5 | September | Ditto .. | 13 | 65 | |
| On a judgment 226 | | October .. | Ditto .. | 7 | 38 | 35 |
| Money lent..... 133 | 37 Cases in which the sum sued for did not exceed £30; attorney employed by, and verdict for, defendant .. 148 18 0 | November | Ditto .. | 17 | 96 | 40 |
| Trespass and damage to } real estate } | | December | Ditto .. | 13 | 56 | 15 |
| Damage to personalty.... 23 | | 1862. | | | | |
| Slander 39 | 12 Cases, sum sued not exceeding £30; counsel and attorney employed by, and verdict for, plaintiff 128 3 0 | February.. | Ditto .. | 18 | 102 | 15 |
| Negligence..... 35 | | Total | | 129 | 661 | 35 |
| Assault 18 | 11 Cases, sum sued for not exceeding £30; counsel and attorney employed, and verdict for defendant .. 93 2 8 | Equal to 110 days of six hours each, | | | | |
| Use and occupation 9 | *213 Cases, sum sued for above £30, but not exceeding £200; no attorney employed by plaintiff..... 219 13 1 | | | | | |
| Hire of goods 24 | 55 Cases, sum sued for exceeding £30; attorney employed by, and verdict for, plaintiff 360 15 2 | | | | | |
| Hire of horses 4 | 14 Cases, sum sued for exceeding £30; attorney employed by, and verdict for, defendant .. 97 9 0 | | | | | |
| Interest 12 | 26 Cases, sum sued for exceeding £30; counsel and attorney employed by, and verdict for, plaintiff 596 13 0 | | | | | |
| Wharfage 6 | 17 Cases, sum sued for exceeding £30, counsel and attorney employed by, and verdict for, defendant .. 254 12 3 | | | | | |
| Horse meat and livery.... 9 | | | | | | |
| False imprisonment..... 5 | | | | | | |
| Malicious prosecution.... 7 | | | | | | |
| Excessive distress *..... 12 | | | | | | |
| Possession of tenements.. 2 | | | | | | |
| Agistment 2 | | | | | | |
| Deceit..... 2 | | | | | | |
| Covenant 2 | | | | | | |
| On a bond 4 | | | | | | |
| On a guarantee 12 | | | | | | |
| City rates 7 | | | | | | |
| Storage 4 | | | | | | |
| Obstructing right of way.. 1 | | | | | | |
| Obstructing watercourse.. 1 | | | | | | |
| Ligherage..... 2 | | | | | | |
| Contribution 2 | | | | | | |
| Injuries sustained by bite of dog 1 | | | | | | |
| Purchase money on land.. 1 | 5661 | | | | | |
| Malicious injury 1 | 4,166 12 10 | | | | | |
| Total .....5661 | * In these cases mileage is included at an average rate—7½d. per case. | | | | | |

We hereby certify that the foregoing is a full and complete Return of the particulars required far as we are able to set forth the same.

OF 1858.—(Section 103.)

particulars required by the said Act, from the 1st day of March, 1861, to the 28th day of 1862.

| THE NUMBER OF SUITS COMMENCED. | | | RESULT. | | NUMBER OF CASES LEFT IN ARREAR. | NUMBER OF CASES TRIED BY JURY. | NUMBER OF CASES TRIED WITHOUT JURY. | NUMBER OF CASES SETTLED BY ARBITRATION. |
|--|---|-----------------------------------|-------------------------------|---|----------------------------------|---|-------------------------------------|---|
| Commenced. | Settled without hearing. | Tried. | In favour of Plaintiff. | In favour of Defendant. | | | | |
| 5,661, exclusive of thirteen interpleader cases not issued upon original plaints. | 2,239 | 3,411 | 3,104 | 307 | 2 con- tinued to April. | 33 | 3,378 | 8 |
| AMOUNT SUED FOR. | REHEARING ON CASES OF JUDGMENT BY DEFAULT IN CONSEQUENCE OF THE ABSENCE OF DEFENDANT. | NUMBER OF MOTIONS FOR NEW TRIALS. | NUMBER OF NEW TRIALS GRANTED. | THE GROUNDS UPON WHICH SUCH NEW TRIALS WERE GRANTED. | NUMBER AND RESULT OF APPEALS. | REMOVED TO SUPREME COURT BY CERTIORARI. | | |
| £59,465 18s. 1d. (fifty-nine thousand four hundred and sixty-five pounds eighteen shillings and one penny. | 23 | 34 | 6 | 3 Verdict against evidence : tried before Jury. 1 Surprise: tried by Judge. 1 Against evidence : tried by Judge. 1 Sufficient cause of action disclosed in plaint. — 6 — | 1 Order reversed. | 1 | | |

by the said Act, from the first day of March, 1861, to the 28th day of February, 1862, inclusive, so

ALEXANDER C. MAXWELL, }
GEO. S. YARNTON, } Registrars.

A RETURN of the Number of Suits commenced in the District Court of PARRAMATTA, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

4

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number. | | The Grounds on which such New Trials were granted. | | | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|----|------------|------------|-----------------------------------|-----------|--|------------|-------|------------------|-------|-------------|---------------|--|--------------------------|----------------------------|-----------------------|---|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | £ | s. | d. | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | | Settled by Arbi-tration. | Of Motions for New Trials. | Of New Trials granted | |
| | | | | | | | | | | | | | | | Days | Hours | By Jury. | Without Jury. | | | | | |
| Goods sold | 187 | 91 | 96 | 81 | 15 | 70 | 1 | 5 | } | } | } | } | Parramatta | { | 6 May | 2 | } | .. | 96 | } | } | } | } |
| Promissory Notes | 16 | 7 | 9 | 5 | 4 | 12 | 9 | 2 | | | | | | | | | | .. | 9 | | | | |
| Rent | 15 | 5 | 10 | 7 | 3 | 3 | 18 | 3 | | | | | | | | | | .. | 10 | | | | |
| Board and Lodging | 3 | 2 | 1 | 1 | .. | 0 | 19 | 0 | | | | | | | | | | .. | 1 | | | | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Trespass on Person | 1 | 1 | .. | .. | .. | 0 | 8 | 0 | | | | | | | | | | .. | .. | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Trover | 3 | .. | 3 | 2 | 1 | 14 | 4 | 2 | | | | | | | | | | .. | .. | | | | |
| Breach of Contract | 3 | 1 | 2 | 1 | 1 | 1 | 17 | 6 | | | | | | | | | | 3 | .. | | | | |
| Wages, Work, and Labour .. | 34 | 17 | 17 | 11 | 6 | 11 | 7 | 9 | | | | | | | | | | .. | 2 | | | | |
| Libel, Slander, or Defamation | 1 | .. | 1 | 1 | .. | 0 | 10 | 0 | | | | | | | | | | .. | 17 | | | | |
| Commission on Agency | 1 | .. | 1 | 1 | .. | 0 | 11 | 0 | | | | | | | | | | .. | 1 | | | | |
| Sales of Live Stock | 4 | 1 | 3 | 2 | 1 | 1 | 5 | 9 | | | | | | | | | | .. | 1 | | | | |
| Money Lent | 7 | 2 | 5 | 3 | 2 | 2 | 7 | 9 | | | | | | | | | | .. | 3 | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | 5 | | | | |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Possession of Tenements .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | | | | |
| Causes of Action not specified above | 28 | 6 | 22 | 13 | 9 | 11 | 14 | 3 | | | | | | | | | | .. | 1 | | | | |
| | | | | | | | | | | | | | | | | | | | 21 | | | | |

The verdict being contrary to evidence and against law.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEO. LANGLEY,
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of LIVERPOOL, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | |
|---|---|-------------------------------|--------|--|-----------------|--|---------------|---|-----------|--------------------------------|--|---------------------------------------|-----------------|------------------|-------------|------------------|---------------------------------|--|-------------------------------------|-----------------------------|----|----|
| | Com- menced | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | |
| Goods sold | 40 | 15 | 25 | 18 | 7 | } 21 6 0 | Nil.. | Nil.... | Nil.. | Nil.. | Liverpool.. | 1861. 18 May 12 Aug. 18 Nov. | } 5 14 4½ | .. | 25 | | | | | | | |
| Promissory Notes | 3 | 2 | 1 | 1 | .. | | | | | | | | | .. | 1 | | | | | | | |
| Rent | 4 | 2 | 2 | 1 | 1 | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | 2 |
| Board and Lodging | 1 | 1 | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Land | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Person | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 12 | 3 | 9 | 6 | 3 | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | 9 |
| Libel, Slander, or Defamation | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | 3 | 2 | 1 | .. | 1 | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | 1 |
| Money Lent | 3 | 1 | 2 | 2 | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | 2 |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Possession of Tenements | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Consent Jurisdiction | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Causes of Action not specified | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| above | 5 | .. | 5 | 3 | 2 | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Agistment | 1 | .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | |
| Hire of Goods | 3 | 1 | 2 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | |
| Breach of POUNDAGE | 1 | .. | 1 | .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | |
| | 76 | 27 | 49 | .. | .. | | | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEORGE WHITE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WINDSOR, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|--|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|-----------|-------------------------------|-------------------------|--|----------------------------|------------------------|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours | By Jury. | Without Jury. | | | | |
| | | | | | | £ | s. | d. | | | | | | | | | | | | |
| Goods sold | 295 | } | 514 | 202 | 308 | 251 | 57 | 159 | 13 | 0 | .. | | .. | 4 | Windsor.. | 1861. April 9 and 10 .. | } 2 | 8 | } 2 | 306 |
| Promissory Notes | 40 | | | | | | | | | | | | | | | | | | | |
| Rent | 18 | | | | | | | | | | | | | | | | | | | |
| Board and Lodging | 13 | | | | | | | | | | | | | | | | | | | |
| Trespass on Land | 1 | | | | | | | | | | | | | | | | | | | |
| Trespass on Person | ... | | | | | | | | | | | | | | | | | | | |
| Illegal Distraint | ... | | | | | | | | | | | | | | | | | | | |
| Trover | 6 | | | | | | | | | | | | | | | | | | | |
| Breach of Contract | 6 | | | | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 56 | | | | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | 1 | | | | | | | | | | | | | | | | | | | |
| Commission on Agency | ... | | | | | | | | | | | | | | | | | | | |
| Sales of Live Stock | 11 | | | | | | | | | | | | | | | | | | | |
| Money Lent | 22 | | | | | | | | | | | | | | | | | | | |
| Partnership | ... | | | | | | | | | | | | | | | | | | | |
| Interpleader | ... | | | | | | | | | | | | | | | | | | | |
| Intestacy | ... | | | | | | | | | | | | | | | | | | | |
| Legacy | ... | | | | | | | | | | | | | | | | | | | |
| Possession of Tenements | ... | | | | | | | | | | | | | | | | | | | |
| Replevin | ... | | | | | | | | | | | | | | | | | | | |
| Consent Jurisdiction | ... | | | | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 45 | | | | | | | | | | | | | | | | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.
 G. A. GORDON,
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of CAMPBELLTOWN, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | | | | | |
|---|---|--------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|---|-------------------------|------------------|----------|---------------|-------------------------|--|----------------------------|------------------------|----|----|----|----|----|----|----|
| | Com-menced. | Settled without hearing. | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. | | | | | | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | | | | | |
| Goods sold | 70 | 43 | 27 | 26 | 1 | } 30 8 9 | Nil.. | Nil.... | Nil.. | Nil.. | { Campbell-town. | { 1861. 16 May 15 Aug. 21 Nov. | } .. 1 .. 1½ .. 3 | .. | 27 | .. | .. | .. | | | | | | | | | |
| Promissory Notes | 9 | 2 | 7 | 7 | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | 7 | .. | .. | .. | |
| Rent | 3 | .. | 3 | 2 | 1 | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 3 | 1 | .. | .. |
| Board and Lodging | 2 | 1 | 1 | 1 | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 1 | .. | .. | .. |
| Trespass on Land | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Person | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 20 | 11 | 9 | 9 | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 9 | 2 | .. | .. |
| Libel, Slander, or Defamation. | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | 9 | 3 | 6 | 4 | 2 | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 6 | .. | .. | .. |
| Money Lent | 5 | 3 | 2 | 2 | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 2 | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Possession of Tenements | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | |
| | 118 | 63 | 55 | .. | .. | | | | | | | | | | | | | | | | | | | | | | |

DISTRICT COURTS ACT OF 1858.-(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.
 GEORGE WHITE,
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of CAMDEN, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

59-B

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|--|---|--------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|----------|---------------|-------------------------|--|----------------------------|------------------------|
| | Com-menced. | Settled without hearing. | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 141 | 72 | 69 | 66 | 3 | £ | s. | d. | | | | | | | | | | | | |
| Promissory Notes | 35 | 6 | 29 | 28 | 1 | 49 | 1 | 3 | | | | | | | | | | | | |
| Rent | 6 | 3 | .. | 3 | .. | 23 | 3 | 0 | | | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | 2 | 2 | 6 | | | | | | | | | | | | |
| Trespass on Land | 4 | 2 | .. | 2 | .. | 0 | 14 | 0 | | | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Breach of Contract | 2 | .. | 2 | 2 | .. | 13 | 2 | 4 | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 20 | 13 | 7 | 6 | 1 | 7 | 10 | 3 | | | | | | | | | | | | |
| Libel, Slander, or Defamation | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Money Lent | 8 | 4 | 4 | 4 | .. | 2 | 14 | 3 | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Interpleader | 1 | 1 | .. | .. | .. | 0 | 6 | 0 | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Possession of Tenements | 2 | 2 | .. | .. | .. | 2 | 0 | 3 | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Causes of Action not specified above | 32 | 16 | 16 | 9 | 7 | 9 | 6 | 9 | | | | | | | | | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. B. MARTIN,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of PICTON during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

10

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|-------------------------------|--------|--|-----------------|------------------------------------|---------------|---|-----------|--------------------------------|--|-------|-----------|--|-------------|------------------|---------------------------------|--|-------------------------------------|------------------------------|
| | Com- menced. | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days | Hours | By Jury. | Without Jury. | | | | |
| Goods sold | 86 | 37 | 49 | 47 | 2 | 34 | 14 | 9 | } .. | | .. | .. | Picton .. | 1861. 22 May. 21 Aug. 27 Nov. 1862. 17 Mar. | | | | | | |
| Promissory Notes | 18 | 9 | 9 | 8 | 1 | 10 | 3 | 3 | | | | | | | | | | | | |
| Rent | 3 | .. | 3 | 2 | 1 | 1 | 12 | 2 | | | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Trespass on Land | 1 | .. | 1 | 1 | .. | 0 | 7 | 6 | | | | | | | | | | | | |
| Trespass on Person | 1 | .. | 1 | 1 | .. | 1 | 3 | 6 | | | | | | | | | | | | |
| Illegal Distrain | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Breach of Contract | 2 | .. | .. | .. | 2 | 0 | 16 | 6 | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 14 | 6 | 8 | 6 | 2 | 6 | 10 | 6 | | | | | | | | | | | | |
| Libel, Slander, or Defamation .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Money Lent | 7 | 3 | 4 | 4 | .. | 3 | 13 | 0 | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Causes of Action not specified above | 16 | 5 | 11 | 6 | 6 | 13 | 19 | 3 | | | | | | | | | | | | |

DISTRICT COURTS ACT OF 1868.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

J. B. MARTIN,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WOLLONGONG, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | | | | | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|----------|---------------|-------------------------|--|----------------------------|--|--|--|--|--|--|--|--|--|
| | Com-menced | Settled without hearing | Tried. | Plain-tiff. | Defend-ant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. | | | | | | | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | | | | | | |
| Goods sold | 38 | 7 | 28 | 24 | 4 | £ s. d. | 66 | 2 | 3 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | One granted on the ground that new evidence had been discovered. | | | | | | | | |
| Promissory Notes | 52 | 13 | 38 | 32 | 6 | 143 | 6 | 11 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | | |
| Rent | 10 | 3 | 6 | 5 | 1 | 73 | 6 | 8 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | |
| Trespass on Land | 3 | .. | 3 | 3 | .. | 44 | 12 | 5 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | |
| Trespass on Person | 1 | 1 | .. | .. | .. | 1 | 0 | 6 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | |
| Breach of Contract | 1 | .. | 1 | 1 | .. | 5 | 12 | 9 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. |
| Wages, Work, and Labour | 8 | 3 | 5 | 5 | .. | 29 | 19 | 11 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |
| Libel, Slander, or Defamation | 3 | .. | 3 | 2 | 1 | 12 | 17 | 0 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | | | |
| Commission on Agency | 1 | 1 | .. | .. | .. | 0 | 3 | 3 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | | |
| Sales of Live Stock | 2 | .. | 2 | 2 | .. | 7 | 14 | 5 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | |
| Money Lent | 3 | 2 | 1 | 1 | .. | 12 | 5 | 6 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | |
| Possession of Tenements | 1 | .. | 1 | .. | 1 | 1 | 0 | 9 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | | | |
| Causes of Action not specified above | 21 | 4 | 13 | 9 | 4 | 57 | 11 | 4 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | | |
| Totals | 144 | 34 | 101 | 84 | 17 | 455 | 13 | 8 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | | |
| In addition to the above there was also the following business :— | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | | |
| Three adjourned cases from last year | .. | 1 | 2 | .. | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | | |
| Causes sent from Supreme Court | 3 | .. | 1 | .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | One granted on the ground that the verdict (by Jury) was against law and evidence. | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ALFRED A. TURNER,
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of EDEN, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.: | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | |
|---|---|--------------------------------|--------|--|-----------------|-------------------------|---------------|---|-----------|--------------------------------|--|-------|-------------|---------------------------------------|-------------|------------------|---------------------------------|--|-------------------------------------|------------------------------|----|----|----|
| | Com- menced. | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted. | | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | |
| Goods sold | 17 | 6 | 9 | 7 | 2 | £ | s. | d. | .. | .. | .. | 2 | } Eden .. { | } 1861. 25 Mar. and 24 Sept. | } 2 | } 11 | .. | 9 | .. | | | | |
| Promissory Notes | 5 | 2 | 3 | 3 | .. | 13 | 6 | 0 | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | 3 | .. |
| Rent | 2 | 2 | .. | .. | .. | 4 | 11 | 6 | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Board and Lodging | .. | .. | .. | .. | .. | 0 | 19 | 6 | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Land | 2 | 1 | 1 | 1 | .. | 1 | 6 | 0 | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | 1 | .. |
| Trespass on Person | 1 | .. | 1 | 1 | .. | 1 | 0 | 6 | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | 1 | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 10 | 3 | 7 | 5 | 2 | 5 | 12 | 6 | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | 7 | .. |
| Libel, Slander, or Defamation .. | 1 | 1 | .. | .. | .. | 1 | 3 | 0 | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | |
| Causes of Action not specified above | 7 | 2 | 4 | 2 | 1 | 5 | 16 | 3 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 1 | .. | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

P. J. MURRAY,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of GOULBURN, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|--------------------------|--------|--|-------------|---|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|----------|---------------|--------------------------|--|----------------------------|------------------------|
| | Com-menced. | Settled without hearing. | Tried. | Plain-tiff. | Defon-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi-tration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 40 | 16 | 22 | 22 | .. | In 20 cases under £30, £63 14s. 5d. In 10 cases above £30, £46 16s. 10d. | .. | .. | .. | 1 | Goulburn | 1861. | | | | | | | | |
| Promissory Notes | 30 | 10 | 19 | 19 | .. | | .. | .. | .. | .. | | .. | 15 May | 2 | 11½ | 1 | 21 | 1 | | |
| Rent | 7 | 3 | 4 | 4 | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | 19 | 1 | | |
| Board and Lodging | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | 4 | .. | | |
| Trespass on Land | 4 | 2 | 2 | 2 | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | 2 | .. | | |
| Trespass on Person | 1 | .. | 1 | 1 | .. | | .. | .. | .. | .. | | .. | 14 Aug. | 3 | 9½ | .. | 1 | .. | | |
| Illegal Distrant | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | | |
| Trover | 2 | .. | 2 | 2 | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | 2 | .. | | |
| Breach of Contract | 2 | .. | 2 | 2 | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | 2 | .. | | |
| Wages, Work, and Labour | 13 | 3 | 5 | 5 | .. | | .. | .. | .. | 3 | | .. | .. | .. | .. | 1 | 4 | 2 | | |
| Libel, Slander, or Defamation | 1 | .. | 1 | 1 | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | 1 | .. | | |
| Commission on Agency | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | 13 Nov. | 2 | 10½ | .. | .. | .. | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | | |
| Money Lent | 21 | 6 | 15 | 14 | 1 | | .. | .. | .. | .. | | .. | .. | .. | .. | 1 | 14 | .. | | |
| Partnership | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | | |
| Interpleader | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | | |
| Intestacy | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | | |
| Legacy | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | | |
| Possession of Tenements | 1 | .. | 1 | 1 | .. | | .. | .. | .. | .. | | .. | 1862. | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | | .. | .. | .. | .. | | .. | 12 Feb. | 3 | 20 | .. | 1 | .. | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | |
| Causes of Action not specified above | 13 | 6 | 5 | 5 | .. | .. | .. | .. | 1 | .. | .. | .. | .. | 1 | 4 | 1 | | | | |
| Totals | 135 | 46 | 79 | 78 | 1 | .. | .. | .. | 5 | .. | .. | 10 | 51½ | 4 | 75 | 5 | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

TEMPLE NATHAN,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BERRIMA, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Cost of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|-------------------------|--------|--|--------------|------------------------|------------|------------------------------------|-----------|--------------------------|--|-------|-----------|------------------|----------|---------------|------------------------|--|----------------------------|------------------------|
| | Com- menced. | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours | By Jury. | Without Jury. | | | | |
| Goods sold | 15 | 6 | 9 | 9 | .. | £ | 11 | 19 | 9 | Berrima.. | 1861. 27 May 26 Aug. 7 Nov. 1862. 6 Feb. | 1 | 3 | 2 | 28 | | | | | |
| Promissory Notes .. . | 7 | 1 | 6 | 6 | .. | s. | 6 | 5 | 6 | | | | | | | | | | | |
| Rent | 1 | .. | 1 | 1 | .. | d. | 0 | 9 | 3 | | | | | | | | | | | |
| Board and Lodging .. . | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trespass on Land .. . | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trespass on Person .. . | 1 | .. | 1 | 1 | .. | | 3 | 15 | 9 | | | | | | | | | | | |
| Illegal Distrant .. . | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Breach of Contract .. . | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 7 | 1 | 6 | 4 | 2 | | 2 | 11 | 3 | | | | | | | | | | | |
| Libel, Slander, and Defamation | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Commission on Agency .. . | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Sales of Live Stock .. . | 4 | 1 | 3 | 3 | .. | | 1 | 15 | 3 | | | | | | | | | | | |
| Money Lent | 5 | 2 | 3 | 3 | .. | | 3 | 1 | 0 | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Possession of Tenements .. . | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Consent Jurisdiction .. . | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 1 | .. | 1 | 1 | .. | | 0 | 6 | 3 | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEO. HY. ROWLEY,
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of QUEANBEYAN, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

59—C

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, AND NUMBER, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | |
|---|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|-----------------|-------------------------|----------------------------|--|-----------------------|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. By Jury. | Settled by Arbitration. | Of Motions for New Trials. | | Of New Trials granted |
| | | | | | | | | | | | | | Days. | Hours |  |  |  |  |  | Without Jury. |
| | | | | | | £ | s. | d. | | | | | | | | | | | |
| Goods sold | 34 | | | | | | | | | | | | | | | | | | |
| Promissory Notes | 22 | | | | | | | | | | | | | | | | | | |
| Rent | 1 | | | | | | | | | | | | | | | | | | |
| Board and Lodging | 2 | | | | | | | | | | | | | | | | | | |
| Trespass on Land | 2 | | | | | | | | | | | | | | | | | | |
| Trespass on Person | 1 | | | | | | | | | | | | | | | | | | |
| Illegal Distraint | 1 | | | | | | | | | | | | | | | | | | |
| Trover | 4 | | | | | | | | | | | | | | | | | | |
| Breach of Contract | 3 | | | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 25 | | | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | 2 | | | | | | | | | | | | | | | | | | |
| Commission on Agency | 1 | | | | | | | | | | | | | | | | | | |
| Sales of Live Stock | 1 | 78 | 28 | 45 | 41 | 4 | 207 | 9 | 1 | .. | .... | .. | 3 | | | | | | |
| Money Lent | 11 | | | | | | | | | | | | | | | | | | |
| Partnership | 1 | | | | | | | | | | | | | | | | | | |
| Interpleader | 1 | | | | | | | | | | | | | | | | | | |
| Intestacy | 1 | | | | | | | | | | | | | | | | | | |
| Legacy | 1 | | | | | | | | | | | | | | | | | | |
| Possession of Tenements | 1 | | | | | | | | | | | | | | | | | | |
| Replevin | 1 | | | | | | | | | | | | | | | | | | |
| Consent Jurisdiction | 1 | | | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 39 | | | | | | | | | | | | | | | | | | |
| Account stated | 3 | | | | | | | | | | | | | | | | | | |
| Detenue | 3 | | | | | | | | | | | | | | | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

CHAS. E. NEWCOMBE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of YASS, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

18

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|--------------------------------|--------|--|-----------------|------------------------------------|---------------|---|-----------|--------------------------------|--|--|-----------|------------------|-----------------------|---|-------------------------------------|--|-----------------------------|--|
| | Com- menced | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. By Jury. | Settled by Arbi- tration. Without Jury. | Of Motions for New Trials. | | Of New Trials granted | |
| | | | | | | | | | | | | | Days. | Hours. | | | | | | |
| Goods sold | 88 | 19 | 55 | 53 | 2 | } 254 18 3 | .. | | .. | 6 | Yass | 1861. 27 and 28 May .. 26, 27, 28 August 21, 22, 23 Nov. .. 20, 21, 22 Feb. .. | 1 | 6 | } 2 | 146 | | 2 | 2 | } The grounds, for obtaining substantial justice. |
| Promissory Notes | 51 | 10 | 29 | 28 | 1 | | | | | | | | | | | | | | | |
| Rent | 7 | 1 | 4 | 4 | .. | | | | | | | | | | | | | | | |
| Board and Lodging | 7 | 1 | 5 | 4 | 1 | | | | | | | | | | | | | | | |
| Trespass on Land | 6 | 1 | 1 | 1 | .. | | | | | | | | | | | | | | | |
| Trespass on Person | 4 | 1 | 2 | 2 | .. | | | | | | | | | | | | | | | |
| Illegal Distraint | 2 | .. | 2 | 2 | .. | | | | | | | | | | | | | | | |
| Trover | 10 | 4 | 5 | 3 | 2 | | | | | | | | | | | | | | | |
| Breach of Contract | 39 | 15 | 19 | 15 | 4 | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 11 | 3 | 6 | 4 | 2 | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | 2 | .. | 1 | .. | 1 | | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Sales of Live Stock | 2 | .. | 1 | 1 | .. | | | | | | | | | | | | | | | |
| Money Lent | 6 | .. | 5 | 4 | 1 | | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Interpleader | 2 | .. | 2 | 1 | 1 | | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 22 | 5 | 11 | 8 | 3 | | | | | | | | | | | | | | | |
| | 259 | .. | .. | .. | .. | | | | | | | | | | | | | | | |

DISTRICT COURTS ACT OF 1858.-(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.
J. STILES,
 Registrar, District Court, Yass.

A RETURN of the Number of Suits commenced in the District Court of COOMA, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|--------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|-----------------|--------------------------|----------------------------|--|------------------------|---------------|
| | Com-menced. | Settled without hearing. | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. By Jury. | Settled by Arbi-tration. | Of Motions for New Trials. | | Of New Trials granted. | |
| | | | | | | | | | | | | | Days. | Hours. | | | | | | Without Jury. |
| Goods sold | 16 | 6 | 10 | 10 | .. | £ | s. | d. | .. | 10 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Promissory Notes | 14 | 7 | 7 | 7 | .. | 27 | 10 | 5 | .. | 7 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Rent | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Land | 1 | 1 | .. | .. | .. | 2 | 6 | 0 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Person | 3 | 1 | 2 | 1 | 1 | 26 | 10 | 0 | .. | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trover | 3 | 1 | 2 | 2 | .. | 4 | 11 | 11 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | 10 | 4 | 6 | 4 | 2 | 69 | 10 | 4 | .. | 6 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 6 | 11 | 6 | 4 | .. | 42 | 3 | 8 | .. | 6 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Libel, Slander, or Defamation. | 1 | .. | 1 | .. | .. | 10 | 17 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | 3 | 3 | .. | .. | .. | 2 | 0 | 6 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ROBERT DAWSON,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BOMBALA, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|--|---|-------------------------------|--------|--|-----------------|-------------------------|---------------|---|-----------|--------------------------------|--|-------|-----------|------------------|-------------|------------------|---------------------------------|--|-------------------------------------|-----------------------------|
| | Com- menced. | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted |
| | | | | | | | | | | | | | Days. | Hours | By Jury. | Without Jury. | | | | |
| Goods sold | 2 | 1 | 1 | 1 | .. | £ | s. | d. | | | | | | | | | | | | |
| Promissory Notes | 4 | 2 | 2 | 2 | .. | 0 | 13 | 6 | | | | | | | | | | | | |
| Rent | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Trespass on person | 1 | 1 | .. | .. | .. | 1 | 1 | 0 | | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Trover | 1 | .. | 1 | .. | 1 | 1 | 6 | 6 | | | | | | | | | | | | |
| Breach of Contract | 2 | .. | 2 | 2 | .. | 0 | 13 | 6 | | | | | | | | | | | | |
| Wages, Work, and Labour .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Libel, Slander, or Defamation | 2 | 1 | 1 | 1 | .. | 18 | 9 | 6 | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Money Lent | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Consent Jurisdiction .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | |
| Estimated Value of a disputed Race Prize, Stewards being Defendant | 1 | 1 | .. | .. | .. | 4 | 14 | 0 | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

THOMAS FOX,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of ALBURY, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sitzings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|--|---|-------------------------------|--------|--|-----------------|-------------------------|---------------|---|-----------|--------------------------------|--|-------|------------|------------------|-------------|------------------|---------------------------------|--|-------------------------------------|-----------------------------|
| | Com- menced | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbit- ration. | | Of Motions for New Trials. | Of New Trials granted |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| | | | | | | £ s. d. | | | | | | | | | | | | | | |
| Goods sold | 74 | 52 | 22 | 19 | 3 | } 350 0 0 | 2 | 2 | .. | .. | Albury .. | 1861. | Mar. 11 .. | 6 | } 8 | 84 | 3 | 2 | | |
| Promissory Notes | 18 | 11 | 7 | 7 | .. | | | | | | | | | | | | | | | |
| Rent | 3 | 2 | 1 | 1 | .. | | | | | | | | | | | | | | | |
| Board and Lodging | 4 | 3 | 1 | 1 | .. | | | | | | | | | | | | | | | |
| Trespass on Land | 2 | .. | 2 | 2 | .. | | | | | | | | | | | | | | | |
| Trespass on Person | 6 | 2 | 4 | 3 | 1 | | | | | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trover | 11 | 7 | 4 | 3 | 1 | | | | | | | | | | | | | | | |
| Breach of Contract | 11 | 7 | 4 | 4 | .. | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 40 | 17 | 23 | 19 | 4 | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | 5 | 2 | 3 | 1 | 2 | | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Money Lent | 1 | 1 | .. | .. | .. | | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 36 | 15 | 21 | 17 | 4 | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

H. S. ELLIOTT,
Deputy Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of TUMUT, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

22

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | |
|--|---|-------------------------|--------|--|-------------|------------------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|-----------------|--|----------------------------|--|------------------------|----|---|
| | Com-menced | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. By Jury. | Settled by Arbi-tration. Without Jury. | Of Motions for New Trials. | | Of New Trials granted. | | |
| | | | | | | | | | | | | | Days. | Hours. | | | | | | | |
| Goods sold | 40 | 9 | 23* | 23 | 5 | ... | .. | 1 | .. | 3* | Tumut | { | 1861. | 5 June .. | 2 | 4½ | 1 | 67 | .. | .. | 1 |
| Promissory Notes | 16 | 3 | 12* | 11 | 1 | ... | .. | .. | .. | 1* | | | | | | | | | | | |
| Rent | 3 | 2 | 1 | 1 | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Trespass on Land | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Breach of Contract | 3 | 2 | 1 | .. | 1 | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Wages, Work, and Labour .. | 3 | .. | 3 | 3 | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Libel, Slander, or Defamation .. | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Money Lent | 2 | .. | 2 | 2 | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | | | | | | | | | | | |
| | 68 | 16 | 48 | 41 | 7 | ... | .. | 1 | .. | 4 | | | | | | | | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

*Not included in Cases Tried.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

EDWARD BROWN,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of GUNDAGAI, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | | | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases | | The Number | | The Grounds on which such New Trials were granted. | | | | | | | | | | | |
|---|---|--------------------------------|--------|--|-----------------|-------------------------|----|----|---------------|---|-----------|--------------------------------|--|--|-----------|-----------------|-------------|------------------|---------------------------------|--|-------------------------------------|-----------------------------|----|----|----|----|----|----|----|----|----|
| | Com- menced. | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | £ | s. | d. | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted | | | | | | | | | |
| | | | | | | | | | | | | | | | Days. | Hours | By Jury. | Without Jury. | | | | | | | | | | | | | |
| Goods sold | 15 | 6 | 9 | 8 | 3 | 64 | 15 | 8 | .. | .. | .. | 4 | Court House, Gundagai | 3 and 4 June. 2 and 3 Sept. 26 and 27 Nov. 27 and 28 Feb. | 2 or 10 | 2 or 11 | 2 or 10 | 2 or 12 | 9 | .. | .. | Surprise. | | | | | | | | | |
| Promissory Notes | 10 | 4 | 5 | 5 | .. | 17 | 6 | 0 | .. | .. | 1 | 5 | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | | | | |
| Rent | 1 | .. | 1 | .. | 1 | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | | |
| Board and Lodging | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | |
| Trespass on Land | 2 | .. | 2 | 2 | .. | 7 | 15 | 0 | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | |
| Trespass on Person | 1 | .. | 1 | 1 | .. | 12 | 5 | 0 | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | |
| Illegal Distrainment | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trover | 2 | .. | 2 | 2 | .. | 4 | 0 | 0 | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | 4 | 1 | 3 | .. | 3 | 6 | 18 | 6 | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 10 | 2 | 8 | 8 | .. | 38 | 5 | 0 | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Libel, Slander, or Defamation .. | 3 | 1 | 2 | 2 | .. | 12 | 1 | 6 | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | 2 | 1 | 1 | .. | 1 | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | |
| Causes of Action not specified above | 4 | 1 | 3 | .. | 3 | 12 | 0 | 0 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

A. C. S. ROSE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WAGGA WAGGA, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|--------------------------------|--------|--|-----------------|------------------------------------|---------------|---|-----------|--------------------------------|--|-------|-----------|------------------|-------------|------------------|---------------------------------|--|-------------------------------------|------------------------------|
| | Com- menced | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 27 | 3 | 22 | 20 | 2 | 71 | 18 | 5 | .. | .. | .. | .. | .. | .. | .. | 22 | 2 | .. | .. | Verdict against evidence. |
| Promissory Notes | 19 | 7 | 11 | 10 | 1 | 51 | 0 | 7 | .. | .. | .. | .. | .. | .. | .. | 1 | 30 | .. | .. | |
| Rent | 2 | .. | 2 | 2 | .. | 4 | 19 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | 2 | .. | .. | |
| Board and Lodging | 2 | 1 | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 1 | .. | .. | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Trespass on Person | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Trover | 2 | .. | 2 | 2 | .. | 16 | 16 | 0 | 2 | 2 | .. | .. | .. | .. | .. | .. | 2 | .. | .. | |
| Breach of Contract | 4 | 2 | 2 | 1 | 1 | 20 | 1 | 10 | .. | .. | .. | .. | .. | .. | .. | .. | 2 | .. | .. | |
| Wages, Work, and Labour .. | 3 | 1 | 2 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 2 | .. | .. | |
| Libel, Slander, or Defamation .. | 3 | 2 | 1 | .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 1 | 1 | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Sales of Live Stock | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Money Lent | 2 | 1 | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Interpleader | 2 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Causes of Action not specified above | 22 | 2 | 19 | 12 | 7 | 23 | 16 | 10 | 2 | .. | .. | 1 | .. | .. | .. | 2 | 17 | .. | .. | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

HENRY BAYLIS,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of DENILQUIN, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | | The Number | | The Grounds on which such New Trials were granted. | | | | |
|---|---|--------------------------------|--------|--|-----------------|-------------------------|------------|----|----|---------------|--|-----------|--------------------------------|------------------|---------|-----------|------------|-------------|--|---------------------------------|-------------------------------------|------------------------------|------------------|
| | Commen- ced. | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | | £ | s. | d. | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | Of Motions for New Trials. | Of New Trials granted. | |
| | | | | | | | | | | | | | | | | Days. | Hours. | By Jury. | | | | | Without Jury. |
| Goods sold | 9 | 3 | 6 | 6 | .. | 72 | 6 | 7 | .. | .. | .. | .. | Denilquin | { | 21 Dec. | 1 | 5 | 4 | 16 | Nil.. | 1 | Nil.. | |
| Promissory Notes | 6 | 4 | 2 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Rent | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Board and Lodging | 1 | .. | 1 | 1 | .. | 4 | 4 | 0 | .. | .. | .. | .. | | | | | | | | | | | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Trespass on Person | 1 | 1 | .. | .. | .. | 3 | 16 | 6 | .. | .. | .. | .. | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Breach of Contract | 6 | 1 | 3 | 1 | 2 | 22 | 14 | 0 | .. | .. | 2 | .. | | | | | | | | | | | |
| Wages, Work, and Labour .. | 13 | 6 | 5 | 4 | 1 | 56 | 0 | 6 | .. | .. | 2 | .. | | | | | | | | | | | |
| Libel, Slander, or Defamation .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Money Lent | 4 | 1 | 2 | 2 | .. | 1 | 10 | 0 | .. | .. | 1 | .. | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Intestacy .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | |
| Detinue | 1 | .. | 1 | 1 | .. | .. | .. | .. | 1 | .. | .. | .. | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

M. A. M'KENNA,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of BATHURST, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.: | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases | | The Number | | The Grounds on which such New Trials were granted. | | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|---|----------|---------------|-------------------------|--|----------------------------|------------------------|---|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | |
| Goods sold | 270 | | | | | £ | s. | d. | | | | | | | | | | | | | |
| Promissory Notes | 69 | | | | | | | | | | | | | | | | | | | | |
| Rent | 22 | | | | | | | | | | | | | | | | | | | | |
| Board and Lodging | 10 | | | | | | | | | | | | | | | | | | | | |
| Trespass on Land | 28 | | | | | | | | | | | | | | | | | | | | |
| Trespass on Person | 2 | | | | | | | | | | | | | | | | | | | | |
| Illegal Distrain't | .. | | | | | | | | | | | | | | | | | | | | |
| Trover | 11 | | | | | | | | | | | | | | | | | | | | |
| Breach of Contract | 9 | | | | | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 61 | | | | | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | 4 | | | | | | | | | | | | | | | | | | | | |
| Commission on Agency | 4 | 315 | 233 | 191 | 42 | 631 | 16 | 2 | .. | .... | .. | 8 | Bathurst | 1861. May 13 .. 9 Aug. 5 .. 7 Nov. 21 .. 7 | .. | 8 | 225 | .. | 3 | 2 | No. 150 of 1861, absence of material witness. No. 451 of 1861, absence of defendant. |
| Sales of Live Stock | 17 | | | | | | | | | | | | | | | | | | | | |
| Money Lent | 18 | | | | | | | | | | | | | | | | | | | | |
| Partnership | .. | | | | | | | | | | | | | | | | | | | | |
| Interpleader | 1 | | | | | | | | | | | | | | | | | | | | |
| Intestacy | .. | | | | | | | | | | | | | | | | | | | | |
| Legacy | .. | | | | | | | | | | | | | | | | | | | | |
| Possession of Tenements .. | .. | | | | | | | | | | | | | | | | | | | | |
| Replevin | .. | | | | | | | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | | | | | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 30 | | | | | | | | | | | | | | | | | | | | |
| | 556 | | | | | | | | | | | | | | | | | | | | |

N.B.—During the above period there have been ninety-nine cases tried in the Court of Requests, under 10 Vic., No. 10.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

T. CHARLES GORE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MUDGEe, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars • 28 required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|-----------------|-------------------------|----------------------------|--|---------------------------|----|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defend-ant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. By Jury. | Settled by Arbitration. | Of Motions for New Trials. | | Of New Trials granted. | |
| | | | | | | | | | | | | | Days. | Hours. | | | | | | |
| Goods sold | 62 | 33 | 23 | 27 | 1 | £ s. d. 599 5 6 | Nil.. | Nil.... | Nil.. | Mudgee .. | 30 Sept. | 3 | 23½ | 15 | 67 | .. | 1 | 1 | Verdict against evidence. | |
| Promissory Notes | 37 | 11 | 25 | 25 | .. | | | | | | | | | | | | | | | 1 |
| Rent | 4 | 1 | 3 | 2 | 1 | | | | | | | | | | | | | | | 1 |
| Board and Lodging | 1 | .. | 1 | 1 | .. | | | | | | | | | | | | | | | .. |
| Trespass on Land | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Trespass on Person | 2 | 1 | 1 | 1 | .. | | | | | | | | | | | | | | | .. |
| Illegal Distraint | 1 | 1 | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Trover | 3 | .. | 2 | 2 | .. | | | | | | | | | | | | | | | 1 |
| Breach of Contract | 12 | 6 | 5 | 5 | .. | | | | | | | | | | | | | | | .. |
| Wages, Work, and Labour .. | 11 | 3 | 8 | 6 | 2 | | | | | | | | | | | | | | | .. |
| Libel, Slander, or Defamation | 3 | 1 | 2 | 1 | 1 | | | | | | | | | | | | | | | .. |
| Commission on Agency | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Money Lent | 4 | .. | 4 | 4 | .. | | | | | | | | | | | | | | | .. |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Interpleader | 1 | 1 | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Possession of Tenements | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | .. |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Money had and received to Plaintiff's use | 4 | 4 | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Trespass to Personal Property | 3 | 1 | 2 | 2 | .. | .. | | | | | | | | | | | | | | |
| On Judgment | 1 | .. | 1 | 1 | .. | .. | | | | | | | | | | | | | | |
| | 149 | 63 | 82 | 77 | 5 | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

GEO. WARBURTON,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of DUBBO, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

30

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | |
|---|---|-------------------------|--------|--|-------------|------------------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------------------|-------------|------------------|----------|---------------|-------------------------|--|----------------------------|--|---|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | ried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | |
| Goods sold | 30 | 12 | 9 | 6 | 3 | 26 16 3 | .. | 9 | .. | 9 | } Dubbo.. | 1861. 11 April | .. | 3 | 1 | 8 | .. | .. | .. | } Not served on account of floods and noresidence. | |
| Promissory Notes | 11 | 3 | 2 | 2 | .. | 11 10 9 | .. | 2 | .. | 6 | | | .. | .. | .. | .. | .. | .. | .. | | .. |
| Rent | 1 | .. | 1 | 1 | .. | 0 8 0 | .. | 1 | .. | .. | | | .. | .. | .. | .. | .. | .. | .. | | .. |
| Board and Lodging ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. |  | ..... | .. | .. | .. | .. | .. | .. | .. | .. |  |
| Trespass on Land | 1 | 1 | .. | .. | .. | 2 14 3 | .. | .. | .. | .. |  | ..... | 11 July .. | .. | 4 | 1 | .. | .. | .. | .. | |
| Trespass on Person ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. |  | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |
| Illegal Distraint | 1 | .. | .. | .. | .. | ..... | .. | .. | .. | .. |  | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |
| Trover | 1 | .. | 1 | .. | .. | 1 0 0 | .. | .. | .. | 1 | | | 11 Oct. ... | .. | 2 | .. | .. | .. | .. | .. | } Postponed to seek cattle. Not served from casualties. |
| Breach of Contract | 3 | .. | 2 | 1 | 1 | 18 5 3 | .. | .. | .. | 1 |  | ..... | ..... | .. | .. | 1 | 2 | .. | .. | .. | |
| Wages, Work, and Labour .. | 15 | 3 | 9 | 9 | .. | 26 0 9 | .. | .. | .. | 3 |  | ..... | ..... | .. | .. | 1 | 8 | .. | .. | .. | |
| Libel, Slander, or Defamation ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. |  | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |
| Commission on Agency ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. |  | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |
| Sales of Live Stock ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. |  | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |
| Money Lent | 2 | .. | 2 | 2 | .. | 1 10 6 | .. | 2 | .. | .. |  | ..... | 8 Feb. ... | .. | 5½ | .. | .. | .. | .. | .. | |
| Partnership ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. |  | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |
| Interpleader ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |  |
| Intestacy ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |  |
| Legacy ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |  |
| Possession of Tenements ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |  |
| Replevin ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |  |
| Consent Jurisdiction ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |  |
| Causes of Action not specified above ..... | .. | .. | .. | .. | .. | ..... | .. | .. | .. | .. | ..... | ..... | .. | .. | .. | .. | .. | .. | .. |  |  |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

LUKE M'GUINN,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MOLONG, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|---|-----------|------------------|-----------------|-------------------------|----------------------------|--|------------------------|---------------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. By Jury. | Settled by Arbitration. | Of Motions for New Trials. | | Of New Trials granted. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | Days. | Hours. | | | | | | Without Jury. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Goods sold | 15 | 12 | 3 | 1 | 2 | £ s. d. 11 13 9 | } Nil. | } Nil.... | } Nil.. | } Nil.. | } Molong | } { 1861. 18 April .. 2 18 July .. 3½ 17 Oct. .. 23 1862. 15 Feb. .. 1 | } .. | } 3 | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Promissory Notes | 2 | .. | 2 | .. | .. | 0 13 0 | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rent | 2 | 2 | .. | .. | .. | 0 7 6 | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Board and Lodging | 2 | 1 | 1 | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Trespass on Land | 2 | 2 | .. | 1 | .. | 1 9 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illegal Distrain | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Breach of Contract | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 3 | 2 | 1 | 1 | 1 | 2 9 6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Money Lent | 1 | 1 | .. | .. | .. | 1 5 3 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. |
| Legacy | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Medical Attendance | 1 | .. | 1 | 1 | .. | 0 12 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | } .. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JOHN LISCOMBE,
Deputy Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of CARCOAR, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

59—E

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|--|---|-------------------------------|--------|--|-----------------|-------------------------|---------------|---|-----------|--------------------------------|--|----------------|--|------------------|-------------|------------------|---------------------------------|--|-------------------------------------|------------------------------|
| | Com- menced. | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours | By Jury. | Without Jury. | | | | |
| Goods sold | 4 | 1 | 3 | 2 | .. | £ 7 | 1 | 0 | .. | .. | 1 | } Carcoar .. { | 1861. 26 April .. 6½ 26 July .. 7 25 Oct. Adjournd to .. 1862. 21 Feb. .. 1½ | 1 | .. | .. | .. | .. | | |
| Promissory Notes | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Rent | 1 | .. | 1 | 1 | .. | 2 | 3 | 0 | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Persons | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | 2 | 1 | 1 | .. | 1 | 0 | 8 | 6 | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 4 | 2 | 2 | .. | 1 | 3 | 6 | 0 | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Libel, Slander, or Defamation | 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | |
| Causes of Action not specified above | 2 | 1 | 1 | 1 | .. | 5 | 14 | 6 | .. | .. | .. | .. | .. | .. | 1 | .. | .. | .. | | |
| | 15 | 7 | 8 | 5 | 2 | 18 | 13 | 0 | .. | .. | .. | 1 | .. | 2 | .. | .. | .. | .. | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

OWEN C. BEARDMORE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of HARTLEY, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | | | | | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|----|------------|------------|-----------------------------------|-----------|--|-----------|-------|------------------|--------|------------|---------------|--|-------------------------|----------------------------|------------------------|----|----|----|----|----|----|----|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | £ | s. | d. | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | | Settled by Arbitration. | Of Motions for New Trials. | Of New Trials granted. | | | | | | | |
| | | | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | | | | | |
| Goods sold | 13 | 2 | 11 | 8 | 1 | 7 | 12 | 0 | .. | .. | .. | .. | } Hartley | { | 26 Mar. .. | 2½ | .. | .. | .. | .. | .. | | | | | | | | |
| Promissory Notes | 7 | 1 | 5 | 5 | .. | 3 | 11 | 3 | .. | .. | 1 | .. | | | | | | | | | | 25 June. .. | 3 | .. | .. | .. | .. | .. | .. |
| Rent | 1 | .. | 1 | 1 | .. | 0 | 8 | 0 | .. | .. | .. | .. | | | | | | | | | | 24 Sept. .. | 4 | .. | .. | .. | .. | .. | .. |
| Board and Lodging..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | 6 Dec. .. | 1½ | .. | .. | .. | .. | .. | .. |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Person | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour... | 5 | 2 | 3 | 2 | .. | 3 | 18 | 3 | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Libel, Slander, or Defamation | 1 | 1 | .. | .. | .. | 1 | 1 | 6 | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Money Lent..... | 5 | 1 | 4 | 3 | .. | 3 | 14 | 3 | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Interpleader..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.
 THOMAS BROWN,
 Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of DUNGOG, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ:— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | |
|---|---|-------------------------------|--------|--|-----------------|-------------------------|------------|----|----|---------------|--|-----------|--------------------------------|------------------|-------|------------|-------|--|-------------|------------------|---------------------------------|-------------------------------------|------------------------------|
| | Com- menced. | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | £ | s. | d. | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Placc. | Date. | Duration. | | | Tried. | | Settled by Arbi- tration. | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | | | | Days. | Hours | | By Jury. | Without Jury. | | | |
| Goods sold | 14 | 2 | 12 | 12 | .. | 42 | 12 | 9 | } | | | | Dungog .. | 24 Jan. ... | 8 | | | | | | | | |
| Promissory Notes | 3 | .. | 3 | 3 | .. | 2 | 13 | 0 | | | | | | | | | | | | | | | |
| Rent | 1 | .. | 1 | 1 | .. | 1 | 3 | 6 | | | | | | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Breach of Contract | 1 | .. | 1 | .. | 1 | 2 | 12 | 7 | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation .. | 1 | 1 | .. | .. | .. | 0 | 9 | 3 | | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Sales of Live Stock | 1 | 1 | .. | .. | .. | 0 | 4 | 9 | | | | | | | | | | | | | | | |
| Money Lent | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 2 | 1 | 1 | 1 | .. | 2 | 3 | 6 | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

HEN. GORDON,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of EAST MAITLAND, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

36

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | | The Number | | The Grounds on which such New Trials were granted. | |
|---|---|--------------------------------|--------|--|-----------------|------------------------------------|---------------|---|-----------|--------------------------------|--|-------|----------------------|--|------------------------|------------------|---------------------------------|-------------------------------------|--|-----------------------------|
| | Com- menced. | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | Of Motions for New Trials. | | Of New Trials granted |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 37 | } 25 | 62 | 56 | 6 | 60 | 7 | 3 | 2 | | .. | 12 | { East Maitland.. | { 13 May 14 Aug. 11 Nov. 1862. 10 Feb. | { .. 1 2 .. 4 .. | } 1 | 61 | .. | 8 | 1 |
| Promissory Notes | 29 | | | | | | | | | | | | | | | | | | | |
| Rent | 12 | | | | | | | | | | | | | | | | | | | |
| Board and Lodging | .. | | | | | | | | | | | | | | | | | | | |
| Trespass on Land | .. | | | | | | | | | | | | | | | | | | | |
| Trespass on Person | .. | | | | | | | | | | | | | | | | | | | |
| Illegal Distrain | 4 | | | | | | | | | | | | | | | | | | | |
| Trover | 1 | | | | | | | | | | | | | | | | | | | |
| Breach of Contract | 3 | | | | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 9 | | | | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | .. | | | | | | | | | | | | | | | | | | | |
| Commission on Agency | .. | | | | | | | | | | | | | | | | | | | |
| Sales of Live Stock | .. | | | | | | | | | | | | | | | | | | | |
| Money Lent | .. | | | | | | | | | | | | | | | | | | | |
| Partnership | .. | | | | | | | | | | | | | | | | | | | |
| Interpleader | .. | | | | | | | | | | | | | | | | | | | |
| Intestacy | .. | | | | | | | | | | | | | | | | | | | |
| Legacy | .. | | | | | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | | | | | | | | | | | | | | | | | | | |
| Replevin | .. | | | | | | | | | | | | | | | | | | | |
| Consent Jurisdiction | 1 | | | | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 3 | | | | | | | | | | | | | | | | | | | |
| | 99 | 25 | 62 | 56 | 6 | 60 | 7 | 3 | 2 | | .. | 12 | | { .. 1 2 .. 4 .. | } 1 | 61 | .. | 8 | 1 | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

AUG. CARTER,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of WEST MAITLAND, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | |
|---|---|--------------------------------|--------|--|-----------------|------------------------------------|---------------|---|-----------|--------------------------------|--|-------|---------------------|--------------------------------|-------------|------------------|---------------------------------|--|-------------------------------------|------------------------------|---|
| | Com- menced | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted. | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | |
| Goods sold | 19 | } 27 | 43 | 39 | 4 | 36 | 17 | 3 | .. | | .. | 4 | { West Maitland. | { May 20 Aug. 19 Nov. 18 | 5 6 5 | | } 3 | 40 | | 3 | 1 |
| Promissory Notes | 17 | | | | | | | | | | | | | | | | | | | | |
| Rent | 2 | | | | | | | | | | | | | | | | | | | | |
| Board and Lodging | 2 | | | | | | | | | | | | | | | | | | | | |
| Trespass on Land | 4 | | | | | | | | | | | | | | | | | | | | |
| Trespass on Person | 4 | | | | | | | | | | | | | | | | | | | | |
| Illegal Distraint | .. | | | | | | | | | | | | | | | | | | | | |
| Trover | .. | | | | | | | | | | | | | | | | | | | | |
| Breach of Contract | 8 | | | | | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 8 | | | | | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation .. | 2 | | | | | | | | | | | | | | | | | | | | |
| Commission on Agency | .. | | | | | | | | | | | | | | | | | | | | |
| Sales of Live Stock | 1 | | | | | | | | | | | | | | | | | | | | |
| Money Lent | 2 | | | | | | | | | | | | | | | | | | | | |
| Partnership | 1 | | | | | | | | | | | | | | | | | | | | |
| Interpleader | 2 | | | | | | | | | | | | | | | | | | | | |
| Intestacy | .. | | | | | | | | | | | | | | | | | | | | |
| Legacy | .. | | | | | | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | | | | | | | | | | | | | | | | | | | | |
| Replevin | .. | | | | | | | | | | | | | | | | | | | | |
| Consent Jurisdiction | 2 | | | | | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | .. | | | | | | | | | | | | | | | | | | | | |
| | 74 | 27 | 43 | 39 | 4 | 36 | 17 | 3 | .. | | .. | 4 | | | 5 | .. | 3 | 40 | .. | 3 | 1 |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

AUG. CARTER,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of SINGLETON, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | |
|---|---|--------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|-----------------|--------------------------|----------------------------|--|------------------------|
| | Com-menced | Settled without hearing. | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. By Jury. | Settled by Arbi-tration. | Of Motions for New Trials. | | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours. |  |  |  |  |  | Without Jury. |
| Goods sold | 12 | 2 | 10 | 8 | 2 | £ | s. | d. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | { Additional evidence. |
| Promissory Notes | 15 | 6 | 9 | 8 | 1 | 55 | 16 | 0 | .. | .. | .. | .. | .. | 1 | 11 | .. | .. | .. | |
| Rent | 3 | .. | 3 | 3 | .. | 47 | 9 | 0 | .. | .. | .. | .. | .. | .. | 15 | .. | .. | .. | |
| Board and Lodging | .. | .. | .. | .. | .. | 18 | 4 | 0 | .. | .. | .. | .. | .. | .. | 3 | .. | .. | .. | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Trespass on Person | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Illegal Distrain't | 1 | .. | 1 | 1 | .. | 11 | 0 | 0 | .. | .. | .. | .. | .. | .. | 1 | .. | .. | .. | |
| Trover | 6 | 3 | 3 | 3 | .. | 54 | 0 | 0 | .. | .. | .. | .. | .. | 1 | 5 | .. | 1 | 1 | |
| Breach of Contract | 4 | 1 | 2 | 2 | .. | 25 | 0 | 0 | .. | .. | .. | 1 | .. | 1 | 3 | .. | .. | .. | |
| Wages, Work, and Labour .. | 6 | 1 | 5 | 4 | 1 | 17 | 10 | 0 | .. | .. | .. | .. | .. | 1 | 6 | .. | .. | .. | |
| Libel, Slander, or Defamation. | 1 | .. | 1 | 1 | .. | 23 | 5 | 0 | .. | .. | .. | .. | .. | 1 | .. | .. | .. | .. | |
| Commission on Agency | 1 | 1 | .. | .. | .. | 1 | 4 | 0 | .. | .. | .. | .. | .. | .. | 1 | .. | .. | .. | |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Money Lent | 1 | 1 | .. | .. | .. | 0 | 7 | 6 | .. | .. | .. | .. | .. | .. | 1 | .. | .. | .. | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Causes of Action not specified above | 4 | .. | .. | 2 | 2 | 12 | 0 | 0 | .. | .. | .. | .. | .. | .. | 4 | .. | .. | .. | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

WM. DUDDING,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of MUSWELLBROOK, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | | The Number | | The Grounds on which such New Trials were granted. | | | | |
|---|---|-------------------------------|--------|--|-----------------|------------------------------------|---------------|---|-----------|--------------------------------|--|-------|-----------|------------------|-----------------------------|------------------|---------------------------------|-------------------------------------|--|------------------------------|---|---|--|
| | Com- menced. | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | Of Motions for New Trials. | | Of New Trials granted. | | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | |
| Goods sold | 12 | } 34 | 15 | 19 | 16 | 3 | 27 | 4 | 0 | One still pending | | .. | .. | Muswellbrook.. | { 1861. 3 June 3 Dec. | 3 | 21 | } 2 | 17 | .. | 4 | 1 | { Judge not satisfied with ver- dict. |
| Promissory Notes | 4 | | | | | | | | | | | | | | | | | | | | | | |
| Rent | | | | | | | | | | | | | | | | | | | | | | | |
| Board and Lodging | | | | | | | | | | | | | | | | | | | | | | | |
| Trespass on Land | 1 | | | | | | | | | | | | | | | | | | | | | | |
| Trespass on Person | | | | | | | | | | | | | | | | | | | | | | | |
| Illegal Distrain | 1 | | | | | | | | | | | | | | | | | | | | | | |
| Trover | 3 | | | | | | | | | | | | | | | | | | | | | | |
| Breach of Contract | 12 | | | | | | | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 1 | | | | | | | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | | | | | | | | | | | | | | | | | | | | | | | |
| Commission on Agency | | | | | | | | | | | | | | | | | | | | | | | |
| Sales of Live Stock | | | | | | | | | | | | | | | | | | | | | | | |
| Money Lent | | | | | | | | | | | | | | | | | | | | | | | |
| Partnership | | | | | | | | | | | | | | | | | | | | | | | |
| Interpleader | | | | | | | | | | | | | | | | | | | | | | | |
| Intestacy | | | | | | | | | | | | | | | | | | | | | | | |
| Legacy | | | | | | | | | | | | | | | | | | | | | | | |
| Possession of Tenements | | | | | | | | | | | | | | | | | | | | | | | |
| Replevin | | | | | | | | | | | | | | | | | | | | | | | |
| Consent Jurisdiction | | | | | | | | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | | | | | | | | | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JOHN O'MEARA,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of SCONE, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

40

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | | | | | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------------------------|---------------|-------------------------|---------------|---------------|--------------------------|--|----------------------------|------------------------|----|----|----|----|----|----|----|----|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi-tration. | | Of Motions for New Trials. | Of New Trials granted. | | | | | | | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | | | | | | |
| Goods sold | 3 | 1 | 2 | 1 | 1 | £ | ... | .. | .. | } ... } Scone .. | } ... } 1861. 10 June.. 10 Dec.. | } ... } 2 .. 1 .. | } ... } .. | } ... } 2 .. 1 .. | } ... } .. | } ... } .. | } ... } .. | } ... } .. | | | | | | | | | | |
| Promissory Notes | 3 | 1 | 2 | 2 | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| Rent | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Board and Lodging | 1 | .. | 1 | 1 | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Land | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Person | 2 | .. | 2 | 1 | 1 | ... | .. | 1 not decided. | .. | | | | | | | | | | .. | .. | .. | .. | 2 | .. | .. | .. | 1 | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 1 | .. | 1 | 1 | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Libel, Slander, or Defamation | 5 | 3 | 2 | 1 | 1 | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | 2 | 1 | 1 | 1 | 1 | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Possession of Tenements | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Replevin | .. | .. | .. | .. | .. | ... | .. | .. | .. | | | | | | | | | | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Consent Jurisdiction | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |
| | .. | .. | .. | .. | .. | ... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JAMES SMITH,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of PATERSON, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

59—R

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|----------|---------------|--------------------------|--|----------------------------|------------------------|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi-tration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours | By Jury. | Without Jury. | | | | |
| Goods sold | 2 | 2 | .. | .. | } | £ s. d. | .. | | .. | Paterson .. | 1861. 29 Aug. | .. | 2 | .. | 1 | | | | | |
| Promissory Notes | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Rent | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Trespass on Land | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Trover .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Breach of Contract | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 1 | 1 | .. | .. | | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Sales of Live Stock .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Money Lent | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Possession of Tenements .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Consent Jurisdiction .. | .. | .. | .. | .. | | | | | | | | | | | | | | | | |
| Causes of Action not specified above | 2 | 1 | 1 | 1 | | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

R. STUDDERT,
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of MURRURUNDI, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|--|---|--------------------------|--------|--|-------------|-------------------------|------------|-----------------------------------|-----------|--------------------------|--|------------------|-----------|------------------|----------|---------------|--------------------------|--|----------------------------|------------------------|
| | Com-menced. | Settled without hearing. | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi-tration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 16 | 11 | 15 | 14 | 1 | £ s. d. 82 16 4 | .. | | .. | .. | Murrurundi | 1861. 14 June | .. | 10 | .. | 15 | | | | |
| Promissory Notes | 3 | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Rent | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trespass on Land | 1 | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Illegal Distrain... .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trover | 1 | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Breach of Contract | 1 | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 2 | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | 1 | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Money Lent | 1 | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

G. G. BRODIE,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of NEWCASTLE, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | | | | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|----|------------|------------|-----------------------------------|-----------|--|-------------|--------------------------------------|------------------|--------|------------|---------------|--|-------------------------|----------------------------|------------------------|----|----|----|----|----|----|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defend-ant. | £ | s. | d. | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | | Settled by Arbitration. | Of Motions for New Trials. | Of New Trials granted. | | | | | | |
| | | | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | | | | |
| Goods sold | 58 | 21 | 37 | 35 | 2 | 59 | 12 | 6 | .. | .. | .. | .. | } Newcastle | 1861. 2 May 1 Aug. 31 Oct.. | 5 4 4 | .. | .. | 37 | .. | .. | Refused. | | | | | | | |
| Promissory Notes | 5 | 3 | 2 | 2 | .. | 2 | 18 | 6 | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | 2 | .. | .. | | |
| Rent | 1 | .. | 1 | 1 | .. | 0 | 8 | 0 | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | 1 | .. | .. | | |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | | |
| Trespass on Person | 6 | 2 | 4 | 4 | .. | 146 | 15 | 11 | 1 | .. | 1 | .. | | | | | | .. | .. | .. | | .. | .. | 2 | 2 | .. | 1 | .. |
| Illegal Distraint | 1 | .. | 1 | 1 | .. | 10 | 0 | 0 | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | 1 | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | 5 | 1 | 4 | 3 | 1 | 30 | 18 | 6 | 1 | .. | .. | 1 | | | | | | .. | .. | .. | | .. | .. | 2 | 2 | .. | 1 | .. |
| Wages, Work, and Labour | 12 | 2 | 10 | 10 | .. | 121 | 9 | 5 | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | 10 | .. | .. | .. |
| Libel, Slander, or Defamation | 2 | 1 | 1 | 1 | .. | 2 | 1 | 0 | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | 1 | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | 4 | .. | 4 | 4 | .. | 27 | 19 | 2 | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | 1 | 3 | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | | .. | .. | .. | .. | .. | .. | .. |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Causes of Action not specified above | 10 | 6 | 4 | 3 | 1 | 39 | 11 | 9 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| | | | | | | | | | | | | | | 1862. 29 Jan.. | 5 | .. | .. | .. | 1 | 3 | .. | .. | .. | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

HEN. BAKER,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of ARMIDALE, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

44

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ.:- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|--|---|-------------------------------|--------|--|-----------------|-------------------------|---------------|---|-----------|--------------------------------|--|-------|-----------------------------------|------------------|-------------|------------------|---------------------------------|--|----------------------------------|------------------------------|
| | Com- menced. | Settled without hearing | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbit- ration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 43 | 21 | 21 | 19 | 2 | £ 29 | s. 4 | d. 9 | .. | .... | .. | 1 | } Arm- dale { 3 July, 1861. | .. | .. | .. | 21 | .. | .. | |
| Promissory Notes | 23 | 9 | 14 | 14 | .. | 18 | 19 | 7 | .. | .... | .. | .. |  | .. | .. | .. | .. | 9 | .. | .. |
| Rent | 5 | 2 | 2 | 2 | .. | 1 | 14 | 0 | .. | .... | .. | .. |  | .. | .. | .. | .. | 2 | 1 | .. |
| Board and Lodging | 1 | 1 | .. | .. | .. | 0 | 8 | 6 | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Land | 1 | 1 | .. | .. | .. | 0 | 5 | 6 | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Person ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Illegal Distraint ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Trover ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | 3 | .. | 2 | 2 | .. | 2 | 7 | 6 | .. | .... | .. | 1 | | .. | .. | .. | .. | 2 | .. | .. |
| Wages, Work, and Labour .. | 14 | 10 | 3 | 1 | .. | 8 | 3 | 0 | .. | .... | .. | 1 | | .. | .. | .. | .. | 3 | .. | .. |
| Libel, Slander, or Defamation | 2 | 1 | 1 | .. | .. | 4 | 4 | 6 | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | 2 | 1 | 1 | 1 | .. | 1 | 8 | 6 | .. | .... | .. | .. |  | .. | .. | .. | .. | 1 | .. | .. |
| Partnership ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Interpleader ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Intestacy ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. |  | .. | .. | .. | .. | .. | .. | .. |
| Legacy ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. | .. | .. | .. | .. | .. | .. | .. |  |
| Possession of Tenements ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. | .. | .. | .. | .. | .. | .. | .. |  |
| Replevin ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. | .. | .. | .. | .. | .. | .. | .. |  |
| Consent Jurisdiction ..... | .. | .. | .. | .. | .. | .. | .. | .. | .. | .... | .. | .. | .. | .. | .. | .. | .. | .. | .. |  |
| Causes of Action not specified above | 5 | 3 | 2 | .. | 2 | 4 | 14 | 6 | .. | .... | .. | .. | .. | .. | .. | .. | 2 | .. | .. | |
| | 99 | 49 | 46 | 39 | 4 | 71 | 10 | 4 | .. | .... | .. | 3 | .. | .. | .. | .. | 41 | 1 | .. | |
| | | | | | | | | | | | | | 7 | 14 | 1 | | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ROB. I. PERROTT,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of TAMWORTH, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|--------------------------------|--------|--|-----------------|-------------------------|---------------|---|-----------|--------------------------------|--|-------|-----------|------------------|-------------|------------------|---------------------------------|--|-------------------------------------|------------------------------|
| | Com- menced. | Settled without hearing. | Tried. | Plain- tiff. | Defen- dant. | | Of Appeals | Of Judg- ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbi- tration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| | | | | | | £ s. d. | | | | | | | | | | | | | | |
| Goods sold | 34 | 24 | 10 | 9 | 1 | } 513 10 0 | } | } | } | } Tamworth. | } | } | } | } | } | } | } | } | } | |
| Promissory Notes | 22 | 12 | 10 | 10 | .. | | | | | | | | | | | | | | | |
| Rent | 1 | .. | 1 | .. | 1 | | | | | | | | | | | | | | | |
| Board and Lodging | 1 | .. | 1 | 1 | .. | | | | | | | | | | | | | | | |
| Trespass on Land | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Illegal Dstraint | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Trover | 4 | 4 | .. | .. | .. | | | | | | | | | | | | | | | |
| Breach of Contract | 4 | 1 | 1 | 1 | .. | | | | | | | | | | | | | | | |
| Wages, Work, and Labour | 11 | 3 | 8 | 6 | 2 | | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Money Lent | 2 | 2 | .. | .. | .. | | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Interpleader | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JNO. M'DONALD,
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of TENTERFIELD, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | |
|---|---|--------------------------|--------|--|-------------|------------------------------------|------------|-----------------------------------|-----------|--------------------------|--|-------|--|------------------|----------|---------------|-------------------------|--|----------------------------|------------------------|----|----|----|
| | Com-menced | Settled without hearing. | Tried. | Plain-tiff | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. | | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | |
| Goods sold | 11 | 9 | 2 | 2 | .. | 12 | 7 | 0 | .. | .. | .. | .. | Tenterfield { 1862. 13 Jan. } 14 Jan. } | 1 | 3 | .. | .. | .. | .. | .. | | | |
| Promissory Notes | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Rent | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Board and Lodging | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Trespass on Person | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Breach of Contract | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Wages, Work, and Labour .. | 2 | 1 | 1 | .. | 1 | 8 | 1 | 0 | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Libel, Slander, or Defamation .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Money Lent | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | .. | .. | .. | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | |
| Causes of Action not specified above | 1 | .. | 1 | 1 | .. | 26 | 2 | 8 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | |
| | 15 | 10 | 4 | 3 | 1 | 46 | 10 | 8 | .. | .. | .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

No. 84, December Sittings Armidale District Court.—Application now made for writ of Ca Sa under Section 87.

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

T. M. WRIGHT,
Registrar, District Court.

A RETURN of the Number of Suits commenced in the District Court of GLEN INNES, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. £ s. d. | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | | | | | |
|--|---|-------------------------|--------|--|-------------|--|------------|-----------------------------------|-----------|--------------------------|--|-------|-----------|------------------|----------|---------------|-------------------------|--|---|------------------------|----|----|----|----|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. | | | | |
| | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | | | | | |
| Goods sold | 1 | 1 | .. | .. | .. | 0 11 0 | } | } | } | Glen Innes.. | 1862. Jan. 6 . | 1 | .. | .. | 1 | .. | .. | .. | } Plaintiff amended by consent—costs to abide issue. Plaintiff amended by insertion of husband's name instead of wife's. Case to stand over to next Court, 24 June, 1862. | | | | | |
| Promissory Notes | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Rent | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Board and Lodging | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Trespass on Land | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Trespass on Person | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Illegal Distraint | 1 | .. | 1 | Non-suited. | Defen-dant. | 1 8 6 | | | | | | .. | .. | .. | .. | .. | 1 | .. | | .. | 1 | .. | .. | .. |
| Trover | .. | .. | .. | | | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Breach of Contract | 1 | .. | 1 | .. | .. | 1 3 6 | | | | | | .. | .. | .. | .. | .. | 1 | .. | | .. | 1 | .. | 1 | 1 |
| Wages, Work, and Labour .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Libel, Slander, or Defamation .. | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Commission on Agency | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Sales of Live Stock | 1 | .. | 1 | .. | .. | 0 14 0 | | | | | | .. | .. | .. | .. | .. | 1 | .. | | .. | 1 | .. | 1 | 1 |
| Money Lent | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Partnership | .. | .. | .. | .. | .. | .. | | | | | | .. | .. | .. | .. | .. | .. | .. | | .. | .. | .. | .. | .. |
| Interpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | |
| | | | | | | 3 17 0 | | | | | | | | | | | | | | | | | | |

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

ALICK OCTAVE WYATT,
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

A RETURN of the Number of Suits commenced in the District Court of GRAFTON, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

48

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :— | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | | | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in days and hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|--------------------------|--------|--|-------------|-------------------------|----|----|------------|-----------------------------------|-----------|--------------------------|--|-----------------------------|-----------|------------------|----------|---------------|-------------------------|--|----------------------------|------------------------|
| | Com-menced. | Settled without hearing. | Tried. | Plain-tiff. | Defen-dant. | £ | s. | d. | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 60 | 14 | 33 | 31 | 2 | 124 | 17 | 10 | } | | .. | .. | Grafton.... | 1861. 15 Apl. 16 Oct. | 2 | 14 | | | | | | |
| Promissory Notes | 21 | 2 | 16 | 15 | 1 | 18 | 19 | 0 | | | | | | | | | | | | | | |
| Rent | 4 | .. | 4 | 3 | 1 | 4 | 14 | 4 | | | | | | | | | | | | | | |
| Board and Lodging | 1 | 1 | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Trespass on Land | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Trespass on Person | 3 | .. | 2 | 1 | 1 | 18 | 10 | 0 | | | | | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Trover | 3 | .. | 3 | 2 | 1 | 13 | 18 | 5 | | | | | | | | | | | | | | |
| Breach of Contract | 2 | .. | 1 | 1 | .. | 10 | 2 | 6 | | | | | | | | | | | | | | |
| Wages, Work, and Labour .. | 5 | 1 | 4 | 3 | 1 | 21 | 4 | 4 | | | | | | | | | | | | | | |
| Libel, Slander, or Defamation .. | 2 | 1 | 1 | 1 | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Sales of Live Stock | 2 | .. | 1 | 1 | .. | 8 | 9 | 2 | | | | | | | | | | | | | | |
| Money Lent | 3 | .. | 3 | 3 | .. | 3 | 0 | 7 | | | | | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Interpleader | 2 | .. | 2 | 2 | .. | 0 | 8 | 0 | | | | | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Possession of Tenements | 1 | .. | 1 | 1 | .. | 10 | 10 | 4 | | | | | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Causes of Action not specified above | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Excess of Levy | 1 | .. | 1 | 1 | .. | 0 | 2 | 6 | | | | | | | | | | | | | | |
| Carriage of Goods | 2 | 1 | .. | .. | .. | .. | .. | .. | | | | | | | | | | | | | | |
| Money had and received | 2 | .. | 2 | 1 | 1 | 2 | 3 | 2 | | | | | | | | | | | | | | |
| | 114 | 20 | 74 | 66 | 8 | 237 | 0 | 2 | | | | | | | 7 | 53 | | | | | | |

DISTRICT COURTS ACT OF 1858.—(SECTION 103.)

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

JAMES PAGE,
Registrar, District Court.

[Price, 1s. 12.]

A RETURN of the Number of Suits commenced in the District Court of PORT MACQUARIE, during the Twelve Months preceding the 1st day of March, 1862, and the other particulars required by the said Act.

| THE NATURE OF THE CAUSES, UNDER DISTINCT HEADS, VIZ. :- | The Number of Suits commenced in this Court during the Twelve Months preceding. | | | The Result of the Trials, whether in favour of Plaintiff or Defendant. | | The Costs of the Suits. | | | The Number | | | | The Date, Place, and Duration of the Sittings of each Court, the Duration to be specified in Days and Hours. | | | Number of Cases. | | The Number | | The Grounds on which such New Trials were granted. | | |
|---|---|-------------------------|--------|--|-------------|-------------------------|----|----|------------|-----------------------------------|-----------|--------------------------|--|--|-----------|------------------|----------|---------------|-------------------------|--|----------------------------|------------------------|
| | Com-menced. | Settled without hearing | Tried. | Plain-tiff. | Defen-dant. | £ | s. | d. | Of Appeals | Of Judg-ments or Orders affirmed. | Reversed. | Of Cases left in Arrear. | Place. | Date. | Duration. | | Tried. | | Settled by Arbitration. | | Of Motions for New Trials. | Of New Trials granted. |
| | | | | | | | | | | | | | | | Days. | Hours. | By Jury. | Without Jury. | | | | |
| Goods sold | 12 | 10 | 1 | 10 | 1 | 23 | 4 | 3 | .. | 11 | .. | 1 | Port Macquarie | 1861. 11 March 12 .. 5 Nov. ... 6 .. | 2 | 16 | 2 | 15 | .. | .. | .. | |
| Promissory Notes | 6 | 2 | 4 | 4 | .. | 1 | 19 | 1 | .. | .. | .. | .. | | | | | | | | | | |
| Rent | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Board and Lodging | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Trespass on Land | 1 | .. | 1 | .. | .. | 0 | 15 | 6 | .. | .. | .. | .. | | | | | | | | | | |
| Trespass on Person | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Illegal Distraint | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Trover | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Breach of Contract | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Wages, Work, and Labour | 1 | .. | 1 | 1 | .. | 0 | 8 | 0 | .. | .. | .. | .. | | | | | | | | | | |
| Libel, Slander, or Defamation | 1 | .. | 1 | .. | 1 | 0 | 13 | 0 | .. | .. | .. | .. | | | | | | | | | | |
| Commission on Agency | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Sales of Live Stock | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Money Lent | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Partnership | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Intpleader | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Intestacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Legacy | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Possession of Tenements | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Replevin | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Consent Jurisdiction | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | | | | | | | | | | |
| Causes of Action not specified above | 6 | 1 | 5 | 4 | 1 | 9 | 14 | 2 | .. | .. | .. | .. | | | | | | | | | | |

Sydney: Thomas Richards, Government Printer. - 1862

I hereby certify that the above is a full and complete Return of the particulars required by the aforesaid Act.

F. BECKE,
Registrar, District Court.

DISTRICT COURTS ACT OF 1858.-(SECTION 103.)

1862.

NEW SOUTH WALES.

INSOLVENT ESTATES.

(STATISTICS RESPECTING.)

Presented to both Houses of Parliament by Command.

CHIEF JUSTICE to COLONIAL SECRETARY.

Supreme Court,
12 December, 1861.

SIR,

It appearing to be an object of interest, and, as I thought, of importance, to ascertain the actual amounts paid in Insolvent Estates, for Commission, Costs, Working Expenses, and other Deductions, as compared with the Realized Assets, I laid before an experienced Accountant, Mr. Archibald Campbell (whom your sanction permitted me to employ) fifty "*Plans of Distribution*" taken promiscuously from the records in that Department; requesting him to abstract the various heads of Expenditure, as shewn in the Returns enclosed, and to state the result proportionately under each head. He was afterwards furnished with thirty-one more Plans of Distribution, of which I requested a similar abstract. The result or average, however, on the whole of the first set, is very slightly different from that afforded by the second.

2. It will be perceived, taking the result of the eighty-one Plans of Distribution, that the proportion of Dividends paid to Creditors, as compared with the Assets realized, has averaged above 76 per cent., not including balances still in the Treasury, available to Creditors or unclaimed by them.

3. One Estate, that of Lloyd and Company, forming an exceptional case in all respects, equally by reason of its enormous amount, and of the compromise which terminated the proceedings, is omitted from the estimate. The particulars, however, are separately given by the Assignee. If included, the proportion of Dividends to Assets would be raised to above 90 per cent.

4. Having compared these results with those which have been ascertained in England, by Returns from the Bankruptcy Court there, I find that in the year 1858 the proportion of Dividends paid to Creditors, as compared with the Assets realized, was 53 per cent. only. In 1859, according to the Return for that year, the proportion of Dividends to Assets was 65 per cent. I take this, however, at second hand, (see Companion to the Almanac for 1861, page 179,) not having the Parliamentary Paper, and there appears a discrepancy in the figures. The proportion as estimated by the stated *Expenses*, is only 58 per cent.

5. The exact proportion of outlay or charge, under each head, will be seen at a glance in Mr. Campbell's Reports; and it is material to observe that the information (without similarly analyzing the approved Plans of Distribution) cannot be obtained elsewhere.

I am, &c.,

ALFRED STEPHEN.

P.S.—Under the word "Dividends" in the letter, are included all Debts paid in full; and under the head "Miscellaneous Expenses" in the Reports, are included all Rents, &c., accrued since Sequestration, and in some instances moneys paid to redeem property, or by way of compromise.

INSOLVENT ESTATES.

No. 1.

ABSTRACT of the Receipts and Disbursements of the Official Assignees, in the following 50 Plans of Distribution, and Accounts Current filed in 48 Insolvent Estates.

| | £ s. d. |
|---|--------------|
| Assets realized | 27,547 14 10 |
| Assignees' Commissions—average 5·47 per cent. on Assets | 1,506 13 7 |
| Insolvents' Allowances 1·68 | 463 15 3 |
| Court Fees and Legal Expenses 3·45 | 949 5 11 |
| Miscellaneous Working Expenses 8·32 | 2,290 6 8 |
| Paid to Preferential Creditors 7·86 | 2,167 8 0 |
| Dividends for Concurrent Creditors 67·94 | 18,714 13 9 |
| Total to Creditors 75·80 | 20,882 1 9 |
| Referred for Dividends, and Undivided Balances | 1,455 11 8 |

G. A. Lloyd and Co.'s estate is excluded, particulars of the disbursements not having been given.

ARCHIBALD CAMPBELL,
Accountant.

11 November, 1861.

| NAME OF INSOLVENT PERSON OR FIRM. | ASSETS REALIZED. | | | ASSIGNEE'S COMMISSION. | | | ALLOWANCE TO INSOLVENT. | | | LAW COSTS AND COURT FEES. | | | MISCELLANEOUS OTHER EXPENSES. | | | PAID TO THE CREDITORS. | | | CONCURRENT CLAIMS. | | | PREFERENT CLAIMS. | | | BALANCES AND RESERVED DIVIDENDS. | | | | | |
|-----------------------------------|------------------|----|----|------------------------|----|----|-------------------------|----|----|---------------------------|----|----|-------------------------------|----|----|------------------------|----|----|--------------------|----|----|-------------------|----|----|----------------------------------|----|----|-----|----|----|
| | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. | | | |
| G. A. Lloyd and Company | 79,711 | 9 | 4 | 2,332 | 0 | 0 | | | | | | | | | | 45,312 | 8 | 1 | 43,580 | 2 | 4 | 1,732 | 5 | 9 | | | | | | |
| Ditto 2nd plan | 6,536 | 1 | 7 | | | | | | | 5 | 5 | 6 | | | | 7,971 | 7 | 9 | 7,883 | 7 | 9 | 88 | 0 | 0 | | | | | | |
| David W. Beard | 136 | 15 | 9 | 6 | 16 | 9 | | | | 11 | 12 | 4 | 35 | 12 | 5 | 79 | 11 | 3 | | | | 79 | 11 | 3 | 3 | 3 | 0 | | | |
| William Grisdale | 120 | 0 | 0 | 6 | 6 | 9 | | | | 38 | 2 | 6 | 1 | 5 | 6 | 74 | 5 | 3 | 26 | 11 | 3 | | | | 47 | 14 | 0 | | | |
| Thomas Griffiths | 872 | 14 | 3 | 40 | 0 | 5 | 9 | 12 | 10 | 4 | 14 | 6 | 112 | 3 | 8 | 706 | 2 | 10 | 587 | 5 | 10 | | | | 118 | 17 | 0 | | | |
| Isaac Simmons | 1,066 | 18 | 9 | 51 | 0 | 2 | 41 | 8 | 6 | 3 | 14 | 6 | 76 | 8 | 9 | 894 | 6 | 10 | 890 | 16 | 10 | | | | 3 | 10 | 0 | | | |
| Robert Forster | 18 | 0 | 0 | 3 | 0 | 0 | | | | 4 | 7 | 0 | 3 | 18 | 0 | 6 | 15 | 0 | | | | | | | | | | | | |
| H. C. Hudson | 103 | 7 | 0 | 5 | 3 | 0 | 3 | 0 | 0 | 14 | 5 | 4 | 13 | 12 | 6 | 66 | 12 | 1 | 66 | 12 | 1 | | | | | | | 0 | 14 | 1 |
| James Beattie | 337 | 8 | 3 | 16 | 17 | 5 | 18 | 0 | 0 | 9 | 3 | 6 | 22 | 0 | 11 | 271 | 6 | 10 | 21 | 6 | 10 | 250 | 0 | 0 | | | | | | |
| H. H. Southby | 826 | 11 | 5 | 41 | 6 | 6 | | | | 3 | 7 | 0 | 8 | 10 | 8 | 771 | 17 | 6 | 771 | 17 | 6 | | | | | | | 1 | 9 | 9 |
| Alfred Chandler | 4,163 | 3 | 4 | 307 | 14 | 9 | | | | 8 | 11 | 6 | 715 | 10 | 6 | 3,071 | 6 | 7 | 3,071 | 6 | 7 | | | | | | | | | |
| Ebenzar Davis | 564 | 13 | 2 | 28 | 4 | 8 | 14 | 6 | 3 | 7 | 10 | 6 | 39 | 2 | 1 | 312 | 11 | 2 | 227 | 9 | 10 | 85 | 1 | 4 | 162 | 18 | 6 | | | |
| W. R. Miller | 46 | 1 | 9 | 3 | 3 | 0 | | | | 4 | 6 | 6 | 15 | 15 | 0 | 22 | 17 | 3 | | | | 22 | 17 | 3 | | | | | | |
| J. J. Joiner | 512 | 3 | 3 | 25 | 12 | 3 | 15 | 0 | 0 | 7 | 9 | 0 | 3 | 17 | 3 | 328 | 4 | 11 | 191 | 14 | 11 | 136 | 10 | 0 | | | | 131 | 19 | 10 |
| Charles Baker | 137 | 9 | 4 | 6 | 5 | 9 | 29 | 8 | 0 | 7 | 15 | 6 | 14 | 11 | 11 | 79 | 8 | 2 | 67 | 8 | 2 | 12 | 0 | 0 | | | | | | |
| W. G. Ainsworth | 1,459 | 14 | 5 | 72 | 19 | 8 | 126 | 0 | 0 | 7 | 15 | 6 | 236 | 11 | 11 | 728 | 18 | 4 | 691 | 0 | 6 | 37 | 17 | 10 | | | | 235 | 14 | 8 |
| Isaac Archibald | 102 | 8 | 0 | 5 | 2 | 5 | | | | 3 | 2 | 0 | 14 | 7 | 3 | 76 | 13 | 4 | 51 | 13 | 4 | 25 | 0 | 0 | | | | 3 | 3 | 0 |
| Dreutler and Company .. | 5,581 | 1 | 1 | 279 | 11 | 0 | 43 | 2 | 8 | 25 | 10 | 0 | 117 | 12 | 6 | 4,232 | 1 | 5 | 4,169 | 11 | 5 | 62 | 10 | 0 | | | | 883 | 3 | 6 |
| William Jolly and Co. .. | 3,384 | 6 | 2 | 170 | 0 | 0 | 20 | 0 | 0 | 66 | 12 | 6 | 426 | 1 | 3 | 2,701 | 12 | 5 | 2,380 | 0 | 4 | 321 | 12 | 1 | | | | | | |
| Oswald R. Campbell | 55 | 8 | 0 | 5 | 10 | 10 | | | | 5 | 3 | 6 | 16 | 18 | 1 | 27 | 15 | 7 | 14 | 15 | 7 | 13 | 0 | 0 | | | | | | |
| J. C. Malcolm and Co. .. | 305 | 3 | 6 | 15 | 5 | 6 | | | | 28 | 12 | 0 | 1 | 0 | 6 | 259 | 3 | 3 | 222 | 8 | 7 | 36 | 19 | 8 | | | | 1 | 2 | 3 |
| E. J. Blaxland | 952 | 8 | 0 | 47 | 12 | 4 | | | | 8 | 11 | 6 | 38 | 2 | 10 | 835 | 10 | 10 | 745 | 13 | 10 | 89 | 17 | 0 | | | | 22 | 10 | 6 |
| Henry Elvey | 34 | 10 | 5 | 4 | 4 | 0 | | | | 4 | 9 | 6 | 0 | 19 | 11 | 24 | 17 | 0 | 19 | 13 | 0 | 5 | 4 | 0 | | | | | | |
| W. H. Mackay | 68 | 15 | 8 | 3 | 2 | 9 | | | | 3 | 12 | 6 | 8 | 7 | 0 | 53 | 13 | 5 | 41 | 16 | 5 | 11 | 17 | 0 | | | | | | |
| John Keary | 2,751 | 7 | 3 | 137 | 11 | 0 | 32 | 0 | 0 | 213 | 16 | 1 | 9 | 1 | 0 | 2,164 | 8 | 0 | 2,033 | 13 | 2 | 130 | 14 | 10 | | | | | | |
| Ditto 2nd plan | 50 | 0 | 0 | 2 | 10 | 0 | | | | 38 | 7 | 1 | 2 | 9 | 6 | 199 | 14 | 7 | 169 | 14 | 7 | 30 | 0 | 0 | | | | 1 | 10 | 0 |
| John Skennar | 98 | 10 | 6 | 9 | 17 | 3 | | | | 4 | 18 | 6 | 21 | 0 | 0 | 62 | 14 | 9 | 32 | 14 | 9 | 30 | 0 | 0 | | | | | | |
| John Gough | 36 | 15 | 3 | 3 | 12 | 6 | | | | 4 | 10 | 6 | 0 | 7 | 0 | 27 | 12 | 11 | 27 | 12 | 11 | | | | | | | 0 | 12 | 4 |
| James C. Murray | 64 | 5 | 6 | 3 | 3 | 0 | | | | 4 | 11 | 6 | 3 | 0 | 6 | 53 | 10 | 6 | 46 | 15 | 6 | 6 | 15 | 0 | | | | | | |
| Henry Goodwin | 54 | 10 | 6 | 3 | 3 | 0 | | | | 4 | 11 | 6 | 6 | 10 | 0 | 40 | 6 | 0 | 16 | 6 | 0 | 24 | 0 | 0 | | | | | | |
| George Hamilton | 278 | 18 | 5 | 14 | 0 | 0 | | | | 16 | 2 | 6 | 3 | 4 | 7 | 245 | 11 | 4 | 245 | 11 | 4 | | | | | | | | | |
| Hym Phillips | 142 | 16 | 3 | 7 | 3 | 0 | | | | 20 | 18 | 5 | 1 | 15 | 2 | 112 | 19 | 8 | 75 | 19 | 8 | 37 | 0 | 0 | | | | | | |
| W. and T. Chippendale .. | 291 | 11 | 1 | 14 | 11 | 6 | 13 | 10 | 0 | 38 | 6 | 2 | 21 | 9 | 0 | 202 | 14 | 4 | 175 | 4 | 4 | 27 | 10 | 0 | | | | 1 | 0 | 1 |
| Thomas Croft and Son .. | 209 | 9 | 1 | 10 | 9 | 5 | 4 | 0 | 0 | 7 | 3 | 6 | 29 | 14 | 6 | 158 | 1 | 8 | 158 | 1 | 8 | | | | | | | | | |
| Edward Smith | 102 | 12 | 1 | 5 | 2 | 7 | | | | 7 | 11 | 0 | 5 | 7 | 0 | 83 | 10 | 8 | 47 | 0 | 8 | 36 | 10 | 0 | | | | 1 | 0 | 10 |
| Josiah Sanders | 113 | 0 | 0 | 6 | 6 | 0 | 18 | 10 | 0 | 7 | 9 | 6 | 6 | 2 | 1 | 74 | 12 | 5 | 68 | 13 | 5 | 5 | 19 | 0 | | | | | | |
| L. O. D. James | 121 | 8 | 0 | 6 | 6 | 0 | 26 | 5 | 0 | 8 | 10 | 6 | 3 | 2 | 3 | 77 | 4 | 3 | 63 | 14 | 3 | 13 | 10 | 0 | | | | | | |
| R. Scantlebury | 163 | 10 | 6 | 8 | 3 | 6 | | | | 2 | 19 | 6 | 76 | 8 | 9 | 72 | 15 | 9 | 72 | 15 | 9 | | | | | | | 3 | 3 | 0 |
| M. D. Meares | 62 | 10 | 5 | 6 | 4 | 6 | 27 | 9 | 0 | 4 | 0 | 6 | 2 | 5 | 5 | 22 | 11 | 0 | 22 | 11 | 0 | | | | | | | | | |
| Jas. O. Bradley | 136 | 3 | 1 | 6 | 2 | 10 | 3 | 3 | 0 | 6 | 17 | 6 | 30 | 1 | 3 | 89 | 18 | 6 | 17 | 8 | 6 | 72 | 10 | 0 | | | | | | |
| Thomas Thrutchley | 139 | 3 | 3 | 6 | 19 | 1 | | | | 28 | 1 | 8 | 3 | 5 | 0 | 100 | 17 | 6 | 92 | 14 | 6 | 8 | 3 | 0 | | | | | | |
| Thomas Underwood | 64 | 6 | 0 | 3 | 3 | 0 | | | | 5 | 7 | 6 | 2 | 10 | 0 | 53 | 5 | 6 | 40 | 15 | 6 | 12 | 10 | 0 | | | | | | |
| Thomas Grant | 64 | 18 | 3 | 6 | 8 | 2 | | | | 7 | 8 | 6 | 1 | 5 | 6 | 49 | 16 | 1 | 49 | 16 | 1 | | | | | | | | | |
| Philip Luscombe | 185 | 18 | 4 | 9 | 5 | 11 | | | | 7 | 10 | 6 | 9 | 18 | 1 | 159 | 3 | 10 | 139 | 3 | 10 | 20 | 0 | 0 | | | | | | |
| Josiah Wyatt | 452 | 8 | 11 | 25 | 0 | 0 | | | | 45 | 16 | 7 | 6 | 13 | 6 | 374 | 18 | 10 | 204 | 18 | 10 | 110 | 10 | 0 | | | | | | |
| Robert Pearson | 127 | 18 | 1 | 6 | 7 | 10 | 4 | 0 | 0 | 7 | 9 | 6 | 13 | 14 | 0 | 96 | 6 | 9 | 53 | 0 | 1 | 43 | 6 | 8 | | | | | | |
| Charles E. Langley | 96 | 10 | 7 | 9 | 13 | 0 | | | | 3 | 0 | 0 | 11 | 17 | 6 | 72 | 0 | 1 | | | | 72 | 0 | 1 | | | | | | |
| Nathaniel Payten | 358 | 6 | 1 | 17 | 18 | 4 | | | | 11 | 7 | 0 | 33 | 15 | 9 | 242 | 0 | 10 | 221 | 0 | 10 | 21 | 0 | 0 | | | | | | |
| H. S. Bland | 212 | 15 | 1 | 11 | 0 | 0 | 15 | 0 | 0 | 87 | 2 | 9 | 2 | 2 | 6 | 97 | 9 | 10 | 97 | 9 | 10 | | | | | | | | | |
| Michael Shea | 72 | 1 | 9 | 6 | 6 | 0 | | | | 6 | 6 | 6 | 2 | 2 | 0 | 57 | 7 | 3 | 57 | 7 | 3 | | | | | | | | | |
| Arthur Cruick | 139 | 3 | 10 | 6 | 19 | 3 | | | | 8 | 3 | 6 | 4 | 17 | 6 | 116 | 17 | 3 | 50 | 11 | 3 | 66 | 6 | 0 | | | | 2 | 6 | 4 |
| B. Kilpatrick | 167 | 14 | 10 | 8 | 7 | 0 | | | | 7 | 10 | 6 | 3 | 16 | 11 | 148 | 0 | 5 | 108 | 5 | 5 | 39 | 15 | 0 | | | | | | |
| | 27,547 | 14 | 10 | 1,506 | 13 | 7 | 463 | 15 | 3 | 949 | 5 | 11 | 2,290 | 6 | 8 | 20,882 | 1 | 9 | 18,714 | 13 | 9 | 2,167 | 8 | 0 | 1,455 | 11 | 8 | | | |

INSOLVENT ESTATES.

No. 2.

ABSTRACT of the Receipts and Disbursements of the Official Assignees in eighty-one Plans of Distribution, and Accounts Current filed in seventy-nine Insolvent Estates. [NOTE.—The previous fifty Plans are included in the eighty-one here mentioned.]

| | | | | |
|--|-----------------|--------|----|----|
| Assets realized.. | Assumed as 100° | £ | s. | d. |
| Assignees' Commissions | .. | 35,419 | 16 | 4 |
| Allowances to Insolvent | .. | 1,919 | 1 | 4 |
| Law Costs and Court Fees (not including Bailiffs in charge or attachments) | .. | 615 | 18 | 4 |
| Miscellaneous Working Expenses (including rents and salaries subsequent to sequestration, collecting debts, auction charges, advertising, &c.) | .. | 1,400 | 10 | 9 |
| Payments to Preferential Creditors (including rents and wages, mortgage debts and liens) | .. | 2,753 | 19 | 0 |
| Dividends on Concurrent Claims proved | .. | 3,123 | 2 | 0 |
| Total available to Creditors | .. | 23,866 | 0 | 11 |
| Besides Undivided Balances and Reserved Dividends | .. | 26,989 | 2 | 11 |
| | | 1,741 | 4 | 0 |

Errors excepted.

Sydney, 19 November, 1861.

ARCHIBALD CAMPBELL.

| NAME OF INSOLVENT PERSON OR FIRM. | ASSETS REALIZED. | ASSIGNEES COMMISSION. | ALLOWANCE TO INSOLVENT. | LAW COSTS AND COURT FEES. | MISCELLANEOUS OTHER EXPENSES. | PAID TO THE CREDITORS. | CONCURRENT CLAIMS. | PREFERENTIAL CLAIMS. | BALANCE AND RESERVED DIVIDENDS. |
|-----------------------------------|------------------|-----------------------|-------------------------|---------------------------|-------------------------------|------------------------|--------------------|----------------------|---------------------------------|
| | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| Alexander Fleming | 136 9 6 | 6 16 5 | 40 19 0 | 9 14 6 | 18 4 3 | 60 15 4 | 45 10 4 | 15 5 0 | £ s. d. |
| John Bowman | 177 5 3 | 10 0 0 | .. | 4 10 6 | 2 19 0 | 147 12 3 | 94 12 3 | 53 0 0 | 12 3 6 |
| Edward Watts | 81 11 6 | 3 3 0 | 3 3 0 | 4 7 6 | 8 3 6 | 62 14 6 | 62 14 6 | .. | .. |
| Thomas Barnes | 74 15 0 | 3 14 8 | .. | 6 7 6 | 8 9 0 | 56 3 10 | 43 1 4 | 13 2 6 | .. |
| James Nugent | 45 11 0 | 4 11 1 | .. | 10 17 6 | 1 16 2 | 28 6 3 | 7 10 3 | 20 16 0 | .. |
| Hannah Henderson | 244 10 6 | 12 4 6 | 8 12 1 | 8 19 6 | 15 1 6 | 199 12 11 | 196 2 11 | 3 10 0 | .. |
| John Cook and Son | 580 4 11 | 29 4 3 | .. | 49 15 10 | 4 14 0 | 490 7 1 | 490 7 1 | .. | 6 3 9 |
| Jas. P. S. Mahoney | 547 14 10 | 27 7 9 | .. | 64 6 0 | 91 16 0 | 332 3 11 | 332 3 11 | .. | 32 1 2 |
| H. B. Murray | 52 10 4 | 5 5 0 | .. | 5 8 0 | 2 5 5 | 39 11 11 | 9 11 11 | 30 0 0 | .. |
| William Mayne | 159 0 0 | 7 10 0 | .. | 7 3 6 | 1 5 6 | 134 1 0 | 97 15 0 | 36 6 0 | .. |
| William Brown | 18 12 9 | 3 3 0 | .. | 3 18 6 | 1 11 9 | 9 19 6 | 9 19 6 | .. | .. |
| Charles Munn | 110 19 6 | 5 10 11 | .. | 7 6 6 | 11 4 10 | 83 7 0 | 83 7 0 | .. | 3 10 3 |
| Halkett and Brown | 132 13 6 | 6 14 8 | .. | 8 8 6 | 1 5 6 | 116 4 10 | 109 14 0 | 6 10 0 | .. |
| A. H. Cozens | 16 17 0 | 1 13 8 | .. | 4 3 0 | 2 2 0 | 8 18 4 | 8 18 4 | .. | .. |
| Charles Blackman | 261 6 5 | 13 1 4 | .. | 7 11 0 | 16 13 0 | 217 7 2 | 142 7 2 | 75 0 0 | 6 13 11 |
| Thomas Nicholson | 35 18 3 | 4 17 8 | .. | 12 6 10 | 1 5 6 | 17 8 3 | 17 8 3 | .. | .. |
| Alfred Flower | 174 14 0 | 8 14 8 | .. | 9 9 6 | 3 11 6 | 152 18 4 | 139 10 10 | 13 7 6 | .. |
| John Pottery | 100 15 2 | 5 0 9 | .. | 7 11 0 | 8 3 6 | 79 19 11 | .. | 79 19 11 | .. |
| William Purss | 266 17 9 | 13 6 10 | 4 0 0 | 70 3 0 | 20 18 9 | 128 6 1 | 128 6 1 | .. | 30 3 1 |
| Henry Webb | 237 13 10 | 12 17 9 | 20 0 0 | 6 11 0 | 19 4 10 | 179 0 3 | 159 10 3 | 19 10 0 | .. |
| G. T. Palmer | 133 1 0 | 6 18 0 | .. | 7 3 0 | 3 4 4 | 115 8 10 | 115 8 10 | .. | 5 6 10 |
| James Smith | 96 16 0 | 3 3 0 | .. | 31 12 8 | 3 11 6 | 54 8 4 | 38 8 4 | 16 0 0 | 4 0 6 |
| Alexander Spiers | 486 18 6 | 24 7 0 | 36 16 0 | 10 15 6 | 1 5 6 | 412 11 10 | 337 11 10 | 75 0 0 | 1 2 8 |
| Edward M'Roberts | 446 15 6 | 22 6 9 | .. | 33 11 0 | 4 0 3 | 378 19 1 | 361 14 6 | 17 4 7 | 7 18 5 |
| M. and A. Alexander | 558 8 6 | 27 18 5 | 4 0 0 | 29 2 6 | 44 19 8 | 427 7 8 | 424 7 8 | 3 0 0 | 25 0 3 |
| T. A. Cowall | 106 18 0 | 5 6 10 | .. | 7 3 0 | 40 0 6 | 54 7 8 | 8 14 8 | 45 13 0 | .. |
| J. G. Pillar | 32 5 0 | 2 2 0 | .. | 3 8 0 | 1 16 0 | 24 19 0 | .. | 24 19 0 | .. |
| Andrew Allan | 76 1 3 | 7 12 0 | .. | 4 18 6 | 3 7 9 | 60 3 0 | .. | 52 16 8 | 7 6 4 |
| Thomas Martin | 324 19 2 | 16 5 0 | .. | 6 11 0 | 1 5 6 | 300 17 8 | 300 17 8 | .. | .. |
| William Allen | 2,084 17 3 | 104 4 10 | 34 13 0 | 3 3 0 | 91 2 6 | 1,700 5 11 | 1,385 11 11 | 314 14 0 | 151 8 0 |
| James Chambers | 73 0 4 | 7 6 0 | .. | 4 17 6 | 28 3 4 | 32 13 6 | .. | 32 13 6 | .. |
| 50 brought from othersheet | 7,872 1 6 | 412 7 9 | 152 3 1 | 451 4 10 | 463 12 4 | 6,107 1 2 | 5,151 7 2 | 955 14 0 | 285 12 4 |
| | 27,547 14 10 | 1,506 13 7 | 463 15 3 | 949 5 11 | 2,290 6 8 | 20,882 1 9 | 18,714 13 9 | 2,167 8 0 | 1,455 11 8 |
| | 35,419 16 4 | 1,919 1 4 | 615 18 4 | 1,400 10 9 | 2,753 19 0 | 26,989 2 11 | 23,866 0 11 | 3,123 2 0 | 1,741 4 0 |

THE ESTATE OF G. A. LLOYD AND COMPANY.

| ASSETS REALIZED. | ASSIGNEE'S COMMISSION. | ALLOWANCE TO INSOLVENT. | LAW COSTS AND COURT FEES. | MISCELLANEOUS AND OTHER EXPENSES. | ON CONCURRENT CLAIMS. | ON PREFERENT CLAIMS. | TOTAL AMOUNT TO CREDITORS. | BALANCE. |
|------------------|------------------------|-------------------------|---------------------------|-----------------------------------|-----------------------|----------------------|----------------------------|------------|
| £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. |
| 84,005 5 3 | 2,332 0 0 | .. | 26 0 0 | *1,894 0 0 | 54,062 5 2 | 19,879 17 7 | 63,942 2 9 | 15,811 2 6 |

* City rates, rents, insurance, &c., till day of sale of estate.
 † Including mortgages paid off by Assignee, viz., £8,059 14s. 10d.

AVERAGE PER CENT. ON ASSETS.

| | PER CENT. | £ s. d. |
|---------------------------------------|-----------|------------|
| Assignee's Commission | 2-77 | 2,332 0 0 |
| Miscellaneous Expenses | 2-25 | 1,894 0 0 |
| Concurrent Creditors | 64-40 | 54,062 5 2 |
| Preferent Creditors | 11-76 | 9,879 17 7 |
| Total for use of Creditors | 76-16 | 63,942 2 9 |
| Balance as above for use of Creditors | 18-82 | 15,811 2 6 |

J. P. MACKENZIE,
 Official Assignee.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JOHN COCKERELL.
(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of John Cockerell, late of Sydney, in the Colony of New South Wales, Pawnbroker, sometime a prisoner of the Crown in the said Colony, and now of Brisbane, in the Colony of Queensland, Soda-water Manufacturer,—

SHEWETH:—

That your Petitioner arrived in the Colony of New South Wales, as a free immigrant, in the year 1841, and remained therein twenty years, during which period he bore an irreproachable character for industry and integrity, and amassed a fortune of about £12,000, which he possessed at the time of his arrest on charge of felony, as hereafter mentioned.

That, in July, 1856, your Petitioner was arrested, brought to trial, and declared guilty of receiving a silver inkstand and snuff-box, the property of Mrs. Forster, of Brush Farm, with knowledge that those articles had been stolen, and was thereupon sentenced to be worked upon the roads for five years, which period has now passed.

Your Petitioner solemnly asserts that he was innocent, and was found guilty upon evidence which was insufficient to justify a conviction against him.

1. Because the evidence of belief from general appearances touching the identity of the articles mentioned in the information, with those delivered by your Petitioner to the Inspector of Police, was open to very serious doubt, if not conclusively disproved by the direct and circumstantial evidence for the defence.

The prosecutrix, Mrs. Forster, who had better means of knowledge than the other witnesses, made the following statement on this point:—

“ I recollect my house being broken into on the 13th May last; on that occasion I lost a silver inkstand, two snuff-boxes, and a few small articles; I did not advertise them, or give a description to the police; I positively swear the articles now before the Court are my property; they have been greatly altered; they have been engine-turned and engraved since I saw them last; there was a name upon both articles; it was plainly, deeply, and legibly cut, where the name of Cockerell now is; the words were, ‘ Presented from W. Routledge to T. Forster ’; they were bought in George-street, Sydney; I cannot say there were not eleven more like them in the shop when they were purchased; I believe there were more at the time like them; I should not have known them had I seen them in a jeweller’s shop; I have no mark whatever on either article; they are about the same size—[here Mrs. Forster measures the inkstand with her two hands, to ascertain the size]; I judge from the general appearance; I have only occasionally used them; I saw the inkstand the Sunday previous to the robbery, and the snuff-box three weeks previous to that; Dr. Forster had them twelve months previous to his death; I positively swear that the chain attached to the extinguisher is not mine, the extinguisher or the top; I do not hesitate to swear neither of these are mine; they are not the same as when lost; the inside of the snuff-box looks more like silver than it did when in my possession; with this exception, and the name, there is no other difference whatever in the snuff-box; it is in every other respect the same as when I lost it; I have no mark upon either of the articles now before the Court.”

Miss Forster deposed:—“ I was not at home on the night of the robbery, but had been there three weeks previously; I know the inkstand and snuff-box now before the Court; they are my mother’s property; there was a name and inscription on them, but I do not know what that name was, but it was not Cockerell, when I saw them last; I have no mark upon either article to distinguish them from others like them; I judge from their

“ general appearance ; they were not engraved before ; they were plain ; the engraving and engine-turning have been done since I last saw them ; it has greatly altered their appearance ; the snuff-box looks more worn than it used to do ; it might have been rubbed off ; the inside looks like silver ; it used to be gold ; there is no other alteration, in either of the articles, with the exceptions I have named ; I do not believe there has been any thing added or taken away from either of them, with the exception of the name, engine-turning, and gilding inside the box ; I do not see any difference in the inkstand, and I believe there is none.”

Detective O’Keefe states:—“ He received information of the robbery at Brush Farm on the 16th of May, 1856 ; called at Mr. Cockerell’s in the beginning of May, and the latter end of May, or the beginning of June ; on the last occasion he asked Mr. Cockerell if he had taken in any plate lately, who told him he had not received any for the Lord knows when, excepting from parties he named ; went there in consequence of robberies being committed about that time ; is quite certain Mr. Cockerell told him he had not taken in any plate lately ; did not give any of the pawnbrokers a description of the plate in question ; Mr. Cockerell shewed myself and Detective Basket the snuff-box now produced, and said he meant to keep his game certificate in it when he went to England ; Mr. Cockerell knew well we were both Detectives at the time he shewed us the box.”

Mr. Edmund Hoetz, engine turner (witness for the Crown) said :—“ I was employed by Mr. Cockerell about the latter end of May, or the beginning of June, to engrave the inkstand now before the Court ; it was quite plain at this time ; he merely wished me to engrave his name upon it ; I suggested to him to let me engine-turn it as well ; he asked me if it would be an improvement, and if I had ever done any like it in England ; I said I had, and it would be a very great improvement ; I believed both articles to be quite new ; at this time there was neither name nor inscription upon either of them, or any appearance of such ; Mr. Cockerell took up my magnifying glass (a very powerful one) to examine some of my work ; he afterwards took up part of the inkstand and examined it also ; Mr. Cockerell said to me do you see anything like a P or an R on this article ; I could not distinguish any thing with my naked eye, but with the aid of my magnifying glass, I could discern what Mr. Cockerell pointed out to me ; it might have been part of a P or an R, or it might have been only a scratch, but whatever it was Mr. Cockerell pointed it out to me, and not me to him ; I should never have seen it at all if Mr. Cockerell had not shewn it to me ; had a name been as deeply cut as the present one I must have noticed it ; had it been lightly cut it is possible to erase it ; when the snuff-box came to me there was a scroll across the box ; Mr. Cockerell said it would be very inconvenient to carry in the waistcoat pocket ; I said if you wish it I will cut the whole of it off, and only leave a place for your nail to fit in ; I swear I did myself cut it all off, and that it has very materially altered the appearance of the box ; I have done some engine-turning for Mr. Cockerell ; I have had some dealing with him, and I have always formed a high opinion of his character and conduct ; I believe him to be an upright honest man.”

Thomas Fitzsimmonds, engraver (another witness for the Crown), said :—“ I know Mr. Cockerell by sight ; I never was employed by him ; I never spoke to him in my life ; I was employed by Mr. Hoetz to engrave the inkstand now before the Court ; I take the inkstand and snuff-box to be quite new ; I do not believe there ever was a name or inscription upon either of the articles before I engraved the name of Cockerell upon them ; taking out a name or inscription is done by tapping the inside with a hammer—this would leave a hollow in the inside—but this is not the case, there is no hollow here ; it is done to fill up the mark of the letters ; had a file been used for that purpose it must have left one side flatter than the other—that is not the case, both sides are alike ; had it been placed upon a lathe it must have destroyed the hall mark, which, in this instance, is right in the middle of the box, but the hall mark is as perfect as the day it was made ; it must also have destroyed the chasing on the snuff-box ; inscriptions are usually as deeply cut as the present one ; a person could not take out this inscription without my knowing that it had been done ; I now examine it, inside and out, with the eye of a workman, and I give it as my opinion, after thirty years’ experience, that there never was a name or inscription on either of these articles before I engraved the name of Cockerell upon them ; I use a very powerful magnifying glass when I engrave ; had there been any marks of letters I must have detected it on either of the articles, but I did not ; I have known Mr. Cockerell by sight for a number of years, but I never spoke to either party in my life.”

Called by Counsel.

Police Constable Goody said :—“ I have been in the Colony about two years ; I was formerly a clerk in a banking house in London ; I know Mr. Cockerell by calling at his house to purchase clothes ; I have often called during the two years ; I called at his house in the latter end of May last just to see him ; Mr. Cockerell then shewed me the inkstand before the Court, and told me that he had just given £9 for it ; he also told me the seller had told him the bottles were broken on the passage out from England ; I have seen the inkstand several times since, standing on Mr. Cockerell’s parlour table ; when I first saw it I examined it closely ; I consider myself a judge of such articles, having been clerk to Messrs. Rush and Rishworth, auctioneers ; I believed the articles to be quite new ; he said he intended to keep his game license in the snuff-box when he got to England ; I advised him to have his name engraved upon both articles, and get the lid of the box cut to fit the vest pockets ; the second time I saw them they had been engine-turned and chased, and the name put upon them.”

Cross-examined by Attorney General : “ I was not in the Police at the time referred to ; was out of a situation ; was living the best way I could ; I frequently called upon Mr. Cockerell

“Cockerell to buy clothes, and sometimes only to see him; I saw the inkstand in the latter end of May—it was plain then; I saw the snuff-box ten days after that; the second time I saw them they were chased; I am not to receive £10, a gold watch, or any thing else, to give my evidence; I would not have come at all, but was compelled by subpoena to attend.”

[Your Petitioner is informed this witness is now a clerk in Coutt's Banking House, London.]

Mr. George Caulker (also for the defence) said:—“I have known Mr. Cockerell about five years; I consider him to be a straightforward man; I was at Mr. Cockerell's shop in the latter end of May last, when two men came in; they had the carpet bag produced; one of them took the silver inkstand from it, and offered to pledge it with Mr. Cockerell for 6s. per ounce, or sell it outright for 7s. 6d; Mr. Cockerell then weighed it, and said 24 oz. at 7s. 6d. will be £9; he gave him £9; the inkstand now produced is the same; the short man said he had a silver snuff-box he would sell; Mr. Cockerell said he had too many already, but he afterwards purchased it for £1; the tall man had on a large cloak with two tassels; I saw one of the men I speak of leaning against one of the pillars of the Post Office this morning; I have seen the articles twice since in Mr. Cockerell's parlour; I was not sent for at Mr. Cockerell's examination; I was at Bathurst.”

Mr. Charles Pitt also deposed:—“I am a watchmaker and jeweller; I have known Mr. Cockerell about 18 months; I have frequently been in his shop during that time; I saw the snuff-box in the latter end of May last; there was no name upon it then; I suggested an alteration in the lid; I ran away with it in fun, and endeavoured to put it into my vest pocket, but could not do so on account of a large scroll all along the top of the box; I suggested to Mr. Cockerell to have it cut off, and only leave a place for the nail to fit in; when I saw it again the whole of the scroll was cut off, and it was engraved; Mr. Cockerell's name was upon it then; I have seen Mr. Cockerell shew the box to several people; I believe Mr. Cockerell to be a strictly honest man.”

Mr. Edwd. Bowen (furniture dealer) said:—“I am a tenant of Mr. Cockerell's; I have seen the inkstand now before the Court; I have seen it standing on the counter; I have also seen it standing on his parlour table; any one coming into his shop could see it; it used to be kept on the table; if the door was open all his customers could see it, and the door was very often open; I consider Mr. Cockerell to be an upright honest man.”

Miss Branson said:—“I am in the service of Mr. Cockerell, and have been so eleven months; I have frequently seen the articles before the Court; I used to dust them; they were kept upon the parlour table; they were both plain when they were brought to Mr. Cockerell, but were sent away to be engraved; they were kept upon the table, both before and after they were engraved.”

Mrs. Branson, wife to Mr. Branson, baker, Castlereagh-street, says:—“I have known Mr. Cockerell fourteen years; I saw the inkstand about two months since standing upon Mr. Cockerell's parlour table; it was not engraved the first time I saw it; I saw it afterwards when it was engraved; Mr. Cockerell has always borne a good character ever since I knew him.”

Your Petitioner was confined in the lock-up from the time of his arrest until the Friday preceding the Monday's Criminal Sitting, and on the day last-mentioned was arraigned and tried.

Your Petitioner humbly submits that there was upon the foregoing testimony a decided balance of proof in his favour on the ground of mistaken identity. The statement of an experienced engraver like Mr. Fitzsimmons was beyond question, supported as it was by the positive evidence of other witnesses, whose character for truth, equally with his own, could not be assailed. It will also be remembered that Mr. Fitzsimmons was not called on behalf of your Petitioner. The evidence at least shewed that if the inkstand and snuff-box produced were really those stolen from Mrs. Forster, they were not received by your Petitioner in the condition that they were in when taken from her.

2.—Assuming the jury to have been satisfied that the articles produced were the property so stolen from Mrs. Forster, what proof is there that your Petitioner purchased them with a guilty knowledge of the robbery?

The property was never concealed; the possession of it was never denied; it was readily yielded up for investigation.

The statement made by your Petitioner, when arrested, relative to the purchase, is confirmed by the other witnesses in the previous quotations.

There was no notice or publication of the robbery, so that in this respect your Petitioner could not know that such articles had been stolen.

Mr. Forster, M.L.A., said:—“I went to the house of Mr. Cockerell, the pawnbroker, in Park-street, on the 16th July, 1856; Inspector Singleton went in first, I followed him; Mr. Cockerell was standing at his counter; Mr. Singleton said, have you such a thing in your possession as a silver inkstand; he said he had; he then said have you a silver snuff-box with your name upon it? to which he replied in the affirmative; Inspector Singleton said, will you produce them? he said certainly, and accordingly produced them; he did not hesitate, but handed them over to Singleton the moment he was asked to do so.”

Mr. Singleton, Inspector, said:—“From information I received, I went to the house of Mr. Cockerell, the pawnbroker, in Park-street, Sydney, on the 16th July, 1856, with a warrant to apprehend him, and another to search his house; when I entered he was standing at his counter; I said I want that inkstand, and he produced it; I then said I want a snuff-box with your name upon it, and upon a further search I found the one produced; I then asked him how he came possessed of them; he said he had purchased them from two men for £9, who brought them from England; I then said, where are the bottles belonging
“to

“ to the inkstand ? he said the men told him they were broken on the passage out ; I then
 “ took a bottle out of my pocket, and it exactly fitted the inkstand ; I told him I had a
 “ warrant to search his house ; he said he was sorry for it ; I took him to the watch-house,
 “ and searched his house ; I found nothing more claimed by anyone ; I never searched his
 “ house before ; I believe he does a very large business as a pawnbroker ; I believe the
 “ largest in Sydney ; no description was ever given to Mr. Cockerell of the property now
 “ before the Court ; it is usual when articles are stolen for the detective police to give
 “ written descriptions to the pawnbrokers ; but I did not know of these articles being stolen
 “ until after I received information ; I then saw it in the *Hue and Cry* ; I received my
 “ information from Grant ; Grant is a paid agent of the detective police ; I have paid him
 “ as much as £7 or £8 during the last three months ; Scarlett pays him sometimes, others
 “ have paid him ; he is at present in Sydney Gaol, charged with robbing a public-house ; I
 “ know he was transported to Van Diemen’s Land for robbery ; I do not know that he is a
 “ runaway ; I employ him on the principle of setting a thief to catch a thief ; I do not
 “ recollect Mr. Cockerell asking me to look at his books, and see the entry of the articles ; it
 “ is customary to employ men of Grant’s description in all these Colonies, and in France, to
 “ to give the detective police information.”

Your Petitioner has hitherto refrained from setting out the evidence upon which the Crown mainly relied for his conviction.

Detective Grant deposed :—“ I am a labourer ; I came out of gaol 9th July, 1856 ; on
 “ that day I saw Mr. Cockerell ; I saw him on the 9th July, 1856, in company with the woman
 “ I live with ; I had a conversation with him which turned upon the death of Swabby ; I
 “ have known Swabby four years, and also Thomas ; on that occasion Mr. Cockerell said he
 “ did not believe that Swabby was shot, and that Thomas had got six months for being a
 “ fool, and was frightened ; this conversation was terminated by Singleton coming to the
 “ door ; on the 9th July I saw Mr. Cockerell at his own house ; he then said that he
 “ believed it was Swabby that was shot ; he also stated that Swabby had made him a
 “ present of three things—a hat, snuff-box, and inkstand, and that he gave him another hat
 “ in place of his own ; Mr. Cockerell also stated when Swabby was last there that three
 “ detective constables were outside, when Mr. Cockerell gave him the office to remain inside,
 “ and told him Thomas was pinched ; it was an understood thing between Cockerell
 “ and myself that Swabby and Thomas worked together ; Mr. Cockerell told me he had taken
 “ out the name and inscription with a file himself.”

Now who, although unimpeached during all his life, and possibly, like your Petitioner, residing for 20 years among his fellow citizens without reproach, can feel his life or liberty safe when either can be placed in jeopardy by a witness like Grant, who gives the following character of himself :—

Cross-examined, says :—“ I am a labourer, but I do no work ; I am at present in
 “ gaol, charged with robbing a public-house ; I came out of gaol a fortnight back ; I was
 “ transported from Manchester to Van Diemen’s Land for 10 years for robbing a Jew ; I
 “ have been a thief ever since I was 10 years old ; I have been a thief ever since I knew
 “ what a shilling was ; Inspector Singleton knows my character well ; he knew it when he
 “ employed me ; I did not ask him to employ me as a detective ; he met me in George-street
 “ and offered me two guineas per week, and I refused ; he afterwards met me in Pitt-street,
 “ and again persuaded me, and I at last accepted it ; I cannot say if I am to receive my pay
 “ for the time I am in gaol or not ; I do not call myself a spy ; I consider myself an agent
 “ of the Sydney Detective Police Force ; I am paid to catch thieves ; I cannot say if I
 “ am on the police books or not ; I receive my pay privately, not at the office ; Inspector
 “ Singleton pays me, but others have paid me—sometimes Scarlett pays me ; I positively
 “ swear I never had any dealings with Mr. Cockerell ; I never spoke to him but on three
 “ occasions—once in December, I then asked him where a person lived that was at his
 “ house—the next was 20th June—the last was on the 3rd of July ; I positively swear all the
 “ conversation I ever had with Mr. Cockerell did not amount to five minutes ; I never saw
 “ him in the company of Swabby or Thomas ; I have not seen Swabby myself for four
 “ years ; I am not aware if Mr. Cockerell knew the articles were stolen ; he never told me
 “ he did ; I cannot say whether the articles before the Court are the same Swabby made a
 “ present to Mr. Cockerell ; I was employed in the Detective Police Force in Geelong in
 “ the year 1851, and was foolish enough to think I had made sufficient money to retire.”

By the Attorney General :—“ When Mr. Cockerell saw Singleton at my house on the
 “ 20th June, he said he would not have been seen there for £20—he was a ruined man.”

Would your Petitioner have kept the articles exposed after this statement, had he known them to have been stolen ?

Is it not singular that Grant, who was familiar with Swabby, the supposed thief, should be the first to give information of the robbery to Inspector Singleton ?

The Attorney General, Sir W. Manning, said :—“ He would not have asked the
 “ jury to place much reliance on the testimony of a person of Grant’s character, were it
 “ not that an important and remarkable part of it was corroborated by Mr. Singleton.”

The part here alluded to is thus given by Mr. Singleton :—“ I went to Grant’s house,
 “ near the Royal Oak, on the 20th June ; I heard Mr. Cockerell and Grant talking about
 “ Swabby and Detective Scarlett ; I opened the door and said ‘ good night, Mr. Cockerell,’
 “ and went away ; in a short time afterwards I saw Cockerell drunk in Pitt-street ; he was
 “ locked up, and fined £1 the next morning by Mr. Dowling ; I knew Grant’s character well ;
 “ I knew it when I employed him ; I knew him to be a thief ; I knew he was transported to
 “ Van Diemen’s Land for robbery ; it is customary to employ men of Grant’s description in
 “ this Colony.”

It will be observed that Mr. Singleton gives no detail of the conversation about Swabby, except that he heard the names of "Swabby and Scarlett"; but Grant says it was "Swabby and Thomas." Your Petitioner never had any conversation with Grant about Swabby, and never, to his knowledge, made a purchase, and certainly never received or said he had received a present of any inkstand or snuff-box from him. Grant's statement is utterly false and improbable. Would any one, with so much to lose, being guilty of a crime, disclose it to a man with whom he had, as is stated by Grant, only five minutes conversation in his life? How long would it take to establish such confidence? There is nothing but Grant's most improbable and false story to trace any connection between your Petitioner and Swabby, the supposed thief.

3. Your Petitioner had terrible sacrifices before him if he deviated from an honest course in life. He had wealth to lose, the affection and comfort of a wife and family of six children, with all the anguish that follows the loss of home, of position in the world, of the esteem of friends—to be endured under the accumulated misery of many years' association with criminals, and the infamy and toil of a convicted felon.

4. The inkstand and snuff-box were the only articles in your Petitioner's large stock, valued at £12,000, that were even suspected to be stolen, except a pair of pistols, which were proved to have been frequently pledged with him by a customer named Martin, who had gotten them honestly, however they might have been originally lost.

5. An attempt was made to throw suspicion on your Petitioner by the evidence of Inspector Singleton, as follows:—"There was no label on the box of plate when I seized it, but there is a label upon it now; no other property has been claimed, with the exception of a pair of pistols; he told me he had bought the inkstand from the same person he purchased the box of plate from"—(Mr. Forster, on being asked, said he did not hear this, and I did not say it);—"all the other plate in the room was labelled; I never heard of his being charged with any offence before this."

The attempted imputation of crime was disproved by Alfred Morton, who deposed to the carpet bag produced having "been his property, and that the box and the plate produced were formerly the property of Mr. Thorburn, solicitor, with whom witness was employed in last January; and the plate was sold to Mr. Cockerell to meet a demand for rent."

Mr. Singleton gave his evidence in a way calculated to prejudice the jury. He speaks in his statement of a search for the articles, when in fact Mr. Forster shewed they were unhesitatingly produced by me, when asked to do so. As to your Petitioner being drunk, I overheard Singleton say to one of the police—Inspector Mortimer—behind me, "There is Cockerell, the pawnbroker; charge him with being drunk." Your Petitioner had just left his brother-in-law and a friend, and was not drunk. To my knowledge I never was in a house with Grant in my life. I did not know him by sight, and had never heard his name.

Your Petitioner produced several witnesses, who had known him for upwards of fourteen years, to prove his good character.

6. After the conviction the stock of your Petitioner was, as he is informed, in the possession of the detective police for months, and was ultimately sold at a ruinous loss.

7. A small allowance out of the proceeds has been paid to your Petitioner's wife and family, for their support, and the remnant of his property is now in the hands of the Crown, as a forfeiture.

Your Petitioner has been disgraced and ruined by the perjured evidence of Grant, who, whilst employed as a detective of thieves, was himself, by his own confession, engaged in committing robbery. But now that your Petitioner has suffered, and the law has had its victim, he ventures to hope, for the sake of his family, that your Honorable House will concede to him an inquiry into the circumstances of his case, so that his name may be cleared from the stain that has been put upon it, and that the wreck of his property may be restored to him.

Your Petitioner therefore prays that your Honorable House will be pleased to institute an inquiry into the truth of the allegations herein contained,—

And your Petitioner will ever pray.

JOHN COCKERELL.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. J. E. LIARDET.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 20 June, 1862.

RETURN to an Address of the Honorable the Legislative Assembly of New South Wales, dated 20 January, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of the Correspondence which has taken place with the Government, relative to the dismissal from the Public Service, of Mr. J. E. Liardet, late Clerk of Petty Sessions at Berrima.”

(Mr. Wilson.)

SCHEDULE.

| NO. | PAGE. |
|--|-------|
| 1. Mr. James Sheppard to the Colonial Secretary, forwarding a scurrilous anonymous letter, alleged to be the production of Mr. Liardet. 30 June, 1860 | 2 |
| 2. Under Secretary to Mr. Sheppard, stating that he should furnish proof of his charge against Mr. Liardet. 9 July, 1860 | 2 |
| 3. Mr. Sheppard to the Colonial Secretary, in reply. 11 July, 1860.. .. . | 2 |
| 4. Under Secretary to Mr. Liardet, requiring an explanation of the statements made against him. 31 July, 1860 | 3 |
| 5. Mr. Liardet to the Under Secretary, denying the truth of the charge. 3 August, 1860 | 3 |
| 6. Mr. Sheppard to the Colonial Secretary, furnishing further proof in support of his charge. 14 August, 1860 | 4 |
| 7. Postmaster at Berrima to the Postmaster General, on the same subject. 21 August, 1860 | 5 |
| 8. Mr. Liardet to the Colonial Secretary—further in explanation. 3 September, 1860 | 5 |
| 9. Under Secretary to Mr. Liardet, conveying the decision of the Government, and apprising him of his removal from the Public Service. 4 September, 1860 | 6 |
| 10. Do. to. do., in continuation. 6 September, 1860 | 6 |
| 11. Under Secretary to Bench, Berrima, apprising them of the removal of Mr. Liardet as Clerk of Petty Sessions. 7 September, 1860 | 6 |
| 12. Mr. Liardet to the Under Secretary. 7 September, 1860 | 7 |
| 13. Messrs. Rowley, Holdsworth, & Garrick, requesting to be allowed to inspect and take copies of certain documents in the case of Mr. Liardet. 24 September, 1860 | 7 |
| 14. Under Secretary to Messrs. Rowley, Holdsworth, & Garrick, in reply, 1 October, 1860 | 7 |
| 15. Messrs. Rowley, Holdsworth, & Garrick to the Colonial Secretary, in continuation. 1 October, 1860 | 7 |
| 16. Under Secretary to Messrs. Rowley, Holdsworth, & Garrick, in reply. 6 October, 1860 | 7 |

MR. J. E. LIARDET.

No. 1.

MR. J. SHEPPARD to COLONIAL SECRETARY.

*Mount Pleasant, Berrima,
30 June, 1860.*

SIR,

I do myself the honor of calling your attention to the enclosed anonymous note, being a specimen of Mr. Liardet's, C.P.S., handy-work. My object, sir, in calling your attention to this matter is not merely for my own sake, but to shew you the manner in which Mr. Liardet not only annoys those persons who will not lend themselves to his ways, but those gentlemen, Mr. Badgery and Morrice, J.P., who he leaves no stone unturned, both public, private, and in writing, to annoy, particularly at this present moment, when he has a number of agents canvassing the District, for Jack Bill and Tom's signature, to retain him in his present situation, to the annoyance of the within-named gentlemen. I need not call your attention to the easy manner in which signatures are obtained when there is no money required. I firmly believe it would be a great boon conferred upon the inhabitants, if this quarrelsome, mischief-making gentleman was removed from Berrima.

If necessary I can procure an affidavit that the enclosed note was written and posted by Mr. Liardet, who previously read it to a person, making his comments upon its contents.

Hoping you will take this matter into consideration, not only on my behalf, as an old Government officer of thirty years standing, but also those gentlemen who he is continually annoying.

I have, &c.,
JAMES SHEPPARD,
late Chief Constable.

[Enclosure in No. 1.]

Old Shepherd,

You old lether lip as big as three apath of bacon. Look at your legs and feet you knoc-need old beast. You old warmant—Tip-street trap—you have been pickled, and kicked in and out of every decent house in the District. Look at your whoredoms, and trials to make many homes miserabl. Tie yoursel up to a post like a bear as you are. Call your hut Trap's hole, not Mount Plesent. Writ over your door—Morgaged to Morris. Sell Smith, of Paddy's River, another pair of your dirty waxy trowsers. You deformed old beast, look at your legs—beat your wife out of her bed to get another woman in—send her away in only her chift.

Berrima, 19 June.

Your's,
I KNOWS YOU.

Take Badgery's beef for tip you dirty old beast—you ugly old bog-trotter—go back to Shannon Harbour.

No. 2.

THE UNDER SECRETARY to MR. J. SHEPPARD.

*Colonial Secretary's Office,
Sydney, 9 July, 1860.*

SIR,

With reference to your letter of the 30th ultimo, forwarding an anonymous communication, which you allege was written and posted by the Clerk of Petty Sessions, Berrima, I am directed by the Colonial Secretary to request that you will furnish proof of this charge.

I have, &c.,
W. ELYARD.

No. 3.

MR. J. SHEPPARD to COLONIAL SECRETARY.

*Mount Pleasant,
11 July, 1860.*

SIR,

In reply to your letter of the 9th instant, I beg leave to enclose to you Mr. James Powell's statement of the fact of his (Mr. Liardet's) writing the anonymous letter to me.

I have, &c.,
JAMES SHEPPARD.

No. 3.

MR. J. E. LIARDET.

[Enclosure in No. 3.]

Post Office, Berrima,
11 July, 1860.

Dear Sir,
In reply to your letter of the 10th instant, requesting me to give you a statement of what I know of the anonymous letter written by Mr. Liardet, on the 19th ultimo, addressed to you, I beg to say, as I have previously told you, that on the above-named date Mr. Liardet brought the letter in question, open in his hand, to my office. He read to me and commented upon its contents. I advised him not to post it after I heard what was in it. However he persisted in so doing, sealed it up, and paid the postage.

Yours truly,
JAMES POWELL,
Postmaster.

Mr. James Sheppard.

No. 4.

THE UNDER SECRETARY to MR. J. E. LIARDET.

Colonial Secretary's Office,
Sydney, 31 July, 1860.

SIR,

With reference to my letter of the 6th instant, apprising you of the intention of the Government to transfer you to some other district, I am directed by the Colonial Secretary to inform you, that a letter has been addressed to him by Mr. James Sheppard, late Chief Constable at Berrima, forwarding an anonymous communication, couched in the lowest and most scurrilous terms, which he has received, and charging you with having written and sent it.

2. In support of this charge, which he was required to prove, Mr. Sheppard has transmitted a letter from the Postmaster of Berrima, in which that person states, that on the 19th of June you called at his office, with the anonymous letter in question open in your hand, read it to him, and commented upon the contents, and then, although strongly advised not to do so, sealed and posted it.

3. The precision of this statement leaves little doubt on the minds of the Government, that the low discreditable production received by Mr. Sheppard was written and sent by you; and under such circumstances, they are clearly of opinion that you ought not to be retained in the public service. They are desirous, however, of affording you full opportunity of explaining your conduct; and with this view I am accordingly directed to call upon you to shew cause why you should not be dismissed, for having written and sent the letter in question.

I have, &c.,
W. ELYARD.

No. 5.

MR. J. E. LIARDET to THE UNDER SECRETARY.

Berrima, 3 August, 1860.

SIR,

In reply to your letter of the 31st ultimo, No. 415, I have the honor to state, for the information of the Honorable the Colonial Secretary, that I never wrote or saw the anonymous letter alluded to until I saw it in his office, and that the statements there shewn to me are a wilful and malicious fabrication of falsehoods.

I have, &c.,
J. E. LIARDET,
C. P. S.

The Postmaster General will be good enough to report on the within case, as affecting the character of Mr. Powell, the P.M. at Berrima.

E. C. W.
8 August, 1860.

The affidavits of Mr. and Mrs. Powell and Mr. Sheppard, herewith transmitted, appear to exculpate Mr. Powell, who is a very good Postmaster.

The Under Secretary, Treasury.

W. H. CHRISTIE, P.M.G.
B. C. 20 August, 1860.

No. 6.

No. 6.

MR. J. SHEPPARD to COLONIAL SECRETARY.

Mount Pleasant,
14 August, 1860.

SIR,

I respectfully beg leave to call your attention to my letter of the 11th of July, in reply to yours of the 9th, calling upon me for my proof in supporting the complaint made by me to the Government against J. E. Liardet, Clerk of Petty Sessions of this District, for writing an anonymous letter to me, on the 19th day of June last, and respectfully request you will favour me with the decision the Government have arrived at in reference to the complaint in question.

I have, &c.,
JAMES SHEPPARD.

[Enclosure 1 in No. 6.]

New South Wales, }
Berrima, to wit. }

THIS deponent, *James Powell*, of Berrima, Postmaster, being duly sworn, on oath states:—On the 19th day of June last, Mr. Liardet, Clerk of Petty Sessions at Berrima, brought a letter to my place opened in his hand, addressed to Mr. James Sheppard; he read the contents of this letter to me, and made several remarks on the subject contained in the letter, which appeared to amuse him very much; in consequence of his (Mr. Liardet) being at variance with Mr. Sheppard, after his reading the letter referred to, I advised him not to post it, which he persisted in doing, and sealed and stamped it with the penny piece he held in his hand, to pay for a postage stamp, in my presence, and then handed me the letter for delivery, which I left in my office in the usual place; on the following day Mr. Sheppard received his post as usual, and amongst it was the letter posted by Mr. Liardet on the 19th of June; I afterwards saw Mr. Sheppard, who said he had received an anonymous letter through the Post Office, written by Mr. Liardet; he inquired of me when and by whom it was posted; I in reply told him it was posted by Mr. Liardet, on the previous day; on the 10th July I received the annexed letter, marked B, from Mr. James Sheppard, to which I replied, giving him all the information in my power, on the matter contained in it; I positively swear that the contents of the letter written by Mr. Liardet on the 3rd August, 1860, addressed to W. Elyard, Esq., Colonial Secretary's Office, Sydney, of which the annexed paper marked C purports being a copy, is a gross falsehood; and I further swear that the anonymous letter posted and read for me by Mr. Liardet, to Mr. James Sheppard, was written by Mr. Liardet.

JAMES POWELL,
Postmaster,Taken and sworn before us, at Berrima, }
on the 18th day of August, 1860,— }JOHN MORRICE, J.P.
HENRY BADGERY, J.P.

B.

Mount Pleasant,
10 July, 1860.

Sir,

I beg leave to request that you will be so kind as to inform me what you know concerning the anonymous letter posted by Mr. Liardet on the 19th day of June last. By your acquainting me with the same you will much oblige,—

Your very obedient servant,
JAS. SHEPPARD.Mr. J. Powell, Postmaster,
Berrima.J. M., J.P.
J. B., J.P.

[Enclosure 2 in No. 6.]

New South Wales, }
Berrima, to wit. }

THIS deponent, *Jane Powell*, of Berrima, being duly sworn, on oath states:—On or about the 20th of July last Mr. Liardet came into my house in Berrima, and told me that although he posted the anonymous letter to Mr. Sheppard that he was not the writer of it; that he would bring the writer of the letter forward; he asked me if I knew whether Mr. Powell gave Mr. Sheppard any document concerning the anonymous letter in question; I told him I did not know whether Mr. Powell had done so or not; he then requested that in the event of Mr. Sheppard coming to Mr. Powell for any writing respecting the anonymous letter, that I would prevail upon Mr. Powell to give him none, but to turn the "old leather-lip beast out of the place," for he (Mr. Liardet) was afraid of nothing else only that letter; that he knew he would get a rap over the knuckles for it.

Taken and sworn before us, at Berrima, }
on the 18th day of August, 1860,— }

JANE POWELL.

JOHN MORRICE, J.P.
HENRY BADGERY, J.P.

[Enclosure

MR. J. E. LIARDET.

[Enclosure 3 in No. 6.]

New South Wales, }
Berrima, to wit. }

THIS deponent, *James Sheppard*, of Berrima, being duly sworn, on oath states:—I received an anonymous letter through the Post Office, Berrima, on the 20th June last; I positively swear, to the best of my belief, it was written by Mr. Liardet; I am in the habit of seeing his writing, and was six years Chief Constable of the District of Berrima, during which time I was scarcely a day that I was not in the Police Office with him, and had an opportunity of seeing him write; the hand in which he wrote the anonymous letter to me is not his usual hand, but I have seen him write in a similar hand before, on three or four occasions; I accused him of writing the letter on the day I received it; he was watching me from the time I came into town until I left the Post Office with the anonymous letter; he was standing at the Court House, and I held up my hand with the letter, saying, "I got it, Jack"; I afterwards asked Mr. Powell, the Postmaster, if he knew where and by whom the letter was posted; he replied, it was posted by Mr. Liardet the day before; I afterwards wrote to Mr. Powell, with the view of getting his reply to my inquiry about the person who posted the anonymous letter to me in writing, so that I could forward the matter to the Colonial Secretary, for his consideration.

Soon as I got Mr. Powell's answer I sent it, with Mr. Liardet's anonymous letter, to the Colonial Secretary.

JAMES SHEPPARD.

Taken and sworn before us, at Berrima, }
on the 18th day of August, 1860.—}JOHN MORRICE, J.P.
HENRY BADGERY, J.P.

No. 7.

POSTMASTER, BERRIMA, to POSTMASTER GENERAL.

Post Office, Berrima,
21 August, 1860.

SIR,

I have the honor to enclose herewith a certificate from a disinterested person, respecting the anonymous letter written by Mr. Liardet, C.P.S., addressed to Mr. James Sheppard, who is prepared to make affidavit, if necessary, to the truth of his statement, and further request that the same may be forwarded to the Hon. the Colonial Secretary.

I have, &c.,
J. POWELL,
Postmaster.

[Enclosure in No. 7.]

Berrima, 21 August, 1860.

I HEREBY certify, that in course of a conversation I had with Mr. Liardet, C.P.S. at Berrima, about a fortnight ago, respecting an anonymous letter reported to have been written by him to Mr. James Sheppard, of Berrima, he stated to me that he was not the writer of that letter—that he only read it, and then posted it.

FRANCIS BREEN,
Inn-keeper.To
Mr. J. Powell,
Berrima.

No. 8.

MR. J. E. LIARDET to COLONIAL SECRETARY.

Berrima, 3 September, 1860.

SIR,

On further considering the subject of the charge against me, relative to the discreditable anonymous letter now under your notice, I have thought it as well to inform you, that at about the same date of the letter alluded to I received a very impertinent letter from Mr. James Sheppard, the late Chief Constable, charging me with calling him a variety of improper names, and threatening to get me dismissed from my office, in the most offensive manner, without any reason for so doing. This letter I received in the Post Office, and never took it therefrom; and on reading it there, I remarked to Mrs., not Mr. Powell, before I finished reading it, that it was a very impertinent one; to which Mrs. Powell replied, and said—"Yes, Sheppard posted it not long ago;" and as Mr. Sheppard alluded to his being called "Leather-lip," I turned over, or folded down, half the sheet of his own letter, and wrote the following words thereon, on Mr. Powell's counter, as nearly as I can remember:—"I do not know or care whether your lip is made of leather or skin, and I beg you will not take the liberty of troubling me with such rubbish again;" this I signed and wrote in my usual hand-writing, re-addressed the letter to Mr. Sheppard, and returned it through the post, and read it to Mrs. Powell before doing so; I made no secret of having received this letter from Mr. Sheppard, and that I returned it to him in the way I have stated; and I do recollect saying something to Mr. Powell about it. As I have not been supplied with a copy of Mr. Powell's statement on the subject, but an extract from it, in all probability I am accused of writing the anonymous letter, when it is intended to fix me with writing what I actually did.

I

I therefore beg to request that Mr. Sheppard be *called on to produce* his letter, *with the note I wrote upon it, and then let that, with the anonymous letter, be produced to my accusers, and let them say which I wrote.*

Should this not prove sufficient to exonerate me, I feel certain I could prove, from the mouths of my accusers, I never wrote or posted the anonymous letter I am accused of, if the Government would appoint a discreet person to investigate the matter on the spot.

I have, &c.,

J. EVELYN LIARDET,

C. P. S.

No. 9.

THE UNDER SECRETARY to MR. J. E. LIARDET.

Colonial Secretary's Office,

Sydney, 4 September, 1860.

SIR,

With reference to my letter of the 31st of July last, respecting a charge made against you of having written and sent to Mr. James Sheppard, late Chief Constable at Berrima an anonymous letter of a low and scurrilous nature, I am directed by the Colonial Secretary to inform you, that your letter of the 3rd ultimo, in which you deny in positive but general terms that you were the writer of the letter in question, or that you even saw it until shewn to you in this office, has been laid before the Governor General and the Executive Council, together with affidavits since received from Mr. Sheppard, Mr. Powell, the Postmaster of Berrima, and Mrs. Powell, in confirmation of the charge, and some other documents having reference thereto.

2. Upon a perusal of these papers, which all tend to identify you as, at all events, the sender of the anonymous letter, and bearing in mind that you meet a charge supported by circumstances by a bare denial, the Government can only consider the charge as proven, and have directed that you should be dismissed the public service. I am, therefore, to intimate to you that you have been removed accordingly; and that a successor has been appointed to the several offices hitherto held by you.

I have, &c.,

W. ELYARD.

No. 10.

THE UNDER SECRETARY to MR. J. E. LIARDET.

Colonial Secretary's Office,

Sydney, 6 September, 1860.

SIR,

In acknowledging the receipt of your further letter of the 3rd instant, respecting Mr. Sheppard's complaint against you, I am directed by the Colonial Secretary to refer you to my letter of the 4th of this month, communicating to you the decision of the Government upon your case, and to inform you that nothing is stated in your communication now under reply, which disproves the assertion, verified on oath, that you published the anonymous letter forming the subject of the complaint referred to.

I have, &c.,

W. ELYARD.

No. 11.

THE UNDER SECRETARY to BENCH OF MAGISTRATES, BERRIMA.

Colonial Secretary's Office,

Sydney, 7 September, 1860.

GENTLEMEN,

With reference to my letter of the 6th of July last, apprising you of the decision of the Government in the matter of the charges brought by Messrs. Morrice and Badgery, Justices of the Peace and Members of the Berrima Bench, against the Clerk of Petty Sessions, and the counter charges of Mr. Liardet, impeaching the conduct of those gentlemen, I am now directed by the Colonial Secretary to inform you, that a further charge having been preferred against the Clerk of Petty Sessions, the Government have felt it necessary, after affording him an opportunity of offering such explanation as was in his power, and considering all the documents laid before them on the subject, to remove Mr. Liardet from the public service.

2. I am further directed to inform you, that Mr. G. Rowley has been appointed to succeed Mr. Liardet, and will proceed to Berrima to assume his duties without delay.

I have, &c.,

W. ELYARD.

No. 12.

MR. J. E. LIARDET to THE UNDER SECRETARY.

Berrima, 7 September, 1860.

SIR,

In reply to your letter dated the 4th instant, I have to request that you will inform the Colonial Secretary that I shall always regard the determination of the Government as *most unjust*. It has dismissed upon *illegal affidavits and statements I have not been permitted to see*, and consequently without *affording* me any opportunity of defending myself from the charge beyond what you state.

I shall therefore feel it my duty to appeal to the Honorable the Legislative Assembly, to see justice done to me in the case.

I have, &c.,
J. EVELYN LIARDET.

No. 13.

MESSRS. ROWLEY, HOLDSWORTH, & GARRICK to COLONIAL SECRETARY.

120, *Elizabeth-street*,
Sydney, 24 September, 1860.

SIR,

We have the honor to request, on behalf of Mr. John E. Liardet, late C. P. S. at Berrima, that we may (as his Solicitors, and with a view to the adoption of such proceedings as he may be advised) be permitted to inspect and take copies of the correspondence, affidavits, and other proceedings relating to an inquiry into the circumstances connected with Mr. Liardet's dismissal.

We have, &c.,
ROWLEY, HOLDSWORTH, & GARRICK.

No. 14.

THE UNDER SECRETARY to MESSRS. ROWLEY, HOLDSWORTH, & GARRICK.

Colonial Secretary's Office,
Sydney, 1 October, 1860.

GENTLEMEN,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 24th ultimo, requesting to be allowed to inspect and take copies of the correspondence, affidavits, and other proceedings relating to an inquiry into the circumstances connected with Mr. Liardet's removal from the public service, with a view to the adoption of such proceedings as he may be advised to take; and to inform you that any documents which may be necessary from this office, in the course of any legal proceedings instituted by Mr. Liardet, will be produced in Court in the usual way when required.

I have, &c.,
W. ELYARD.

No. 15.

MESSRS. ROWLEY, HOLDSWORTH, & GARRICK to COLONIAL SECRETARY.

120, *Elizabeth-street*,
Sydney, 1 October, 1860.

SIR,

We have the honor to draw your attention to our letter to you of the 24th instant (requesting, on behalf of Mr. J. E. Liardet, to be furnished with copies of the correspondence, affidavits, and other proceedings relating to an inquiry into the circumstances connected with his dismissal from the office of Clerk of Petty Sessions at Berrima), to which we have not received any reply, and to request that you will have the goodness, at your earliest convenience to favour us with one, as Mr. Liardet is being detained in town at considerable expense awaiting same, in addition to which he has received private information that you refuse him the copies applied for, the correctness of which he is desirous of knowing from yourself, in order that he may (if necessary) adopt other means for obtaining same.

We have, &c.,
ROWLEY, HOLDSWORTH, & GARRICK.

No. 16.

COLONIAL SECRETARY to MESSRS. ROWLEY, HOLDSWORTH, & GARRICK.

Colonial Secretary's Office,
Sydney, 5 October, 1860.

GENTLEMEN,

In acknowledging the receipt of your letter of the 1st instant, I am directed to refer you to the communication addressed to you from this office on the same date, in reply to your application for copies of the correspondence in the case of Mr. Liardet, late Clerk of Petty Sessions, Berrima.

I have, &c.,
W. ELYARD.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CRIMINAL CASES IN WHICH THE CROWN HAS
REFUSED TO PROSECUTE.

(PARTIAL RETURN SHEWING.)

Ordered by the Legislative Assembly to be Printed, 10 July, 1862.

PARTIAL RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10 May, 1861, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Return of all Criminal Cases in which the Crown has
“ refused to prosecute, commencing on the 1st day of
“ August, 1859, and specifying,—

“ (1.) The name of the Accused.

“ (2.) The nature of Charge.

“ (3.) The names of Committing Justices; the date of
“ Committal; and whether to Bail or Custody.

“ (4.) The date of receipt of Depositions in the Attorney
“ General’s Office.

“ (5.) The date at which the determination not to pro-
“ secute had been arrived at, and by whom.

“ (6.) In Custody Cases, the date of the Order for the
“ discharge of the Accused; the name of the Judge
“ by whom Order was made; and the place where
“ made (*i.e.* in Sydney, on Circuit, or in Quarter
“ Sessions).

“ (7.) In Bail Cases, the date of intimation of such
“ determination to the Committing Justices and to
“ the Accused.

“ (8.) The amount paid to Witnesses for expenses (if
“ any) in each case.”

(*Mr. Walsh.*)

CRIMINAL CASES IN WHICH THE CROWN HAS REFUSED TO
PROSECUTE.

SECRETARY TO CROWN LAW OFFICERS to AUDITOR GENERAL.

*Crown Law Offices,
Sydney, 13 May, 1862.*

SIR,

In transmitting the accompanying Return of Criminal Cases in which the Crown has refused to prosecute, as further particulars will be requisite in reference to the amount paid to witnesses for expenses in each case, I am directed to state that the information has been prepared, as far as possible, in this Office, but with regard to columns under the above head, especially in respect of the places marked *Qy.*, doubts are entertained. I am therefore desired to request that you will have the goodness to cause the necessary additions to be supplied at your earliest convenience.

I have, &c.,
W. E. PLUNKETT.

AUDITOR GENERAL to SECRETARY TO CROWN LAW OFFICERS.

*Audit Office,
Sydney, 20 May, 1862.*

SIR,

In acknowledging the receipt of your letter of the 13th instant, I have the honor to enclose the Return of Criminal Cases in which the Crown has refused to prosecute, and to inform you that no allowances are paid to witnesses in criminal cases, except upon actual attendance at trials; and that if such has at any time been allowed, of which nothing is known at this Office, it must have been under a special authority from the Honorable the Attorney General, and recorded in the Crown Law Offices.

I have, &c.,
W. C. MAYNE,
A. G.

I MAY observe, in reference to the Auditor General's letter, that exceptional cases frequently arise in which the witnesses would be entitled to be paid. The Crown having refused to prosecute shortly before the time appointed for trial, and in which the witnesses could not be apprised of the decision, or through the absence of necessary witnesses, cases may have been postponed, and the Attorney General may finally have seen reason not to proceed further. For these and other reasons the Audit Office, wherein the vouchers are deposited, is the only place from which authentic information on this head can be supplied. Every requisite particular is given in the Return for the purpose.

W. E. PLUNKETT.
22/5/62.

WILL the Crown Solicitor, in respect of cases committed for trial at the Central Criminal Court and the Circuits, have the goodness to supply any information in his power under the column headed—"Amount paid to witnesses for expenses (if any) in each case"?

W. E. P.
22/5/62.

ALL vouchers for payment of witnesses are in the Audit Office. It will be observed that the certificate given by the Crown Solicitor (a blank form of which is attached, marked A) certifies that certain persons were required to attend and did attend. When the interval of time between the committal and the date of the Attorney General's declining to prosecute is too short to admit of notice being given to the witnesses, or for some other such reason, a certificate is given to the witnesses in cases where no bill has been filed, but these cases (Supreme and Circuit Courts) are very infrequent, and are noted in the certificate given.

JOHN WILLIAMS.
23/5/62.

WILL Mr. Rogers, in respect of the Quarter Sessions attended by him, have the goodness to supply any information in his power?

W. E. P.
22/5/62.

THE

CRIMINAL CASES IN WHICH THE CROWN HAS REFUSED TO PROSECUTE. 3

THE only authentic source from which the information required can be obtained is from the vouchers at the Audit Office.

E. ROGERS,
Clerk of the Peace.
B.C.—23/5/62.

THESE papers are now submitted for the Attorney General's decision, as to what further steps should be taken in the matter.

W. E. P.
23 May, 1862.

If the Audit Office cannot conveniently and quickly supply the blanks of this Return, it should be laid on the table as a "Partial Return." Most probably the Return, though incomplete, will with the memoranda sufficiently explain the matter.

J. F. H.,
A. G.
16/6/62.

The Auditor General. B.C.—16 June, 1862.
W. E. PLUNKETT.

A.

In the Court

THE QUEEN against

day of 186 —I certify that the undermentioned persons were required to attend the Court as witnesses on the part of the Crown, in the above-mentioned case; and that they did attend the said Court for the times and from the places mentioned against their respective names, viz. :—

| Name of Witnesses. | Condition. | Whence came. | Distance from | Time of Attendance. | Allowance. | | Total Allowed. |
|--------------------|------------|--------------|---------------|---------------------|-----------------|-----------------|----------------|
| | | | | | For Travelling. | For Attendance. | |
| | | | miles | days | | | |

Crown Solicitor.

AUDITOR GENERAL to SECRETARY TO CROWN LAW OFFICERS.

Audit Office, Sydney,
26 June, 1862.

SIR,

In returning the enclosed Statement of Criminal Cases in which the Crown has refused to prosecute, together with the copies of correspondence forwarded for my information, I do myself the honor to observe, with reference to the Honorable the Attorney General's Minute of the 16th instant, that the blanks in the Return can, if considered essentially necessary, be filled up from an examination of the numerous accounts of the Supreme Court, Circuit Courts, and Courts of Quarter Sessions, furnished to me for the last three years; but, as every voucher would have to be scrutinized, and considerable time and labour would be involved in the search, it could not be done just now without great inconvenience to this Office, in interference with its current duties.

I have, &c.,
W. C. MAYNE,
A. G.

A RETURN of all Criminal Cases in which the Crown has refused to

| The Name of the Accused. | The Nature of Charge. | The Names of the Committing Justices. | The Date of Committal. | Whether to Bail or Custody. | The Date of receipt of Depositions in the Attorney General's Office. |
|--|--|---|------------------------|-----------------------------|--|
| Susan Collnan | Manslaughter | E. D. Day, J.P. | 27 July, 1859 | Custody.. | 9 Aug., 1859 .. |
| John William Slack .. | Perjury | R. S. Ross, J.P. | 12 Aug., " | Bail | 19 " " .. |
| Walter Derrell | Receiving stolen property .. | Henry Bayliss | 30 July, " | " .. | 25 " " .. |
| Henry Molesworth Oxley.. | Unlawfully and maliciously preventing the administration of justice. | E. D. Day | 25 Aug., " | " .. | 30 " " .. |
| William Smith | Manslaughter | Wm. Bell, Coroner .. | 27 " " | " .. | 1 Sept., " .. |
| Jane Chandler | Perjury | R. J. Marshall, Wm. Osborne. | 8 Sept., " | " .. | 15 " " .. |
| Janet Elizabeth Mitchell .. | Do. | George Douglas | 3 " " | " .. | 19 " " .. |
| William Day, <i>alias</i> Luke Day | Arson | Whittingdale Johnson, J.P. | 23 " " | Custody.. | 29 " " .. |
| Frederick Lunness.. .. | Stealing maize | A. Dé Mestre | 6 " " | Bail | 3 Oct., " .. |
| Charles Comerford.. .. | Libel | James Thomson, James Aldcorn. | 4 Oct., " | " .. | 10 " " .. |
| Edward Jones, Joseph Croft, junr., and Thomas Clarke | Presenting fire-arms | Helenus Scott, P. C. Boswell. | 6 " " | " .. | 14 " " .. |
| John Goodwin (dead)' | Libel | S. North & R. J. Hopkins | 10 " " | " .. | 17 " " .. |
| Abraham Polack | Do. | E. Raper, E. Jonas, and J. J. Kettle | 19 " " | " .. | 21 " " .. |
| Jeremiah Blackburn .. | Obtaining money under false pretences. | John Lackey | 8 " " | Allowed Bail if procured. | 1 Nov., " .. |
| John F. Grube | Horse stealing.. .. | R. Lynch | 29 " " | Custody.. | 5 " " .. |
| William Wheatley | Felonious possession of a stolen mare | T. B. Laycock, W. H. Jamison, J. K. Lethbridge. | 7 Nov., " | Bail | 10 " " .. |
| Charles Cottrell | Stealing horse, saddle, and bridle .. | J. J. Riley, G. T. Clarke, and R. T. Jamison. | 28 Oct., " | " .. | 10 " " .. |
| Samuel Miller, William Hellyer, John Crofton Molloy, James O'Neill, and William Welsh. | Being Trustees of Canterbury Road Trust, and not having kept proper books of accounts. | R. S. Ross | 7 Nov., " | " .. | 15 " " .. |
| Samuel Miller | Do. | Do. | 4 " " | " .. | 15 " " .. |
| John Wilson and John Edwards. | Obtaining goods under false pretences | John Morrice, Henry Badgery. | 16 " " | Custody.. | 28 " " .. |
| Alexander Kaye | Carnally abusing a girl under 12 years. | A. Little, D. M'Intyre .. | 21 Oct., " | Bail | 29 " " .. |
| Charles Skerrett | Horse stealing.. .. | Robt. Johnston, Wm. Allan. | 21 Nov., " | " .. | 2 Dec., " .. |
| Michael O'Flaherty .. | Attempt to commit a rape .. .. | ..... | 3 Dec., " | " .. | 15 " " .. |
| James Lowe | Libel | P. W. Wright, A. Loder, Alexander Brodie. | 3 Jan., 1860 | Custody.. | 10 Jan., 1860 .. |
| David Gill, or M'Gill .. | Horse stealing.. .. | J. G. Davidson | 3 Nov., 1859 | " .. | 12 " " .. |
| Owen Walsh | Personating a voter | C. T. Weaver | 24 Jan., 1860 | Bail | 10 Feb., " .. |
| Thomas Anderson | Horse stealing.. .. | John Garrett | 8 Feb., " | Custody.. | 15 " " .. |
| William Allen | Arson | Thomas Chapman | 8 Mar., " | Bail | 19 Mar., " .. |
| John Farrell | Perjury | S. North, M. M. Cohen, Edward Raper. | 16 " " | " .. | 21 " " .. |
| John M'Mahon | Horse stealing.. .. | B. Burdekin, G. Hill .. | 10 " " | " .. | 21 " " .. |
| William Barke | Stealing money | George MacKay | 16 " " | " .. | 23 " " .. |
| Jeremiah Brown | Stealing from the person | C. S. Nicholson, H. Badgery. | 21 " " | Custody.. | 26 " " .. |
| Robert & Amelia Alexander | Stealing money | J. W. Bunn, J. H. Griffin | 16 Feb., " | " .. | 29 " " .. |
| Edwin Bush | Obtaining money, &c., under false pretences. | George Hill | 29 Mar., " | " .. | 29 " " .. |
| Do. | Do. do. | Do. | 29 " " | " .. | 29 " " .. |
| Benjamin Shaw and William Pellissier. | Cattle stealing.. .. | Thos. Forster | 21 " " | Bail | 21 April, " .. |
| John Brown.. .. | Horse stealing.. .. | Charles Cowper, junr., James Innes Lynch. | 11 April, " | Custody.. | 23 " " .. |
| Do. | Illegal possession of a horse .. | Do. do. | 11 " " | " .. | 25 " " .. |

CRIMINAL CASES IN WHICH THE CROWN HAS REFUSED TO PROSECUTE.

prosecute; from 1st day of August, 1859, until 23rd May, 1861, inclusive, specifying,—

| The Date at which the determination not to prosecute had been arrived at, and by whom. | | IN CUSTODY CASES. | | | IN BAIL CASES. | | Where Committed, and to what place, for Trial. |
|--|-------------------|---|---|--|--|--|--|
| | | The Date of the Order for the Discharge of the Accused. | The Name of the Judge by whom the Order was made. | The Place where made, <i>i.e.</i> , in Sydney, on Circuit, or in Quarter Sessions. | The Date of intimation of such determination to the Committing Justices, and to the Accused. | The Amount paid to Witnesses for Expenses (if any) in each case. | |
| 1 Sept., 1859 | L. H. Bayley .. | 2 Sept., 1859 | Sir A. Stephen.. | ..... | 1 Sept., 1859 | Nil .. | Maitland—Circuit Court, Maitland. |
| 9 Mar., 1860 | Sir W. M. Manning | ..... | ..... | ..... | 10 Mar., 1860 | „ .. | Sydney—Sydney G. D. |
| 10 Oct., 1859 | L. H. Bayley .. | ..... | ..... | ..... | ..... | Qy. .. | Wagga Wagga—Goulburn Q. S. |
| 3 Sept., „ | Do. .. | ..... | ..... | ..... | 3 Sept., 1859 | Nil .. | Berrima—Circuit Court, Goulburn. |
| 29 „ „ | Do. .. | ..... | ..... | ..... | 1 Oct., „ | Qy. .. | Campbelltown—Sydney G. D. |
| 18 Oct., „ | Do. .. | ..... | ..... | ..... | 18 „ „ | Nil .. | Wollongong—Wollongong Q. S. |
| 17 „ „ | Do. .. | ..... | ..... | ..... | 18 „ „ | „ .. | Nundle—Tamworth Q. S. |
| 17 Dec., „ | Edward Wise .. | 19 Dec., 1859 | Sir A. Stephen.. | Sydney .. | 17 Dec., „ | Qy. .. | Stony Creek—Orange Q. S. |
| 18 Oct., „ | L. H. Bayley .. | ..... | ..... | ..... | 18 Oct., „ | Nil .. | Shoalhaven—Wollongong Q. S. |
| 17 „ „ | Do. .. | ..... | ..... | ..... | 18 „ „ | „ .. | Do. do. |
| 29 „ „ | Edward Wise .. | ..... | ..... | ..... | 1 Nov., „ | „ .. | Newcastle—Maitland Q. S. |
| 1 Nov., „ | Do. .. | ..... | ..... | ..... | 1 „ „ | „ .. | Sydney—Sydney G. D. |
| 28 Oct., „ | Do. .. | ..... | ..... | ..... | 29 Oct., „ | „ .. | Do. do. |
| 9 Nov., „ | Do. .. | 9 Nov., 1859 | J. N. Dickinson | Sydney .. | 9 Nov., „ | „ .. | Parramatta—Parramatta Q. S. |
| 24 Feb., 1860 | Sir W. M. Manning | 29 Feb., 1860 | S. F. Milford .. | Do. .. | 23 Feb., 1860 | „ .. | Adelong—Goulburn G. D. |
| 19 Nov., 1859 | Edward Wise .. | ..... | ..... | ..... | 21 Nov., 1859 | „ .. | Penrith—Penrith Q. S. |
| 19 „ „ | Do. .. | ..... | ..... | ..... | 21 „ „ | „ .. | Do. do. |
| 25 „ „ | Do. .. | ..... | ..... | ..... | 25 „ „ | „ .. | Sydney—Sydney G. D. |
| 25 „ „ | Do. .. | ..... | ..... | ..... | 25 „ „ | „ .. | Do. do. |
| 2 Dec., „ | Do. .. | 12 Dec., 1859 | S. F. Milford .. | Sydney .. | 2 Dec., „ | Qy. .. | Berrima—Berrima Q. S. |
| 23 Feb., 1860 | Sir W. M. Manning | ..... | ..... | ..... | 24 Feb., 1860 | Nil .. | Scone—Maitland G. D. |
| 2 Dec., 1859 | Edward Wise .. | ..... | ..... | ..... | 2 Dec., 1859 | Qy. .. | Wingham—Sydney G. D. |
| — „ „ | Do. .. | ..... | ..... | ..... | — „ „ | Nil .. | Camden—Campbelltown Q. S. |
| 2 Feb., 1860 | Do. .. | 15 Feb., 1860 | J. N. Dickinson | Sydney .. | 7 Feb., 1860 | „ .. | Murrurundi—Maitland Q. S. |
| 23 Jan., „ | Do. .. | 24 Jan., „ | Sir A. Stephen.. | Do. .. | 24 Jan., „ | Qy. .. | Yass—Yass Q. S. |
| 24 Feb., „ | Sir W. M. Manning | ..... | ..... | ..... | 24 Feb., „ | Nil .. | Armidale—Armidale Q. S. |
| 11 Apl., „ | John F. Hargrave | 12 April, 1860 | S. F. Milford .. | Sydney .. | 12 April, „ | „ .. | Wollongong—Wollongong Q. S. |
| 10 „ „ | Do. .. | ..... | ..... | ..... | 10 „ „ | „ .. | Kiama—do. |
| 3 „ „ | Do. .. | ..... | ..... | ..... | 3 „ „ | Qy. .. | Sydney—Sydney G. D. |
| 12 „ „ | Do. .. | ..... | ..... | ..... | 12 „ „ | Nil .. | Sydney—Sydney Q. S. |
| 11 „ „ | Do. .. | ..... | ..... | ..... | 12 „ „ | „ .. | Dungog—Maitland Q. S. |
| 10 „ „ | Do. .. | 12 April, 1860 | J. N. Dickinson | Sydney .. | 10 „ „ | „ .. | Berrima—Berrima Q. S. |
| 17 „ „ | Do. .. | 18 „ „ | Do. .. | Do. .. | 17 „ „ | „ .. | Braidwood—Braidwood Q. S. |
| 4 „ „ | Do. .. | ..... | ..... | By order of the Court. | ..... | Qy. .. | Sydney—Sydney G. D. |
| 4 „ „ | Do. .. | ..... | ..... | Do. .. | ..... | Qy. .. | Do. do. |
| 30 „ „ | Do. .. | ..... | ..... | ..... | 2 May, 1860 | Nil .. | Gunnedah—Tamworth Q. S. |
| 8 May, „ | Do. .. | 9 May, 1860 | J. N. Dickinson | Sydney .. | ..... | Qy. .. | Kiandra—Goulburn G. D. |
| 9 „ „ | Do. .. | 9 „ „ | Do. .. | Do. .. | ..... | Qy. .. | Do. do. |

| The Name of the Accused. | The Nature of Charge. | The Names of the Committing Justices. | The Date of Committal. | Whether to Bail or Custody. | The Date of receipt of Depositions in the Attorney General's Office. |
|--|---|---|------------------------|-----------------------------------|--|
| Joe Dee (a Chinaman) .. | Perjury | E. Jonas | 20 April, 1860 | Custody.. | 24 April, 1860 .. |
| Francis Hayes | Libel | J. Shoobert, R. Hopkins | 16 " " | " .. | 25 " " .. |
| Margaret Lawrence .. | Larceny | E. D. Day | 3 May, " | " .. | 5 May " .. |
| Henry Smith | Murder | C. E. Smith | 16 April, " | Subsequently bailed. Custody.. | 9 " " .. |
| William Nairn | Indecent assault | J. W. Bunn | 26 " " | Bail | 12 " " .. |
| William Morris | Larceny | Henry Shiell, W. Lang.. | 1 May, " | Custody.. | 12 " " .. |
| George Pusey | Obtaining goods under false pretences | James Murphy | 12 " " | " .. | 14 " " .. |
| Alexander George Panton.. | Embezzlement | W. Robertson | 8 " " | Subsequently bailed. Bail | 18 " " .. |
| James Lynch | Attempting to set fire to a dwelling.. | Stephen Cole | 22 Mar., " | Custody.. | 1 June, " .. |
| William Leard | Illegally branding cattle | Thomas Forster | 15 May, " | Subsequently bailed. Bail | 7 " " .. |
| Do. | Do. | Andrew Loder, T. Forster | 15 " " | " .. | 7 " " .. |
| Owen Golden and Margaret Downes. | Assault | S. North, H. Armytage.. | 4 June, " | " .. | 12 " " .. |
| Joseph Fitzsimmons .. | Burglary | Messrs. Mair and Lynch. | 25 " " | Custody.. | 3 July, " .. |
| John Spinks | Uttering forged cheque | Wm. Morris | 17 July, " | Bail | 4 Aug., " .. |
| Montefiore Henry Samuels | Retaining possession of a certain gold watch. | E. D. Day | 4 Aug., " | Custody.. | 8 " " .. |
| Patrick Kelly | Assault with intent to commit rape.. | E. D. Day | 4 Aug., " | Subsequently bailed. Custody.. | 8 " " .. |
| John Taylor.. .. | Stealing money | S. North | 8 " " | Bail | 9 " " .. |
| George Grimshaw | Intending to steal a horse | P. Plunkett | 15 " " | Custody.. | 24 " " .. |
| Anne Barrott and John Johnson. | Stealing money | G. Mair, J. J. Lynch .. | 17 " " | " .. | 24 " " .. |
| James M'Gann | Cattle stealing.. .. . | S. North, John Hill, junr. | 25 " " | " .. | 28 " " .. |
| James Cavanagh | Feloniously driving a bullock, knowing same to have been feloniously stolen. | H. Vindin.. .. . | 3 Sept., " | " .. | 7 Sept., " .. |
| Michael Ryan | Unlawfully skinning a bullock, knowing same to have been feloniously slaughtered. | R. A. Rodd, J. A. F. M'Donall. | 17 July, " | Subsequently bailed. Bail | 11 " " .. |
| John Morrissey | Murder | R. A. Rodd, J. A. F. M'Donall, Edwd. Parnell. | 17 " " | " .. | 11 " " .. |
| Richard Jackson | Larceny | J. G. Davidson | 13 Sept., " | Custody.. | 18 " " .. |
| Edward Bell | Accessory before the fact to forcible entry. | Do. | 23 Aug., " | Subsequently bailed. Bail | 24 " " .. |
| John Aaron Parfitt.. .. | Stealing coach springs, &c. | D. C. F. Scott | 28 Sept., " | " .. | 29 " " .. |
| Eliza M'Intyre | Deserting her infant child | Charles Kemp | 29 " " | " .. | 29 " " .. |
| Mary Court | Perjury.. .. . | R. S. Ross, M. M. Cohen | 1 Oct., " | Custody.. | 3 Oct., " .. |
| George Tucker | Nuisance | J. Leary, Henry Rose .. | 11 " " | Bail | 16 " " .. |
| Do. | Do. | E. D. Day | 15 " " | " .. | 20 " " .. |
| Do. | Do. | Do. | 15 " " | " .. | 20 " " .. |
| William Heard, George Heard, Thomas Heard, James Waldgate. | Stealing washing stuff containing gold. | J. W. Bunn, R. Hassall.. | 27 Sept., " | " .. | 24 " " .. |
| Thomas Foster | Obtaining goods, &c., under false pretences. | Arthur Vyner | 18 Oct., " | Custody.. | 24 " " .. |
| Jemima Smith | Murder | John S. Parker | 25 " " | " .. | 2 Nov., " .. |
| John Wynne | Rape | L. H. Sibthorpe, A. Ross | 23 " " | " .. | 12 " " .. |
| James Minehan | Unlawful escape from lock-up | E. Jonas, H. Nicholson, C. H. Baddeley. | 17 " " | Bail | 26 " " .. |
| Charles Skerritt | Forgery | James Murphy | 23 Nov., " | " .. | 26 " " .. |
| Thomas Boyce | Attempt to commit an unnatural offence. | S. North | 4 Dec., " | Custody.. | 7 Dec., " .. |

CRIMINAL CASES IN WHICH THE CROWN HAS REFUSED TO PROSECUTE.

&c.—Continued.

| The Date at which the determination not to prosecute had been arrived at, and by whom. | | IN CUSTODY CASES. | | | IN BAIL CASES. | | The Amount paid to Witnesses for Expenses, if any, in each case. | Where Committed, and to what place, for Trial. |
|--|------------------|---|---|---|--|--------|--|--|
| | | The Date of the Order for the Discharge of the Accused. | The Name of the Judge by whom the Order was made. | The Place where made, i.e. in Sydney, on Circuit, or in Quarter Sessions. | The Date of intimation of such determination to the Committing Justices, and to the Accused. | | | |
| 9 May, 1860 | John F. Hargrave | 10 May, 1860 | J. N. Dickinson | Sydney .. | 10 May, 1860 | Nil .. | Sydney—Sydney G. D. | |
| 2 " " | Do. .. | ..... | ..... | ..... | 2 " " | " .. | Do. do. | |
| 9 " " | Do. .. | ..... | ..... | ..... | 9 " " | Qy. .. | Maitland—Maitland Q. S. | |
| 12 " " | Do. .. | 12 May, 1860 | J. N. Dickinson | Sydney .. | ..... | Nil .. | Wee Waa—Maitland G. D. | |
| 17 " " | Do. .. | ..... | ..... | ..... | 17 " " | " .. | Braidwood—Braidwood Q. S. | |
| 12 June, " | Do. .. | 12 June, 1860 | J. N. Dickinson | Sydney .. | ..... | Qy. .. | Lang's Crossing-place—Albury Q. S. | |
| 18 May, " | Do. .. | ..... | ..... | Do. .. | 18 May, 1860 | Nil .. | Sydney—Sydney Q. S. | |
| 23 July, " | Do. .. | ..... | ..... | ..... | 24 July, " | " .. | Grafton—Grafton Q. S. | |
| 2 June, " | Do. .. | ..... | ..... | ..... | 2 June, " | " .. | Euston—Goulburn G. D. | |
| 25 " " | Do. .. | ..... | ..... | ..... | 25 " " | " .. | Gunnedah—Maitland G. D. | |
| 25 " " | Do. .. | ..... | ..... | ..... | 25 " " | " .. | Do. do. | |
| 15 " " | Do. .. | ..... | ..... | ..... | 15 " " | " .. | Sydney—Sydney Q. S. | |
| 20 July, " | Do. .. | 23 July, 1860 | S. F. Milford .. | Sydney .. | 20 July " | Qy. .. | Tumberumba—Goulburn Circuit Court. | |
| 14 Nov., " | Do. .. | ..... | ..... | ..... | 13 Nov., " | Nil .. | Tamworth—Tamworth Q. S. | |
| 10 Aug., " | Do. .. | ..... | ..... | Sydney .. | 10 Aug., " | Qy. .. | Maitland—Maitland Q. S. | |
| 11 " " | Do. .. | ..... | ..... | ..... | 11 " " | Nil .. | Sydney—Sydney G. D. | |
| 2 Oct., " | Do. .. | 5 Oct., 1860 | J. N. Dickinson | Sydney .. | ..... | " .. | Goulburn—Goulburn Q. S. | |
| 27 Aug., " | Do. .. | 28 Aug., " | Do. .. | Do. .. | ..... | Qy. .. | Tumberumba—Goulburn G. D. | |
| 31 " " | Do. .. | 31 " " | Do. .. | Do. .. | ..... | Nil .. | Sydney—Sydney Q. S. | |
| 8 Sept., " | Do. .. | ..... | ..... | ..... | 8 Sept., 1860 | Qy. .. | Maitland—Maitland G. D. | |
| 19 " " | Do. .. | ..... | ..... | ..... | 19 " " | Nil .. | Singleton—Singleton Q. S. | |
| 17 " " | Do. .. | ..... | ..... | ..... | 19 " " | " .. | Do. do. | |
| 20 " " | Do. .. | ..... | ..... | ..... | 20 " " | Qy. .. | Yass—Goulburn G. D. | |
| 28 " " | Do. .. | ..... | ..... | ..... | 25 " " | Nil .. | Yass—Yass Q. S. | |
| 2 Oct., " | Do. .. | ..... | ..... | ..... | 2 Oct., " | Qy. .. | Sydney—Sydney G. D. | |
| 2 " " | Do. .. | ..... | ..... | ..... | 2 " " | Qy. .. | Do. do. | |
| 10 " " | Do. .. | 11 Oct., 1860 | S. F. Milford .. | Sydney .. | ..... | Nil .. | Sydney—Sydney Q. S. | |
| 30 " " | Do. .. | ..... | ..... | ..... | 30 Oct., 1860 | " .. | Campbelltown—Campbelltown Q. S. | |
| 2 Nov., " | Do. .. | ..... | ..... | ..... | 2 Nov., " | Qy. .. | Maitland—Maitland Q. S. | |
| 2 " " | Do. .. | ..... | ..... | ..... | 2 " " | Qy. .. | Do. do. | |
| 30 Oct., " | Do. .. | ..... | ..... | ..... | 30 " " | Qy. .. | Braidwood—Braidwood Q. S. | |
| 30 " " | Do. .. | 30 Oct., 1860 | J. N. Dickinson | Sydney .. | ..... | Qy. .. | Tumut—Yass Q. S. | |
| 5 Nov., " | Do. .. | 6 Nov., " | Do. .. | Do. .. | ..... | Nil .. | Sydney—Sydney G. D. | |
| 13 " " | Do. .. | 14 " " | Do. .. | Do. .. | ..... | " .. | Molong—Bathurst G. D. | |
| 14 Feb., 1861 | Do. .. | ..... | ..... | ..... | 15 Nov., 1861 | " .. | Bombala—Cooma Q. S. | |
| 30 Nov., 1860 | Do. .. | ..... | ..... | ..... | 1 Dec., 1860 | Qy. .. | Sydney—Sydney G. D. | |
| 10 Dec., " | Do. .. | 11 Dec., 1860 | J. N. Dickinson | Sydney .. | ..... | Nil .. | Do. do. | |

| The Name of the Accused. | The Nature of Charge. | The Names of the Committing Justices. | The Date of Committal. | Whether to Bail or Custody. | The Date of receipt of Depositions in the Attorney General's Office. |
|---|--|---|------------------------|-----------------------------------|--|
| Henry Jervis | Rape | Thos. Hale, John Gerard, George Waring. | 10 Dec., 1860 | Custody.. | 17 Dec., 1860 .. |
| Daniel Harding | Wilfully cutting fastening of a punt | A. H. Jacob, A. Hickey . | 14 " " | Bail | 20 " " .. |
| William Morris | Stealing from the person | J. Hayes, N. R. Bernard. | 21 " " | Custody.. | 29 " " .. |
| Thomas Byrne | Larceny | C. E. Newcombe, W. F. Hayley. | 26 " " | " .. | 31 " " .. |
| Isabella Mary Kelly .. | Perjury | Morris Asher | 2 Jan., 1861 | Bail | 3 Jan., 1861 .. |
| William Henry Jackson .. | Sodomy.. .. . | S. North, J. M'Lean .. | 2 " " | Custody.. | 8 " " .. |
| William Andrews | Forcibly removing property of insolvent from custody of bailiff. | E. D. Day, J.P. | 20 Oct., 1860 | Bail | 12 " " .. |
| Daniel Harding | Cutting punt rope | A. Jacob, J.P. | 12 Jan., 1861 | " .. | 17 " " .. |
| Edward John Wise.. .. | Embezzlement | R. T. Jamison | 21 " " | " .. | 25 " " .. |
| George Knight | Suspicion of felony | H. Hely | 24 " " | Custody.. Subsequently bailed. | 28 " " .. |
| Edward John Hargraves .. | Unlawfully shooting and killing a mare. | H. Hely, J. Harrison .. | 14 Feb., " | Bail | 13 Feb., " .. |
| Alfred Gordon | Horse stealing.. .. . | C. G. Croaker, Wm. Cross | 6 " " | " .. | 20 " " .. |
| Patrick Killeen | Perjury | D. C. F. Scott, A. Lenehan | 19 " " | " .. | 22 " " .. |
| Do. | Do. | D. C. F. Scott, J. Laycock | 19 " " | " .. | 22 " " .. |
| Patrick Neville | Larceny | O. C. Beardmore, Andrew Lynch. | 5 " " | " .. | 25 " " .. |
| Tommy (an Aboriginal) .. | Stealing a tarpaulin | C. E. Smith | 9 " " | Custody.. | 27 " " .. |
| John White | Larceny | P. L. Cloete, and Henry Zouch. | 26 Feb., " | " .. Subsequently bailed. | 7 Mar., " .. |
| Thomas Werry Wallis .. | Fraudulent insolvency | W. A. Purefoy | 6 Mar., " | Bail | 11 " " .. |
| George Barnett | Stealing bullocks | E. D. Day | 4 " " | Custody.. Subsequently bailed. | 14 " " .. |
| Henry Mitchell | Horse stealing.. .. . | Walter Scott | 12 " " | Custody.. | 20 " " .. |
| Jane Bowman and John Richards | Assault and robbery | G. O'Malley Clarke .. | 9 " " | " .. | 23 " " .. |
| Margaret Steele | Stealing in a dwelling | Helenus Scott | 9 April, " | " .. | 13 April, " .. |
| James Freeman, senr., and James Freeman, junr. | Suspicion of stealing and killing 2 cows. | Hovenden Hely, James Harrison. | 4 " " | Bail | 15 " " .. |
| Samuel Hewlett Woodward | Obtaining goods, &c., under false pretences. | R. S. Ross | 15 " " | Custody.. | 18 " " .. |
| Charles Jones, George Brooks, John Ingwood, James Arnold. | Stealing money and gold watch and chain. | Do. | 16 " " | " .. | 18 " " .. |
| John Mullen | Stealing a pair of boots | P. Green | 18 " " | Bail | 23 " " .. |
| William Winter | Stealing money, &c. | G. O'Malley Clarke .. | 11 Mar., " | Custody.. | 25 " " .. |
| Robert M'Dougall | Libel | B. H. Palmer | 20 April, " | Bail | 27 " " .. |
| Lewis Barnett | Stealing a £50 note | R. S. Ross, James Giles . | 9 May, " | " .. | 10 May, " .. |

*Crown Law Offices,
Sydney, 1st July, 1862.*

CRIMINAL CASES IN WHICH THE CROWN HAS REFUSED TO PROSECUTE.

9

&c.—Continued.

| The Date at which the determination not to prosecute had been arrived at, and by whom. | | IN CUSTODY CASES. | | | IN BAIL CASES. | | The Amount paid to Witnesses for Expenses (if any) in each case. | Where Committed, and to what place, for Trial. |
|--|------------------|---|---|--|--|--------|--|--|
| | | The Date of the Order for the Discharge of the Accused. | The Name of the Judge by whom the Order was made. | The Place where made, i.e., in Sydney, on Circuit, or in Quarter Sessions. | The Date of intimation of such determination to the Committing Justices, and to the Accused. | | | |
| 27 Dec., 1860 | John F. Hargrave | 27 Dec., 1860 | J. N. Dickinson | Sydney .. | ..... | Nil .. | Wollongong—Sydney G.D. | |
| 12 Jan., 1861 | Do. .. | ..... | ..... | ..... | 12 Jan., 1861 | .. .. | Raymond Terrace—Maitland Q. S. | |
| 17 " " | Do. .. | 22 Jan., 1861 | J. N. Dickinson | Sydney .. | ..... | Qy. .. | Burrowa—Yass Q. S. | |
| 17 " " | Do. .. | 22 " " | Do. .. | Do. .. | ..... | Qy. .. | Queanbeyan — Goulburn Q. S. | |
| 9 " " | Do. .. | ..... | ..... | ..... | 9 Jan., 1861 | Qy. .. | Sydney—Sydney G. D. | |
| 17 " " | Do. .. | 22 Jan., 1861 | J. N. Dickinson | Sydney .. | ..... | Nil .. | Do. do. | |
| 24 " " | Do. .. | ..... | ..... | ..... | 24 Jan., 1861 | Qy. .. | Maitland—Maitland C. C. | |
| 23 " " | Do. .. | ..... | ..... | ..... | 23 " " | Nil .. | Raymond Terrace—Maitland Q. S. | |
| 28 " " | Do. .. | ..... | ..... | ..... | 28 " " | Qy. .. | Penrith—Parramatta Q. S. | |
| 31 " " | Do. .. | ..... | ..... | ..... | 31 " " | Qy. .. | Gosford—Sydney G. D. | |
| 4 Mar., " | Do. .. | ..... | ..... | ..... | 4 Mar., " | Qy. .. | Do. do. Q. S. | |
| 20 Feb., " | Do. .. | ..... | ..... | ..... | 20 Feb., " | Qy. .. | Wingham—Port Macquarie Q. S. | |
| 26 Mar., " | Do. .. | ..... | ..... | ..... | 26 Mar., " | Nil .. | Sydney—Sydney G. D. | |
| 21 " " | Do. .. | ..... | ..... | ..... | 26 " " | " .. | Do. do. | |
| 26 " " | Do. .. | ..... | ..... | ..... | 26 " " | " .. | Cowra—Yass Q. S. | |
| 1 " " | Do. .. | 2 Mar., 1861 | E. Wise.. | Sydney .. | ..... | " .. | Wee Waa—Tamworth Q.S. | |
| 21 " " | Do. .. | ..... | ..... | ..... | 21 Mar., 1861 | " .. | Lambing Flat—Yass Q.S. | |
| 2 April, " | Do. .. | ..... | ..... | ..... | 4 April, " | Qy. .. | Insolvent Court—Sydney G. D. | |
| 26 Mar., " | Do. .. | ..... | ..... | ..... | 26 Mar., " | Nil .. | Maitland—Maitland Q. S. | |
| 30 " " | Do. .. | 2 April, 1861 | Sir A. Stephen | Sydney .. | ..... | " .. | Tamworth — Tamworth Q. S. | |
| 30 " " | Do. .. | 2 " " | Do. .. | Do. .. | ..... | Qy. .. | Burrangong—Yass Q. S. | |
| 3 May, " | Do. .. | 4 May, " | Do. .. | Do. .. | ..... | Qy. .. | Newcastle—Maitland Q. S. | |
| 22 April, " | Do. .. | ..... | ..... | ..... | 22 April, 1861 | Nil .. | Gosford—Sydney G. D. | |
| 29 " " | Do. .. | Another case pending against defendant. | ..... | ..... | ..... | " .. | Sydney—Sydney G. D. | |
| 29 " " | Do. .. | 29 April, 1861 | Sir A. Stephen | Sydney .. | ..... | " .. | Do. do. | |
| 3 May, " | Do. .. | ..... | ..... | ..... | 3 May, 1861 | " .. | Maitland—Maitland Q. S. | |
| 2 " " | Do. .. | 2 May, 1861 | Sir A. Stephen | Sydney .. | ..... | Qy. .. | Burrangong—Yass Q. S. | |
| 23 " " | Do. .. | ..... | ..... | ..... | 23 May, 1861 | Nil .. | Bathurst—Bathurst G. D. | |
| 23 " " | Do. .. | ..... | ..... | ..... | 23 " " | " .. | Sydney—Sydney G. D. | |

W. E. P.

Sydney : Thomas Richards, Government Printer.—1862.

Price, 3d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(PETITION OF WILLIAM RADLEY.)

Received by the Legislative Assembly, 27 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of William Radley,—

HUMBLY SHEWETH:—

That on the morning of Monday, July 1st, 1861, your Petitioner waited on the Police Magistrate, Captain Scott, and asked for a summons against one William Palmer Moffat, Solicitor, to compel him to show cause why he should not be dealt with according to law, for the commission of a misdemeanour.

That Captain Scott did then and there evade and avoid the proper discharge of his duty as a Magistrate, by refusing to grant a summons against Moffat, alleging as his motive, "I don't want to get into hot water with Mr. Moffat"; and adding, "I would rather you went to my Solicitors, Messrs. Spain and Roxburgh, who will get the money for you which Mr. Moffat has defrauded you of."

That your Petitioner was in consequence compelled to return to Melbourne, on the 6th of July, as he came, being unable to induce the Magistrates to do their duty, by reason of collusion with or fear of a delinquent of some apparent consequence in society.

That on or about the 28th day of March, 1862, your Petitioner applied to Mr. Lucas, J.P., sitting for Captain Scott, to issue a summons against Moffat, and received for answer—"I will see Captain Scott, and if there is no objection I will grant you a summons."

That when your Petitioner again saw Mr. Lucas he made reply that he had seen Captain Scott, who had given an order to the Clerk of Records to draw an information, which being drawn in usual form, a summons issued thereon, and was served about April 1st, returnable April 8th, when your Petitioner attended to conduct the case in person at the Police Court; and that your Petitioner was not allowed to offer any evidence in support of his complaint, to put in any paper, nor to make any statement whatever, and the Justices, Messrs. Ronald, Kettle and Day, collusively dismissed the information without any hearing.

That on the 13th of May, 1862, a man, by name Thomas Humfrey, of No. 160, Lower George-street, in the City of Sydney, did falsely and maliciously give your Petitioner into custody, on a charge of stabbing him with a bowie knife, and on being taken before Saml. North, at the Water Police Court, the hearing being postponed until the 14th, to give the officer time to search your Petitioner's luggage for the bowie knife, which being done on the 13th May, and no bowie knife found, nor dagger, nor case, pocket, or other knife, nor any instrument capable of inflicting serious wounds, the said Saml. North did maliciously, wrongfully, and unjustly, as without a tittle of evidence, and regardless of the desire of compt. that the case should go no further, compel your Petitioner to be bound for 12 months to keep the peace, or be imprisoned till the Sessions, thereby perpetuating an infamous stigma on your Petitioner's reputation.

That on the 2nd day of July, 1862, your Petitioner did issue a summons out of the District Court of Sydney aforesaid, against the said Thomas Humfrey, returnable on the 4th of August instant, for the recovery of a small amount of debt, which being heard by Mr. J. S. Dowling, was given in defendant's favour, without any evidence in support, and against the previously expressed opinion of said Judge in reply to Mr. Greer, that "there is sufficient evidence on behalf of plaintiff to go to a jury," and in direct contravention of right, and against the evidence.

That a respectable eye and ear witness of this shameful outrage upon judicial probity, did indite and send a letter of indignant remonstrance to the said Judge, in respect of his irregularity, and without your Petitioner's knowledge.

That your Petitioner has been greatly injured by these several acts, in mind, body, and estate, and being debarred from any ordinary course of inquiry and redress in the premises, seeks the aid of your Honorable House, to get that redress which he is justly

entitled to, as well as correct the tendency to a repetition of such shameful perversions of functional power.

That your Petitioner did address a letter of complaint against the first act of Captain Scott, to His Excellency the Governor, which being referred by him to the Honble. the Chief Secretary, your Petitioner received for reply—"Your letter has been referred to Captain Scott, and an explanation (*ex parte*) has been received from him, which is considered "satisfactory."

That your Petitioner did also address a letter of explanation to His Honor Judge Dowling, praying for a re-opening and re-hearing of the case, without any reply, intimation, or notice whatever.

Your Petitioner would hence remind your Honorable House, that such a mode of inquiry into a glaring abuse of function by an official is a mockery of justice, and a violation of the principle of "the equality of all men before the law," an insult to any memorialist and complainant, however degraded, and especially to a gentleman of position and education; an act, on the part of the Executive, of bringing the Law and the Government into disrepute and contempt; and, what is worse, an absolute veto to all aggrieved persons to apply for redress, and a waiver of the principle of right of complaint and hearing in presence of accuser and accused, forming a direct cause of just resentment, to be stifled and smothered in the breasts of an injured population, until a fitting occasion of popular outbreak and fury reduces the whole.

Your Petitioner, therefore, humbly prays that your Honorable House will receive the Petition, and take the several premises into your serious consideration, if not for the benefit of your Petitioner, at least for others that may come into like dilemma, and either accord to your Petitioner a legal means of suit against the parties, or such an amount of damages as to your Honorable House may seem meet.

And your Petitioner will ever pray, &c.

WILLIAM RADLEY, M.D.
&c., &c.

128, Pitt-street, Sydney,
Augt. 23rd, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MISS ISABELLA MARY KELLY.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 17 July, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Isabella Mary Kelly,—

SHEWETH :—

That your Petitioner, in the early part of the year one thousand eight hundred and fifty-five, prosecuted one Charles Skerrett, for cattle stealing; and the said Charles Skerrett having produced a Bill of Sale purporting to be by your Petitioner to him, and acknowledging the receipt of six hundred pounds, alleged to have been paid by the said Charles Skerrett to your Petitioner for the said cattle, your Petitioner on the trial of Skerrett stated truly, on oath, that that document was not signed, as it purported to be, by her.

That the said Charles Skerrett was at that time convicted of stealing your Petitioner's cattle, and sentenced to ten years imprisonment for that crime, but after serving four years only of that sentence was liberated.

That, upon his liberation from imprisonment, the said Charles Skerrett endeavoured to complete the felonious appropriation of your Petitioner's cattle, and also sought still further to injure your Petitioner, and to render it impossible for her to protect her property from his grasp, by instituting a prosecution against your Petitioner for alleged perjury.

That on the fifth October, one thousand eight hundred and fifty-nine, your Petitioner was declared "Guilty of Perjury," on the ground that she had stated, as above mentioned, that the Bill of Sale produced by Skerrett was not signed by her, although that document was not produced in evidence at the trial of your Petitioner, and your Petitioner was accordingly sentenced, notwithstanding the real truth of her statement, to imprisonment for one year, and to a fine of one hundred pounds.

That while your Petitioner was in prison on this charge, the document in question was discovered among papers in the possession of His Honor the Chief Justice, and the case, with this additional evidence, having been laid before a Committee of the Legislative Assembly, and having been brought by them under the notice of His Honor Sir John Nodes Dickinson, then Acting Chief Justice, it was manifestly proved that the said document was a forgery, and at the instigation of the said Committee, and on the recommendation of His Honor, your Petitioner was accordingly released from imprisonment, on the fifteenth March, one thousand eight hundred and sixty, with health shattered and her feelings deeply wounded by more than five months suffering, to which she was subjected on a charge of which, as His Honor Sir John Nodes Dickinson expressly stated, she was perfectly innocent.

That during the time of your Petitioner's imprisonment the said Charles Skerrett, taking the sentence passed upon your Petitioner as a proof of the validity of the forged Bill of Sale, seized and took away a number of cattle which had belonged to your Petitioner, and had been sold by her to Messrs. Begbie and Cooper, on the Manning River, in consequence of which Messrs. Begbie and Cooper became insolvent, and your Petitioner lost eleven hundred pounds, due to her from them for the said cattle, and interest.

That the said Charles Skerrett was committed on the charge of stealing the cattle sold by your Petitioner to Messrs. Begbie and Cooper, in November, one thousand eight hundred and fifty-nine, and afterwards, on the nineteenth October, one thousand eight hundred and sixty, was committed on a charge of forgery, for falsely signing your Petitioner's name to the above-mentioned Bill of Sale; but, in both instances, the Attorney General declined to prosecute him; and taking advantage of the impunity allowed him, the said Charles Skerrett has continued to appropriate to his own use your Petitioner's property, which, at the time of her imprisonment, was estimated to be worth fifteen thousand pounds, and by the said Skerrett's long-continued and successful attempts to injure your Petitioner, she has been reduced from comparative affluence to absolute penury.

Your Petitioner therefore humbly prays your Honorable House to take the premises into your consideration, and to grant your Petitioner such protection against further aggression, and such redress, as may seem just to your Honorable House.

And your Petitioner, as in duty bound, will ever pray, &c.

ISABELLA MARY KELLY.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MISS ISABELLA MARY KELLY.

(PETITION OF, TO BE HEARD BY COUNSEL.)

Received by the Legislative Assembly, 3 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned,—

HUMBLY SHEWETH :—

That your Honorable House having granted a Special Committee to inquire into her case, she prays that she may be heard by Counsel before such Committee.

And your Petitioner, as in duty bound, will ever pray, &c.

ISABELLA MARY KELLY.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE PETITION OF

MISS ISABELLA MARY KELLY;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
18 *December*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1863.

[*Price*, 2s. 5d.]

662—a

CONTENTS.

| | PAGE. |
|--|-------|
| Extracts from the Votes and Proceedings.. .. . | 3 |
| Report | 5 |
| Proceedings of the Committee | 14 |
| List of Witnesses | 19 |
| List of Appendix | 19 |
| List of Separate Appendix | 20 |
| Minutes of Evidence | 1 |
| Separate Appendix | 1 |

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 69. TUESDAY, 23 SEPTEMBER, 1862.

5. Miss Isabella Mary Kelly:—Mr. Allen moved, pursuant to *amended* notice,—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into and report upon the statements made in the Petition of Isabella Mary Kelly, presented on 6 December last.
- (2.) That such Committee consist of the following Members, viz.:—Mr. Arnold, Mr. Cunneen, Mr. Dickson, Mr. W. Forster, Mr. Harpur, Mr. Morrice, Mr. Morris, Mr. Stewart, Mr. Flett, and the Mover.
- Debate ensued.
Question put and passed.

VOTES, No. 76. FRIDAY, 3 OCTOBER, 1862.

3. Miss Isabella Mary Kelly:—
- (1.) Mr. Allen presented a Petition from Isabella Mary Kelly, praying for leave to be heard by Counsel before the Select Committee now sitting on her case.
Petition received.
- (2.) Mr. Allen then moved, That leave be granted to Isabella Mary Kelly to be heard by Counsel before the Select Committee sitting on her case, in terms of her Petition, presented and received this day.
Question put and passed.

VOTES, No. 87. THURSDAY, 23 OCTOBER, 1862.

8. Privilege—The Clerk called upon to produce Documents before a Select Committee of the Assembly:—

The Speaker informed the House that the Clerk had received the following Letter:—

*“Legislative Assembly Committee Rooms,
“Sydney 22 October, 1862.*

“C. Tompson, Esq.,

“Clerk of Legislative Assembly.

“Sir,

“I have the honor, as Chairman of the Select Committee of the Legislative Assembly on ‘Miss Isabella Mary Kelly,’ to request that you will have the goodness to favour the Committee with your attendance in No. 1 Committee Room, on Friday, 24th instant, at 11 o’clock, for the purpose of producing the Minutes of Evidence taken before the Select Committee appointed on 3rd February, 1860, to inquire into the cases of Charles Skerrett.

“I have the honor to be, Sir,

“Your most obedient servant,

“WM. B. ALLEN,

“Chairman.”

And the Speaker expressing a doubt as to the competency of the Clerk to comply with the said request without the leave of the House—signified his wish to have the opinion of the House on the matter.

And a discussion arising—

Mr. Windeyer moved,—That leave be granted to the Clerk of this House to produce the Papers and Records of Proceedings taken before the Select Committee in the cases of Charles Skerrett (appointed on 3rd February, 1860) before the Select Committee now sitting in the case of “Miss Isabella Mary Kelly.”

Debate ensued.

Motion by leave withdrawn.

Mr. Windeyer then moved,—That the Minutes of Proceedings and Evidence (if any) taken before the Select Committee appointed by the Legislative Assembly, on the 3rd February, 1860, to inquire into the cases of Charles Skerrett, be laid upon the Table of this House, with a view to their being referred to the Select Committee of this House now sitting in the matter of “Miss Isabella Mary Kelly.”

Debate ensued.

Question put.

The House divided.

Ayes, 31.

Noes, 4.

* * * * *

And

And the Clerk producing and placing upon the Table of the House the said Proceedings and Evidence,—

Mr. Allen moved, That the Documents so placed upon the Table by the Clerk be referred to the Select Committee now sitting in the case of Miss Isabella Mary Kelly. Question put.

The House divided.

Ayes, 24.

Noes, 10.

* * * * *

VOTES, No. 91. THURSDAY, 30 OCTOBER, 1862.

1. * * * * *

Members of Legislative Council as Witnesses :—

(1.) * * * * *

* * * * *

(2.) Mr. Allen moved, That the following Message be carried to the Legislative Council :—

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee "to inquire into and report upon the statements made in the Petition of Isabella Mary Kelly, "presented on the 6th December last," and that Committee being desirous to examine the Honorable John Hubert Plunkett, Q.C., and the Honorable John Fletcher Hargrave, Members of the Legislative Council, in reference thereto, requests that the Legislative Council will give leave to its said Members to attend accordingly, on such day and days as shall be arranged between them and the said Committee.

*Legislative Assembly Chamber,
Sydney, 30th October, 1862.*

Speaker.

Question put and passed.

* * * * *

* * * * *

7. Messages :—The Speaker reported the following Messages from the Legislative Council :—

(1.) Members of Legislative Council as Witnesses :—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated 30th instant, requesting leave for the Honorable John Hubert Plunkett, Q.C., and the Honorable John Fletcher Hargrave, Members of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly appointed to inquire into and report upon the statements made in the Petition of Isabella Mary Kelly, the Council acquaints the Assembly that leave has been granted to its said Members to attend and be examined by the said Committee, if they think fit.

*Legislative Council Chamber,
Sydney, 30th October, 1862.*

T. A. MURRAY,
President.

(2.) * * * * *

* * * * *

VOTES, No. 119. THURSDAY, 18 DECEMBER, 1862.

1. * * * * *

Miss Isabella Mary Kelly :—Mr. Allen, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed on the 23rd September last, to inquire into and report upon the case of Miss Isabella Mary Kelly.
Ordered to be printed.

1862.

MISS ISABELLA MARY KELLY.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 23rd September last, "*with power to send for persons and papers,*" "*to inquire into and report upon the statements made in the Petition of Isabella Mary Kelly, presented on 6 December last,*"—have agreed to the following Report :—

Your Committee have made such inquiry into the said case as the circumstances seemed to demand; have examined such witnesses as were to be found, and, where evidence was on record before Police Courts, taken on oath, and not otherwise to be procured, Evidence extracted from the Judge's notes at one of the trials, from the Crown Law Office, from the Executive Council, together with sundry letters bearing on this inquiry, will be found amongst the evidence hereto appended.

The case appears to assume the following features :—

Miss Kelly arrived here in 1834, by the "James," having the Rev. Dr. Lang as shipmate. At that time she brought money and goods to the amount of about £3,000, part of which she invested in land and cattle, and part she lent out. She then returned to England, and came back to the Colony in the "Columbian," in 1837, bringing £1,900 in money with her, in addition to her former investments. The whole of this money, between £4,000 and £5,000, she invested in business in the Colony, chiefly pastoral pursuits, on the Manning River, and partly in real estate in Maitland.

The circumstances out of which the present inquiry has arisen appear as follows :—

Towards the latter end of 1853, or early in 1854, Miss Kelly placed a portion of her cattle (280 head) in the hands of Messrs. Rich, Langley, and Butchart, of Sydney, licensed auctioneers, for sale (these cattle, at that time, were running at the Manning River)—taking an advance of £300, and giving, as security, a general lien on her whole stock for payment. From a statement of account
appended,

appended, dated November 2nd, 1854, sworn to by Mr. Langley, one of the firm, before the Police Court at Sydney, 23rd November, 1860, it appears that the advance was made either on or previous to the 14th February, 1854, and by Mr. Langley's evidence before this Committee* it was paid off on the 10th November, 1854. In the month of April, 1854, Miss Kelly first became acquainted with Charles Skerrett, and on the 29th of April of that year she executed an agreement with him, leasing to him her station and cottage at Brimbin, reserving a portion of the cottage for her own use. At this time Skerrett told her he would soon be in a position to purchase her cattle, when she told him they were in the hands of her agents in Sydney, Rich, Langley, and Butchart, for sale. He went to Sydney, and purchased goods from Brierley, Dean, & Co., in the May following, and returned to Brimbin on the 22nd or 23rd of that month, when he told Miss Kelly that he had purchased all her cattle and brands for £800; she told him she had not authorized her agents to sell more than 250 head. She asked Skerrett if he had any document from her agents, to which he replied, "No," that they would write in a day or two. However, she acquiesced in the sale; and, acting under the impression that Rich, Langley, and Butchart had sold the cattle to Skerrett, told two persons who wanted to purchase from her, that Skerrett had bought them. She did not allow Skerrett to exercise any right of ownership over them, nor did Miss Kelly herself sell or authorize any person to sell, any of the cattle after Skerrett informed her he had made the purchase from her Sydney agents, with the exception of one fat bullock, which she sold to Skerrett on the 17th July following, he agreeing to pay her £4 for it; the money to be refunded when her agents should advise her of the sale to Skerrett.

On the 4th of June, 1854, Skerrett came and took possession of the Brimbin Station, in terms of the agreement of the 29th April previous.

By statement of account sales of Messrs. Rich, Langley, and Butchart, furnished November 2nd, 1854,† it will appear that on the 14th of February previous they sold to Wilson, as per specification, cattle amounting to £159 15s., from which deducting commission on the loan of £300, interest, and advertising, £38 3s. 3d., also charges on the sale of the cattle to Wilson, £10 10s., a considerable part of the lien would be left still due.

Towards the latter part of July, 1854, Miss Kelly received a letter from Rich, Langley, and Butchart, demanding settlement of the lien, and recommending her to remove the sale of the cattle out of their hands, as the limit was too high, and place it in the hands of Mr. Dodds, of Maitland. On receipt of which letter, Miss Kelly charged Skerrett with having told a falsehood in stating that he had purchased her cattle from Rich, Langley, and Butchart, when in fact he had not done so. This occurred on the 24th of July, 1854.‡

She

* Vide q. 1400

† Vide Appendix to Mr. Plunkett's Evidence, p. 25.

‡ Vide q. 55, also Appendix

She then started for Sydney, and saw Messrs. Rich, Langley, and Butchart, who informed her that they did not know the man,* * Langley. had never seen him. She then arranged to remove the sale of the cattle to Mr. Dodds,† of Maitland, and he paid the balance of the lien † Vide q. 139c. due to Messrs. Rich, Langley, and Butchart. She then returned to Brimbin, giving notice on the way that Skerrett had not purchased her cattle. At Raymond Terrace she learned that Skerrett had shipped some of her horses for Sydney in the steamer "Collaroy."‡ After † Vide q. 62. arriving at Brimbin, she had information that a Charles Turner had slaughtered some of her cattle, which he had bought from Skerrett; she proceeded to his (Turner's) place, and found it so; she had the brands cut out, and proceeding to Dungog, there procured a warrant to arrest Charles Skerrett for cattle-stealing. He was brought up on this instrument before the Dungog Bench, and remanded to the Bungay Bungay Bench, on the Manning, from which he was committed for trial at the Central Criminal Court, Sydney, for cattle-stealing. At this committal he produced two documents—one purporting to be a bill of sale of the whole of Miss Kelly's cattle, and the pick of twenty horses, and a receipt for £600 paid—£400 cash, and a bill for £200 at twelve months; the other, a receipt for £400 cash, as the full amount of the purchase money for all her cattle and twenty unbroken horses, without any mention of a promissory note or bill at all.§ This was the first intimation of the existence of such documents received by Miss Kelly. They are each dated Brimbin, 6th June, 1854. Miss Kelly says these documents are forgeries, and Skerrett relies on them, as giving him the only title he sets up to the ownership of the cattle and horses.

§ Vide Appendix to Mr. Plunkett's Evidence, Exhibits A & B, p. 27.

Charles Skerrett was tried before Sir Alfred Stephen, in pursuance of the forementioned committal, for cattle-stealing, on the 5th of April, 1855, convicted, and sentenced to ten years hard labour on the roads, &c., the jury finding both documents forgeries.||

|| Vide *Herald's* report of finding, q. 149.

Of this sentence Skerrett served more than four years on the Penal Establishment at Cockatoo Island. During the period of his servitude, his family and others made incessant applications to His Honor Sir Alfred Stephen, and to the Attorney General, J. H. Plunkett, Esq., to have the sentence reconsidered.¶

¶ Vide q. 1056, also, Sir A. Stephen's Evidence, Separate Appendix B.

At the trial of Skerrett in 1855, two of the witnesses signing the exhibits A and B, mentioned before, were not produced—William Turner having absconded, as was represented, through the instrumentality of Miss Kelly, and Jane Skerrett, who had broken her leg by falling from her horse, and could not be removed from Brimbin.

Sir Alfred Stephen consented to re-examine the sentence of the Court, and procured the said exhibits A and B from the Crown Law Office for this purpose. The result was, that he recommended a remission of the sentence passed on Skerrett, and he was discharged from Cockatoo.

After

After Skerrett's discharge from Cockatoo he instituted proceedings against Miss Kelly for perjury, in swearing at the Police Court in Dungog,—

- 1st. That Skerrett told her that he had purchased her cattle for £800 from her Sydney agents—Rich, Langley, and Butchart ;
- 2nd. That she did not sell her cattle to Skerrett ;
- 3rd. That the signatures to the two documents were not hers.

This case came on for trial before Sir John Nodes Dickinson Acting Chief Justice, on the 6th and 7th of October, 1859.

Previous to the trial Miss Kelly ascertained that the exhibits A and B could not be found. It was admitted that Sir Alfred Stephen had procured them from the Crown Law Office. Sir Alfred appeared before the Central Police Court, when, on oath, he stated that he had procured them from the Crown Law Office, and must have returned them, but could not remember how or when. However, every possible search was made for them at that time, without avail. The trial came

* Vide Evidence of P. Faucett, Esq., J. H. Plunkett, Esq., J. R. Brennan, Esq., J. Dawson, Esq., Hon. J. F. Hargrave, Esq., Attorney General, W. H. Mullen, Esq.

on, and these documents, so essential to Miss Kelly's defence,* were still missing. His Honor Sir Alfred Stephen was again examined at the trial, with reference to the loss of these documents. His evidence was similar to that previously given at the Police Court; but in his evidence as to the contents of exhibit A, witnessed by William Turner, he falls into a very serious mistake. He says, "*it was a receipt for £400, and also, I think, for the bill*"†; whereas this document states that £400 were paid in full for the cattle and twenty head of unbroken horses, not a word being said of the bill for £200, mentioned in the exhibit B, witnessed the same day, at the same place, by Skerrett's daughters, Jane and Margaret Skerrett.

† Vide Sir J. N. Dickinson's communication to the Principal Secretary, Appendix to Mr. Elyard's Evidence, par. 31, p. 19.

Miss Kelly, however, was convicted of perjury on each of the three counts, and sentenced to one year in Darlinghurst Gaol and a fine of £100.

In paragraph twenty-eight of the Judge's letter above referred to, he says, "I expected a different verdict." In paragraph thirty-four of the same letter he says, "So little turned, at Miss Kelly's trial, " on that part of the charge relating to the alleged statements of purchase by Skerrett from Rich and Langley, that I do not consider it " necessary to say anything about that part of the case." The whole case, therefore, seems to have turned on the truth or falsehood of the missing documents.

The consequences of this verdict were, that Skerrett got legal possession of all Miss Kelly's cattle, and twenty of the pick of her horses, whilst she was confined in the Gaol at Darlinghurst, with no expectation of release before the expiration of twelve months.

Previous

Previous to Skerrett's release Miss Kelly had disposed of all her cattle, and forty-three acres of land, to Begbie and Cooper, for £1,200, receiving £200 in cash, and two promissory notes amounting to £1,000. The cattle were delivered, but she retained the deeds of the land until the notes should be retired.

Immediately on Miss Kelly's conviction, Skerrett claimed all the cattle that had belonged to her from the 4th of June, 1854, and wherever he could find cattle with her brand, drove off and sold. He also took her horses wherever he could find them; in consequence of which Begbie and Cooper could not retire their notes for £1,000, and became insolvent,* and Miss Kelly got a dividend of £190, which was paid to her agents, Messrs. Lennon and Cape.

* *Vide Mr. Cooper's letter, Separate Appendix E.*

Miss Kelly was liberated from gaol, and the fine remitted, on the 15th of March, 1860, on the recommendation of Judge Dickinson,† the missing documents having been previously found in Sir Alfred Stephen's Banco drawer. She had been confined there from the 7th of the previous October, a period of more than five months, during which time, from sleeping on the ground floor in a damp cell, she states that her health had been bad for the latter two months. At this time she was so weak that she could not be removed till the day after the order for her discharge arrived, and then had to be carried to a conveyance. That in consequence of her incarceration, the distress of mind she suffered, and the indignity to which she was subjected as a criminal, she became subject to fits, which she never had before, and to which she is occasionally subjected to the present day.

† *Vide Appendix to Mr. Elyard's Evidence, p. 19.*

For several months after obtaining her liberty her health was bad, and her constitution so shattered that, although she had information of the manner in which Skerrett was dealing with her property; she could not take any steps to defend herself.‡

‡ *Vide letters of Joseph Andrews appended, p. 82.*

In the meantime, Mr. J. R. Brenan, Miss Kelly's attorney, had William Turner arrested at the Dawson River, in Queensland, brought down to Sydney, and lodged in Darlinghurst Gaol.

After many applications and great difficulty, a warrant was procured to bring Skerrett before the Police Office Bench at Sydney, for the forgery of the two documents (exhibits A and B). At this investigation William Turner, his father, Samuel Turner, Joseph Giles, Joseph Andrews and Ann his wife, C. E. Langley, and Miss Kelly were examined and cross-examined on oath by attorneys for Miss Kelly and Charles Skerrett. Skerrett was committed to stand his trial by the presiding Magistrate, James Murphy, Esq. This investigation commenced on the 17th October, 1860, and concluded on the 23rd November following. The Attorney General refused to prosecute, and Skerrett was again discharged.

Your Committee desire to call the special attention of your Honorable House to the facts disclosed at this inquiry, as well as to

the conflicting and contradictory nature of the evidence given by Margaret Skerrett at Bungay Bungay, and at the trial of Skerrett, as taken from Sir Alfred Stephen's notes, and that of Mrs. Brandswait given before this Committee.

This brings the labours of your Committee to the end of the law proceedings of this complicated case, but they desire to put your Honorable House in possession of the facts of two cases that have been incidentally mentioned in the course of this inquiry.

The first is that of *Kelly v. Burt*. It appears that, in 1858, Mr. W. C. Burt chartered a ship to take horses to India, and he, by his attorney, Mr. S. C. Brown, alleges that Miss Kelly agreed to ship twenty horses, at a charge of freight, &c., of £25 for each horse; that he reserved room for twenty horses accordingly; that Miss Kelly only sent fifteen horses instead of twenty; that four out of the fifteen died on the passage, leaving eleven only to land in India. Mr. Burt charges freight and forage for the whole number of twenty.

Miss Kelly denies that any conclusive agreement was made to ship the whole twenty, and although she contemplated shipping twenty at first, she wrote to Mr. Burt that she could not ship so many, and in a conversation with Mr. Sydney Burt, admitted that she had contemplated shipping twenty. No written agreement is produced on either side; Miss Kelly considers that if four horses died on the passage Mr. Burt was bound, by the custom of the trade, to cut out the brands and show them as evidence, which he has not done. Miss Kelly brings an action against Mr. Burt for account and the net proceeds. Mr. Burt lodges £40 in Court as the net proceeds of the eleven horses sold, deducting £25 each for the horses short shipped, and the expenses of the four that died, and the jury find a verdict for Burt.

The other is an action for slander, brought by Reuben Richards against Joseph Andrews, for stating that a lease of some property at Mount George, from Miss Kelly to Richards, was a forgery.

The circumstances of this case appear to be:—When Miss Kelly was sent to Darlinghurst, Messrs. Lennon and Cape, from whom she had borrowed money, and to whom she had executed a lien for £320, sent up a Mr. Gerrard to look after their interest, and take charge of her property until he could realize as much as would pay them. Miss Kelly had a paddock close to Mr. Andrews, whilst her residence was at some distance. Mr. Gerrard gave Andrews permission to put his cattle into this paddock. Richards said he had a lease of this paddock from Miss Kelly, and commenced a series of actions for trespass against Andrews. In Court, at the trial of one of these actions, Richards produced a lease, purporting to be from Miss Kelly, of this paddock, and Andrews said it was a forgery; whereupon Richards entered an action against Andrews for slander. At the trial Miss Kelly, at that time fresh from Darlinghurst, where she had been imprisoned for perjury, and from thence just liberated, was called as a witness to prove the presumed lease a forgery. The lease was produced;

duced; there was no witness to it, no evidence that she either wrote it or signed it, save that of Richards himself. Miss Kelly swore she never executed the lease, and that it was a forgery. The jury did not believe her, because the writing so intimately resembled a number of genuine documents of her writing then before them, and gave a verdict, carrying damages and costs of suit, against Andrews.

Mr. Mullen, of Maitland, Attorney, gave evidence before this Committee touching this case.

Three of the jurymen who sat on the trial have given evidence before this Committee—two of them, Mr. Alderman Smithers and E. Spyer, Esq., say that if Mr. Mullen's statement had been given in evidence at the trial, in all probability their verdict would have been the other way. Mr. Selby, the third one, cannot say what effect such evidence would have had on him; he decided by the evidence produced, and still thinks the lease was not a forgery, the writing was so like the genuine documents before him at the time.

Miss Kelly took steps against Richards at the Police Office, but he would not produce the lease, and she could not procure it; it was immediately taken out of Court after the trial.

When Miss Kelly went back to the Manning, she immediately took possession of the paddock, repudiated the lease altogether, and Richards did not object.

Richards has since been convicted of perjury at Maitland, but escaped punishment on a point of law.

Your Committee are of opinion, that neither of these cases invalidates Miss Kelly's claim for compensation on account of losses and injuries arising out of her own conviction for perjury, if any claim would otherwise exist.

As to the value of Miss Kelly's property when Skerrett was liberated from Cockatoo, or to her losses arising out of that and subsequent proceedings, your Committee have not sufficient reliable data to form anything like a satisfactory conclusion.

Still they have not any reason to doubt that Miss Kelly began in 1837 with a capital of £4,000 or £5,000; and in 1854, after a lapse of seventeen years, considering the nature of the pursuits in which she was engaged, the attention and economy with which she managed her business, they think it not at all improbable that, all told, she may have been worth the amount she states, of £15,000. At that time her Mount George Estate, of 895 acres, was her own, and unencumbered. Some of this property she afterwards sold, at the rate of from £12 per acre to £24 per acre; she valued it altogether at £4,000. She states she refused from a Mr. Peters about this period £4,000 for her stock of horses; she was satisfied to abide by the bargain her agents were supposed to have made with Skerrett, £800 for her stock of cattle. She had a dairy farm of forty-three acres at Waterview, she

had

had considerable possessions in Maitland, besides some ready money, &c., and was not in debt. This is the estimate she formed of her property, at the time she fell in with Skerrett in 1854.

When Skerrett commenced proceedings against her in 1859, she borrowed £320 at interest, to bear the expenses of the lawsuit, which must have been very heavy.

Then the prosecution of Skerrett at the Police Office, lasted from the 17th of October to the 23rd November; all this time her witnesses had to be supported and lawyers feed; besides the travelling expenses of witnesses had to be borne—the outlay must, therefore, have been enormous.

At the time Skerrett was liberated she estimates the value of her property at £10,000. Two witnesses examined by the Committee, and Mrs. Cooper's letter, estimate the value of Miss Kelly's property at that time at about £1,500; this is manifestly incorrect. Mr. Cape states that his firm realised over £900 worth of stock, the whole of which, excepting £58, went to cover the £320 borrowed from them, and expenses of management. This amount included £300 as the price of sheep that cost two years previously £1,000, the wool from which, the previous year, sold at Mort's Produce Stores in Sydney for £277. The lambs from these sheep, about 700, were all killed; besides, Begbie and Cooper owed £1,000, and £150 interest, for cattle sold to them.

The stock of horses of 1854, and their increase, were all there, save fifteen head sent to India by Burt, and what Skerrett had appropriated. There was the Mount George property, worth a good deal more than the mortgage of only £500; some of the Maitland property was still unsold.

Your Committee think it very probable that the property of which Miss Kelly was possessed when Skerrett was liberated, might, under her own management, have realized somewhat near the following:—

| | £ | s. | d. |
|--|---------|----|----|
| Sheep, lambs, and wool..... | 1,200 | 0 | 0 |
| Begbie and Cooper..... | 1,150 | 0 | 0 |
| Horses..... | 6,000 | 0 | 0 |
| Equity of Redemption of Mount George.. | 2,000 | 0 | 0 |
| Maitland property..... | ..... |  |  |
| | <hr/> | | |
| | £10,350 | 0 | 0 |

The Maitland property has not been taken into the above consideration, although it realized a large amount.

Your Committee consider that the statements in Miss Kelly's petition have been borne out by the annexed evidence. With the exception of "and that at the instigation of the said Committee in the" fifth paragraph, no evidence has been taken as to the committal of Skerrett at the instance of Begbie and Cooper.

Your

Your Committee consider that Miss Kelly has made out a strong claim for compensation.

Your Committee are of opinion—

- 1st.—That the documents referred to as exhibits A and B, under the head of “ Appendix to the foregoing Evidence,” are both forgeries.
- 2nd.—That the mislaying of these two documents by the Crown, at her trial on the 6th and 7th of October, 1859, seriously prejudiced her defence.
- 3rd.—That the evidence given by Sir Alfred Stephen at that trial, respecting exhibit A (at that time not to be found), was calculated to mislead the jury.

Your Committee recommend, should your Honorable House consider Miss Kelly’s claims to compensation valid, that your Honorable House take into consideration :—

- 1st.—The pecuniary losses she has sustained in consequence of her unjust conviction and imprisonment for perjury on the 6th and 7th October, 1859.
- 2nd.—The loss of liberty and health.
- 3rd.—The injury to reputation and standing in society.

WILLIAM B. ALLEN,
Chairman.

*Legislative Assembly Chamber,
Sydney, 16 December, 1862.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 25 SEPTEMBER, 1862.

MEMBERS PRESENT :—

| | | |
|-------------|--|--------------|
| Mr. Morris, | \| | Mr. Allen, |
| | | Mr. Cunneen. |

Mr. Allen called to the Chair.
Committee deliberated as to their course of proceedings, and
[Adjourned.]

THURSDAY, 9 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|--------------|--|-----------------|
| Mr. Flett, | \| | Mr. Dickson, |
| Mr. Morrice, | | Mr. Morris, |
| Mr. Harpur, | | Mr. W. Forster. |

Committee met pursuant to summons, and deliberated.
Miss Isabella Mary Kelly called in :—
And witness stating that she required certain papers to produce in evidence, which she had not yet procured,—
Examination postponed.
Witness withdrew.
Committee further deliberated, and
[Adjourned to Thursday next, at half-past *Ten* o'clock.]

THURSDAY, 16 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|-----------------|--|--------------|
| Mr. W. Forster, | \| | Mr. Morrice. |
|-----------------|--|--------------|

No business transacted.
[Adjourned to Wednesday next, at half-past *Ten* o'clock.]

WEDNESDAY, 22 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|--------------|--|--------------|
| Mr. Morrice, | \| | Mr. Cunneen, |
| Mr. Flett, | | Mr. Stewart, |
| | | Mr. Dickson. |

Miss Isabella Mary Kelly called in and examined.
And, in the course of examination, objection being taken to receiving a portion of the evidence given by witness,—
Witness requested to withdraw.
Committee deliberated, and decided that the evidence as given be received.
Witness recalled, and examination continued.
And, Mr. Flett objecting to certain questions put to witness,—
Witness again requested to withdraw.
Committee deliberated, and decided that the portions of the evidence objected to be omitted.
Ordered :—1. That the Clerk of the House be summoned for Friday next, to produce the Evidence taken before a Select Committee appointed on the 3rd February, 1860, to inquire into the cases of Charles Skerrett.
2. That Mr. Connell be summoned to produce, on Friday next, the depositions in the case of Kelly *v.* Skerrett, about 19th October, 1860.
[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY,

FRIDAY, 24 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|-----------------|--|-------------|
| Mr. W. Forster, | \| | Mr. Morris, |
| Mr. Morrice, | \| | Mr. Flett, |
| Mr. Cunneen. | | |

Minutes of Proceedings and Evidence taken before the Select Committee appointed by the Legislative Assembly, on 3rd February, 1860, to inquire into the cases of Charles Skerrett,—referred on the 23rd instant to the Select Committee now sitting in the case of Miss Isabella Mary Kelly—on the Table.

Miss Isabella Mary Kelly called in and further examined.

Letter from Reuben Richards to Miss Kelly, dated Nelson's Plains, July 23rd, 1855, handed in by witness. (*Vide List of Appendix.*)

Letters marked A 1, 2, 3, 4, and 5, produced.

Mr. H. Connell, *Chief Clerk, Central Police Office*, called in and examined.

And, the Committee desiring to deliberate, witness requested to withdraw.

Committee deliberated.

Ordered,—That the following witnesses be summoned to attend at the next meeting :—

Mr. John Ryan Brennan.

Mrs. Brandswait.

Mr. W. Elyard, *Principal Under Secretary*, } to produce Papers.
Mr. J. Williams, *Crown Solicitor*, }

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 29 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|-----------------|--|--------------|
| Mr. Morris, | \| | Mr. Cunneen, |
| Mr. Flett, | \| | Mr. Morrice, |
| Mr. W. Forster. | | |

Mr. W. Elyard, *Principal Under Secretary*, called in and examined.

Recommendation of Sir John Nodes Dickinson, on which Miss Kelly was released from imprisonment, handed in. (*Vide List of Appendix.*)

Witness withdrew.

Mr. W. E. Plunkett, *Secretary to Crown Law Officers*, called in and examined.

Original Depositions in the case of I. M. Kelly v. Charles Skerrett, for Forgery, produced, and copy handed in. (*Vide List of Appendix.*)

Witness withdrew.

Mr. John Ryan Brennan, *Solicitor*, examined.

Witness withdrew.

Mrs. Jane Brandswait called in and examined.

Strangers requested to withdraw.

Committee deliberated, and

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 5 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|-----------------|--|--------------|
| Mr. Stewart, | \| | Mr. Morris, |
| Mr. W. Forster, | \| | Mr. Cunneen, |
| Mr. Morrice, | \| | Mr. Harpur. |

Committee deliberated.

Depositions (and Copy) Regina v. Charles Skerrett—Forgery—before the Committee.

Mr. J. Williams, *Crown Solicitor*, called in and examined.

Certain Papers handed in. (*Vide List of Appendix.*)

Witness withdrew.

The Honorable J. F. Hargrave, M.L.C., attending by permission of the Legislative Council, then examined.

Witness withdrew.

Mr. P. Faucett, M.P., examined.

Witness withdrew.

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY,

FRIDAY, 7 NOVEMBER, 1862.

MEMBERS PRESENT:—

Mr. Allen in the Chair.
 Mr. W. Forster, | Mr. Morrice,
 Mr. Morris.

Rev. T. O'Reilly called in and examined.

Witness withdrew.

Mr. J. Williams, *Crown Solicitor*, called in and further examined.

Depositions taken at Bungay Bungay, Regina v. Charles Skerrett, for horse-stealing, October, 1854, produced, and copy of Margaret Skerrett's evidence handed in.

Strangers requested to withdraw.

Chairman laid before the Committee—

Letter from Sir Alfred Stephen, stating his willingness to make arrangements to attend the Committee on Thursday next, and that he will, as requested, send the evidence of Margaret Skerrett, taken from his notes of Skerrett's trial, and suggesting, that therefore the Committee may not think his personal attendance necessary; also, requesting to be eventually allowed a copy of the former evidence given by him before the Committee on Charles Skerrett in 1859-60.

Committee deliberated.

Ordered,—That Sir A. Stephen be informed, that upon receipt of Margaret Skerrett's evidence, his personal attendance before the Committee will not be required.

[Adjourned to Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 12 NOVEMBER, 1862.

MEMBERS PRESENT:—

Mr. Allen in the Chair.
 Mr. W. Forster, | Mr. Flett,
 Mr. Morrice, | Mr. Morris,
 Mr. Stewart, | Mr. Cunneen.

Evidence of Margaret Skerrett, from the Chief Justice's notes, taken at the trial of Charles Skerrett for cattle-stealing, 5th April, 1855,—before the Committee.

The Hon. J. H. Plunkett, Q.C., M.L.C., attending by permission of the Legislative Council, examined.

Witness withdrew.

Mr. T. Findley called in and examined.

Witness withdrew.

Mr. P. Dew called in and examined.

In the course of the examination strangers requested to withdraw.

Committee deliberated.

Witness recalled and examination concluded.

Witness withdrew.

Mr. Joseph Andrews called in and examined.

Witness handed in a letter addressed to the Chairman of the Committee, from Mrs. Cooper, of the Manning River (a witness summoned to attend this day.)

Examination concluded.

Strangers requested to withdraw.

Committee deliberated upon the expediency of printing Mrs. Cooper's letter.

To be further considered.

The Chairman then laid before the Committee a letter from Mr. Mullen, excusing his non-attendance by reason of his receiving the summons too late.

(Adjourned to Wednesday next, at *Eleven o'clock*.)

WEDNESDAY, 19 NOVEMBER, 1862.

MEMBERS PRESENT:—

Mr. Allen in the Chair.
 Mr. Stewart, | Mr. Morrice,
 Mr. W. Forster, | Mr. Flett,
 Mr. Morris.

Mr. C. Langley called in and examined.

Witness withdrew.

Mr. J. Dawson called in and examined.

Witness withdrew.

Mr. W. H. Mullen called in and examined.

Witness withdrew, and

Room cleared.

Committee deliberated.

Letter received at the last meeting from Mrs. Cooper, of the Manning River, by direction of the Chairman, read.

[Adjourned to Wednesday next, at *Eleven o'clock*.]

WEDNESDAY,

17

WEDNESDAY, 26 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|--------------|--|--------------|
| Mr. Stewart, | \| | Mr. Cunneen, |
| Mr. Morrice, | | Mr. Flett. |

Mr. L. J. Spyer called in and examined.

Strangers requested to withdraw.

Committee deliberated, and

[Adjourned to Friday next, at half-past Ten o'clock.]

FRIDAY, 28 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|-------------|--|--------------|
| Mr. Morris, | \| | Mr. Cunneen. |
|-------------|--|--------------|

Mr. J. B. Smithers called in and examined.

Paper written by the Judge's Clerk at the trial of Richards v. Andrews, 1860, handed in. (*Vide List of Appendix.*)

Witness withdrew.

Mr. L. J. Spyer called in and further examined.

Witness withdrew.

[Adjourned to Wednesday next, at Eleven o'clock.]

WEDNESDAY, 3 DECEMBER, 1862.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the Meeting called for this day, lapsed.

[To be called for Friday next, at Eleven o'clock.]

FRIDAY, 5 DECEMBER, 1862.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting called for this day, lapsed.

WEDNESDAY, 10 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|-----------------|--|--------------|
| Mr. Flett, | \| | Mr. Stewart, |
| Mr. W. Forster, | | Mr. Cunneen. |

Committee met pursuant to summons.

Mr. Robert Hamilton Sempill, *Official Assignee*, called in and examined.

Witness withdrew.

Mr. John Morris, *Official Assignee*, called in and examined.

Witness withdrew.

Mr. Henry Selby called in and examined.

Witness withdrew.

Committee deliberated, and

[Adjourned to To-morrow, at Eleven o'clock.]

THURSDAY, 11 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Allen in the Chair.

| | | |
|--------------|--|-----------------|
| Mr. Flett, | \| | Mr. Cunneen, |
| Mr. Morrice, | | Mr. W. Forster. |

Committee deliberated.

Ordered,—That the Evidence of Margaret Skerrett, from the Chief Justice's notes, taken at the trial of Charles Skerrett for cattle-stealing, 5th April, 1855, be printed. (*Vide List of Separate Appendix.*)

Miss

Miss Kelly called in and further examined.
 Several letters handed in. (*Vide List of Appendix.*)
 Certain portions of the same *not* to be printed.
 During the course of examination, objection taken by Mr. Flett to a certain Question put by the Chairman.
 Deliberation ensued.
 Objection waived and examination continued.
 Witness withdrew.

[Adjourned to to-morrow, at *Eleven* o'clock.]

FRIDAY, 12 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

| | | |
|--------------|--|--------------|
| Mr. Flett, | | Mr. Stewart, |
| Mr. Harpur, | | Mr. Cunneen, |
| Mr. Morrice. | | |

Mr. S. C. Brown, *Solicitor*, and Mr. W. F. Cape examined.
 Strangers withdrew.
 Committee deliberated.

Motion made (*Mr. Cunneen*) and *Question*,—That the evidence given by Sir Alfred Stephen, Chief Justice, on the 9th February, 1860, before the Select Committee on the cases of Charles Skerrett be appended to the Report of this Committee,—*agreed to.* (*Vide List of Separate Appendix.*)

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 16 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Allen in the Chair.

| | | |
|--------------|--|-------------|
| Mr. Stewart, | | Mr. Harpur, |
| Mr. Flett. | | |

Committee deliberated.

Ordered (1.),—That a letter be written to Mr. Elyard, requesting him to furnish a copy of Sir A. Stephen's recommendation to the Governor General for the liberation of Charles Skerrett from Cockatoo Island in 1858 or 1859—and that the same when received be appended to the Report.

[Consequent upon the above letter being written the following papers were furnished by Mr. John Williams, *Crown Solicitor*.

Letter from Sir Alfred Stephen, Chief Justice, to the Colonial Secretary, dated 25 June, 1859, recommending Charles Skerrett for a pardon.

Ditto ditto to W. Elyard, Esq., dated 12th July, 1859, recommending Charles Skerrett for remission of sentence. (*Vide List of Separate Appendix.*)

(2.) That Mrs. Cooper's letter of the 3rd October last, addressed to the Chairman, be also appended to the Report. (*Vide List of Separate Appendix.*)

Letter from Mark Spence (a witness previously summoned to attend), dated 6th December, 1862, handed in by Mr. Flett, and ordered to be appended. (*Vide List of Separate Appendix.*)

Chairman submitted Draft Report.

The same read and amended.

Motion made (*Mr. Harpur*) and *Question put*,—That this Report be the Report of the Committee.

Committee divided.

| | | |
|-------------|--|------------|
| Aye, 1 | | No, 1. |
| Mr. Harpur. | | Mr. Flett. |

The Chairman gave his casting vote with the Ayes.

So it passed in the affirmative.

Chairman to report to the House.

LIST OF WITNESSES.

| | PAGE. |
|--|-----------|
| Andrews, Mr. Joseph.. .. . | 52 |
| Brandswait, Mrs. Jane | 31 |
| Brenan, John Ryan, Esq. | 28 |
| Brown, Stephen Campbell, Esq. | 84 |
| Cape, William Frederick, Esq. | 85 |
| Connell, Mr. Henry, Junr. | 18 |
| Dawson, John, Esq. | 60 |
| Dew, Mr. Philip | 46 |
| Elyard, William, Esq. | 18 |
| Faucett, Peter, Esq., M.P. | 41 |
| Findley, Mr. Thomas.. .. . | 45 |
| Hargrave, The Hon. John Fletcher, M.L.C. | 39 |
| Kelly, Miss Isabella Mary | 1, 10, 76 |
| Langley, Charles Edmond, Esq. | 56 |
| Morris, John, Esq. | 73 |
| Mullen, William Henry, Esq. | 61 |
| O'Reilly, The Rev. Thomas | 42 |
| Plunkett, William E. | 20 |
| Plunkett, The Hon. John Hubert, Q.C., M.L.C. | 43 |
| Selby, Mr. Henry | 74 |
| Sempill, Robert Hamilton, Esq. | 66 |
| Smithers, Mr. John Baker | 64 |
| Spyer, Laurence Joseph, Esq. | 63, 65 |
| Williams, John, Esq. | 38, 43 |

LIST OF APPENDIX.

(To Evidence given by Miss I. M. Kelly, 24 October, 1862.)

| | PAGE. |
|--|-------|
| A. | |
| Letter from Reuben Richards and his wife to Miss Kelly, dated Nelson's Plains, 23 July, 1855 .. | 17 |
| (To Evidence given by W. Elyard, Esq., 29 October, 1862.) | |
| Recommendation of Sir John Nodes Dickinson, on which Miss Kelly was released from imprisonment | 18 |
| (To Evidence given by W. E. Plunkett, Esq., 29 October, 1862.) | |
| Copies of the original proceedings in the case of the Queen v. Charles Skerrett, for forgery .. | 20 |
| (To Evidence given by J. Williams, Esq., 5 November, 1862.) | |
| A. | |
| Copy of the indorsement on the information in the case of the Queen v. Charles Skerrett, on a charge of cattle-stealing, tried 5th April, 1855—together with a copy of the sentence .. | 38 |
| B. | |
| Copy of Minute of the Attorney General, Mr. Wise, refusing to prosecute in the case of Regina v. Charles Skerrett, for horse-stealing | 38 |
| C. | |
| Minute of the Attorney General, Mr. Hargrave, refusing to prosecute in the case Regina v. Charles Skerrett, for forgery | 38 |
| (To Evidence given by J. Williams, Esq., 7 November, 1862.) | |
| Copy Deposition of Margaret Skerrett, taken at Bungay Bungay, in the case of the Queen against Charles Skerrett for horse-stealing, in 1854 | 43 |
| (To Evidence given by J. B. Smithers, Esq., 28 November, 1862.) | |
| Paper written by the Judge's Clerk, containing the several counts and the decision of the Jury in each, in the case of Richards v. Andrews, 1860 | 65 |
| (To Evidence given by Miss I. M. Kelly, 11 December, 1862.) | |
| Letter from Joseph Andrews to Miss Kelly, dated 7 January, 1860 | 82 |
| Ditto from same to same, dated 14 April, 1860 | 83 |
| Ditto ditto ditto, dated 20 April, 1860 | 83 |
| Ditto from Ann Andrews to Miss Kelly, dated 2 June, 1860 | 84 |

LIST OF SEPARATE APPENDIX.

| | PAGE. |
|--|-------|
| A. | |
| Evidence of Margaret Skerrett, from the Chief Justice's Notes, taken at the trial of Charles Skerrett, for cattle-stealing, 5th April, 1855.. .. . | 1 |
| B. | |
| Evidence given by Sir A. Stephen, Chief Justice, on the 9th February, 1860, before the Select Committee on the Cases of Charles Skerrett | 1 |
| C. | |
| Letter from Sir A. Stephen, Chief Justice, to the Colonial Secretary, dated 25th June, 1859, recommending Charles Skerrett for pardon | 8 |
| D. | |
| Letter from Sir A. Stephen to W. Elyard, Esq., dated 12th July, 1859, recommending Charles Skerrett for remission of sentence | 9 |
| E. | |
| Letter from Maria Cooper to the Chairman of the Committee, dated Woodside, Manning, 3rd October, 1862 | 9 |
| F. | |
| Letter from Mark Spence to Mr. Flett, a Member of the Committee, dated December 6th, 1862.. | 10 |

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE CASE OF

MISS ISABELLA MARY KELLY.

THURSDAY, 9 OCTOBER, 1862.

Present :—

| | | |
|--------------|--|-----------------|
| Mr. FLETT, | \| | Mr. W. FORSTER, |
| Mr. HARPUR, | \| | Mr. MORRICE, |
| Mr. DICKSON. | | |

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Miss Kelly called in and examined :—

1. *By the Chairman* : Your name is Isabella Mary Kelly? Yes.
2. This is a Committee of the Legislative Assembly, appointed in accordance with your petition, which was laid before the House during the present Session, to inquire into the allegations contained in that petition ;—are you prepared to go into the case? No; I have not my papers; they are in the hands of Mr. Ryan Brenan. I telegraphed to him on Monday, in order that I might obtain them.
3. Would you be prepared to proceed with your case on this day week? Yes.

Miss I. M.
Kelly.
9 Oct., 1862.

WEDNESDAY, 22 OCTOBER, 1862.

Present :—

| | | |
|--------------|--|--------------|
| Mr. DICKSON, | \| | Mr. STEWART, |
| Mr. MORRICE, | \| | Mr. FLETT, |
| Mr. CUNNEEN. | | |

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Miss Isabella Mary Kelly called in and further examined :—

4. *By the Chairman* : Your petition states that Charles Skerrett was convicted, in 1855, of cattle stealing from you, and that he was afterwards liberated in 1859; that you were convicted of perjury with respect to this trial in 1859; and that, on the 15th of March, 1860, you were pardoned and liberated, owing to the recommendation of the Acting Chief Justice, who tried the case ;—were you present when judgment was delivered against Charles Skerrett, Miss Kelly? I was.
5. Was he convicted of cattle stealing, or forgery, or both? He was convicted of cattle stealing, based upon forgery.
6. When did you become acquainted with him? In the year 1854.
7. In the year 1854? Yes.

Miss I. M.
Kelly.
22 Oct., 1862.

- Miss I. M. Kelly.
- 22 Oct., 1862.
8. Under what circumstances? He came to my house, accompanied by a Mr. Millar and a Mr. Anderson, shipwrights, on the Manning.
 9. For what purpose did he come? They were going on to Sydney. I wished to let Brimbin, as I did not want it. I wished to go back to my estate at Mount George. There was only the tenure of the lease unexpired. I rented it from Mr. Atkinson.
 10. Where had Skerrett been living at this time? He said he lived at Port Macquarie.
 11. Did you know him there? No; I never saw him before, to my knowledge. I might have seen him passing, but he never entered my house until that day, to my knowledge.
 12. And was the agreement made at that time? Yes, it was.
 13. To rent Brimbin? Yes, during my tenure of the lease. It was witnessed by Mr. Anderson and Mr. Millar, who were present.
 14. Did he come expressly for that purpose? I do not know. I did not advertise it for sale.
 15. Did you know anything of Skerrett before that? No.
 16. Did you let it to him under a written agreement? Yes, signed and witnessed. He wanted to write out the agreement, but I said, no, I would have it done by a disinterested person. I asked Mr. Anderson to write out the agreement, and he did so. It was dictated by myself.
 17. Do you remember the terms of that agreement? The terms were—my tenure of the lease, as far as I can remember; and until such time as my cattle were sold by Messrs. Rich, Langley, and Butchart, he was to have the use of a hundred cows. He said he had a large family of daughters, and wished to keep a dairy; he also said that he had cattle and horses at the Macleay River, and that he wanted some milking cows.
 18. Were they to be given to him? No, they were only to be for his use until they were sold, and they were liable to be sold at any hour, by Messrs. Rich, Langley, and Butchart.
 19. Had he any power to sell them? No; I could not have given him that power, because they were in the hands of Messrs. Rich, Langley, and Butchart, for sale.
 20. Did you tell him that? Yes; and he said he would soon be in a position to purchase the cattle. He said he had £1,500 left him by his relatives—that he had a power of attorney drawn out by Messrs. Holden and M'Carthy, and passed through the firm of Brierly, Dean, & Co., for collection in England. I think the words he used were—"I will soon be in a position to purchase your cattle." I said, "If you want to purchase them, you must go to Messrs. Rich, Langley, and Butchart."
 21. Did that refer to the milch cows or to the whole of the stock? To 250 head.
 22. Did this 100 head form part? Which 100 head?
 23. The 100 head he was to milk? Yes. These cows were included as a matter of course. I made no agreement whatever, only that until they were sold he could have the use of them.
 24. Do you recollect what he was to pay? Only £10 a year. He said that he had a large family, and was poor; and I said, "You may have the use of the cows till I sell them."
 25. He was to give you £10 a year for the station? Yes.
 26. That did not include stock, did it? No. The agreement is here.
 27. Have you it with you? No, it is in the Crown Law Office.
 28. Was there any other arrangement between you and him about mustering the cattle? Yes. He said he would muster my horses for me if I would permit him. He made the agreement, and in a day or two after that, he came in with the document in his hand (I wrote it out myself) and said, "As you will not allow me to break in your horses, you had better tear up your agreement, and I will tear mine." I saw him tear up a slip of paper, and I tore up mine too. I thought he tore up his agreement.
 29. You thought he had torn up the agreement on his part, as you had torn up yours, for the mustering? Yes. It was the third day after, I think.
 30. Did that agreement ever turn up again? Yes.
 31. Under what circumstances? I was surprised when I saw it in the Court.
 32. At the trial? Yes; because I thought he tore it up.
 33. Is there a cottage on the station at Brimbin? There is the cottage I lived in, and the huts belonging to the men—the stock-keepers' huts.
 34. Was he to have the whole of this cottage, or were you to have a room? I was to have a parlour and bed-room, and two scullion rooms, until my own cottage was finished at Mount George. The particulars are on the agreement.
 35. So Skerritt was to have had merely the station, without the cattle, at the rent you paid? Just so—£10 a year.
 36. You retaining two rooms? Two rooms and two scullion rooms.
 37. *By Mr. Flett*: Four rooms in all? You will see it on the agreement.
 38. Two rooms and two scullion rooms? You will see it on the agreement.
 39. *By the Chairman*: Did you ever sell or agree to sell Skerrett the whole of your cattle? Well, I never in my life sold him any cattle but one fat bullock, and that was on the 17th July, 1854. He had not even a bit to eat. I gave him a bag of the best flour (two hundredweight); I gave him at different times forty weight of tallow, seventy weight of salt, and some tea and sugar, for they had not a bit to eat when they came to Brimbin.
 40. They had not a bit to eat? Not a bit until I gave them the flour. I supplied them with flour, and tea and sugar, and various things, when they came there.
 41. You say he told you that in a short time he would be able to purchase your stock, he having had £1,500 left him in England? His family—he made use of the word "children's legacy," or something of that sort—I do not know the exact terms, but they were to the effect that he had had £1,500 left him. He was then going to Sydney. He said he had a power of attorney, drawn out by Messrs. Holden and M'Carthy, and passed through the firm of Brierly, Dean, and Co., and he got a great deal of goods on the strength of that.

42. Was this after you had told him that your cattle were in the hands of your agents for sale? Yes; he never asked me to sell my cattle to him.
43. He never asked you? Never. He said he would soon be in a position to purchase my cattle, and I said, "If you are, you may go to my agents and purchase them from them." Miss I. M. Kelly.
22 Oct., 1862.
44. And he went to Sydney? Yes, and returned on the 22nd or 23rd May, 1854. He told me that he had purchased all my cattle. I remarked to him that I had never authorized them to sell more than 250 head. What could I do for beef and milch cows for my station? He said, "How many fat cattle do you require? I will let you have them at the rate I paid for them." I said, "What was the rate?" He said, "£800." I thought it was well to let them go at that price. He then said, "Whatever you may want you may have. How many do you think you require?" I said, "Seventeen or eighteen bullocks, and about half a dozen milch cows." He said, "I will let you have these at what I gave for them." He did not say a word about the horses. On Monday he sent one or two persons to ask me if I would sell the cattle. I said, "I cannot sell them, for Mr. Skerrett has bought them." He having told me that he was nine years a Magistrate at Port Phillip, I did not suppose the man would come and try to take advantage of me, seeing I was alone.
45. Did he tell you he was a Magistrate at Port Phillip? He did; he said he was a Magistrate there for nine years. He told not only me, but several. It was given in evidence on the trial.
46. You say he did not mention having bought any of the horses? Not a word.
47. But he told you when he came back that he had purchased your cattle? Yes, he said he had bought all my cattle.
48. From Rich, Langley, and Butchart, for £800? Yes.
49. And you acquiesced in that purchase? I said, "Have you anything to show me for that?" He said, "No; I suppose you will receive a letter in a day or two." I think it was the 24th July, 1854. But previous to that, I must say, I went a little way from the house and met Major Innes, and he said, "My poor little Miss Kelly, you are done at last. How on earth did you get acquainted with Skerrett!—the biggest scoundrel unhung!" You will see that on my evidence he said to me, "Take care of yourself. Take care of your life."
50. Well, you say that some people came to purchase cattle from you, and you said that Skerrett had bought them? Yes.
51. Believing that what he had told you was the truth? I did believe it—certainly I did believe it.
52. Did he dispose of any of the stock as his own? No; but when Major Innes spoke to me he wanted to get a bullock for his family, and I said, "Mr. Skerrett, I have not received a letter from my agents, and I will not allow you to deal with the cattle till I hear from them; but if you want to purchase one, I will sell you one for cash, and return you the money when I find that you have purchased my cattle; but I would not give it you without the cash." He said, "Oh, yes." The bullock was brought into the yard to be slaughtered, and I asked him for the money. He said he was going to Cundle to cash a cheque, and would pay me on his return. I did not make anything to do about it, and let him kill the bullock. That was on the 17th of July, 1854.
53. You let him kill the bullock—did he pay you? I never saw a penny of his money in my lifetime. The man had none. On the 24th I received a letter from Messrs. Rich, Langley, and Butchart.
54. On the 24th of the same month? Yes.
55. What month was that? The month of July. I received, on the 24th of that month, a letter from Messrs. Rich, Langley, and Butchart, requesting me to settle with them. It stated that they could not get the price for my cattle set upon them, and requested me to come to a settlement at once. Skerrett was in the garden, chipping. I took the letter and said, "Mr. Skerrett, I am surprised! You to call yourself a gentleman, and to have told me an untruth!—to have told me you purchased my cattle from Rich, Langley, and Butchart!" He said, very smoothly and quietly, "Well, Miss Kelly, I have been disappointed in money matters, but" he said, "if you now tell the people I have not purchased your cattle, I shall never be able to muster them." I said, "I am surprised." He said, "Be off from here, you d—b—!" I told the boy to go and get my horses, and started. When about 200 yards from the house, he came running without his hat, and said, "Come here and take away your murdering Chinaman." I said, "Allow him to remain here until I return—I will pay you for the hut he occupies—you can deduct it from the price of the bullock." He said, "Come back; I want you to sign an agreement here that the place is mine." "Oh, the place is yours by the agreement already written." My glasses were packed up, and everything on the horse. He brought me back. I got off my horse, and took the document in my hand, and without glasses tried to read it. I read as far as sixpence a week. Seeing neither cattle nor horses named in the document, but "sixpence a week," I signed it, without notice. I do not know the date even. I signed that document—"sixpence a week"—and came to Sydney. I went to Rich, Langley, and Butchart, and asked them if they saw Skerrett. They said, "We do not know the man—we never saw such a man."
56. Is that sixpence a week for — ? For the Chinaman's house.
57. Is that the document Ann Andrews signed? Yes. He wanted one of his daughters to be the witness, but I said, "I will have none of your daughters to witness for me."
58. You said you would have none of his daughters to witness for you? Yes, and he called Ann Andrews.
59. And you came to Rich, Langley, and Butchart? I did; and they recommended me to put my cattle into the hands of Messrs. Dodds, which I did, and they were advertised for sale in August by Messrs. Dodds.

- Miss I. M. Kelly.
 22 Oct., 1862.
60. Did you give any notice that Skerrett had not purchased them? Oh yes, to everybody.
 61. In the papers I mean? Yes, I think I did—I did.
 62. Did you go back straight from Sydney to Brimbin? On my way back I heard—(a man told me at Raymond Terrace)—that Skerrett had taken some of my horses—the MK horses. I made some inquiry, and found it true, for he shipped some on board the “Collaroy”—I think it was the “Collaroy”—from the Old Company’s Wharf at Morpeth. He shipped a chesnut horse at Morpeth, belonging to me, while I was in Sydney. I should not have known anything about it had not this man at Raymond Terrace told me. It was a chesnut horse with a star on the forehead.
 63. That was during the time referred to above—coming down to see Messrs. Rich, Langley, and Butchart? Yes; he shipped a horse of mine then. I do not know how many he took.
 64. And when you went back to Brimbin? I said to Mrs. Skerrett, “How came your husband to sell my horses?” Then she up and told me that they were in great distress, and that really and truly it was a case of necessity. I told her that the horse was shipped, and that I was going to make inquiries about it. I forget the circumstances.
 65. Is there a person of the name of ——— what is the man’s name that married Ann Andrews? Reuben Richards.
 66. Had he a stockyard there? He had not at that time; he was living at Nelson’s Plains.
 67. He had not at that time? No.
 68. And there were no cattle slaughtered at his place at that time? No; he was not living there at that time.
 69. What did you do with Skerrett about the horse? Some days after that, I received a letter, stating that Skerrett had sold a number of my cattle to one Charles Turner and to others. On the receipt of this letter, I took my horse and went to the place I never was in before (that was, I think, in August); I went to the slaughter-yard.
 70. To Turner’s slaughter-yard? Yes, and I saw some of my cattle there. I saw them slaughtered in Turner’s yard.
 71. You saw them slaughtered in Turner’s yard? Yes. After examining the brands, I got the stockman to take the brands out of the hides. I then rode further, to Dungog, to get a warrant for the apprehension of Skerrett. I dare say I rode sixty or seventy miles, and Skerrett followed me.
 72. Had you any one with you? A little boy.
 73. What was his name? Richard Smith.
 74. What was his age? He was twelve or thirteen years old.
 75. Was the Dungog Bench the nearest Bench? No, it was not, I think. I do not know whether it is or not—no, I do not think it is the nearest Bench.
 76. Then why did you go to the Dungog Bench in preference to any other? Because I did not expect to get any justice on the Manning.
 77. Well, you got a warrant for him from Dungog? I got a warrant for him granted by the Bench.
 78. Was he apprehended? He was apprehended on the warrant and taken to Dungog.
 79. Sixty or seventy miles? Let me see; twenty—fifty—I think it is about. Well, I cannot say; it might be sixty miles from where I was, but I rode further than my own place; I rode from Chatham.
 80. You rode from Chatham? I rode from Chatham.
 81. That is some place on the Manning? Yes, near Redbank, on the other side of the river.
 82. What did the Dungog Bench do? They heard the case, and referred it back to the Manning Bench.
 83. What part of the Manning? Bungee Bungee.
 84. And it came before the Bench there? Yes, it came before the Bench there.
 85. Do you remember the names of the Magistrates who sat upon the case? Really I forget; it would take me a long time to look my journal over. I know Mr. Day was one, and that Mr. Croaker was another. I cannot remember who ———
 86. *By Mr. Flett*: Shall I refresh your memory? Yes.
 87. Mr. Hawthorn, and that was all? Yes.
 88. *By the Chairman*: The Magistrates were Mr. Day, Mr. Croaker, and Mr. Hawthorn? Yes.
 89. What did they do with the case? He was fully committed to take his trial for forgery.*
 90. Cattle stealing? Yes; he produced the documents.
 91. He produced the documents? Yes; that was the first time I knew anything about them.
 92. And he laid claim to the cattle in virtue of these documents, which were a sale note from you, purporting to be from you? Yes.
 93. Was there a receipt for payment accompanying the note? There were two receipts produced—a bill of sale and a receipt.
 94. A receipt for the payment of money? Yes; he produced those on the case at Bungee.
 95. And these, you say, were forged documents? They were forged documents.
 96. And was this the first time you became aware of their existence? That was the first time I was aware of the existence of the documents. It was for cattle stealing that I got the warrant, finding the cattle slaughtered in Charles Turner’s yard. It was for this I apprehended him.
 97. Did Turner give evidence against Skerrett as selling them to him? He did.
 98. At the Bench on the Manning? He did at the Criminal Court. I do not know what he did at the Manning; I forget it; but I think he did there also give evidence that he bought them of Skerrett.

99. And this was the first time you knew Skerrett set up any claim to your cattle, in pursuance of this document which you say is a forgery? Yes, that was the first time I knew of the document at all.

Miss I. M.
Kelly.

100. You have stated that Skerrett saw you write your name to those documents to which you have referred? Yes, to three different ones—one for 6d. per week. 22 Oct., 1862.

101. Sixpence per week for the cottage? Yes, and one for mustering.

102. For mustering the cattle? Yes.

103. And one for renting the place? The station—yes. Those were the three.

104. Do you remember who wrote out those documents—I think you said Anderson? Yes.

105. Did he write the whole of them? Yes.*

106. All three? Yes.

107. Did Anderson live there? He was a shipwright on the Manning River.

108. Did he live near Brimbin? He lived a few miles from it.

109. Did Anderson write the document that you were called off your horse to sign? Oh, no. He only wrote one document—that was renting him Brimbrin—it was Skerrett wrote that document.

110. He wrote that document? Yes; "sixpence a week," and I think I wrote out the document for mustering the horses.

111. But Skerrett had seen you write your name three different times? Yes.

112. Do you know a person of the name of Joseph Andrews there? Joseph Andrews?

113. Yes, on the Manning? Yes.

114. Have you had frequent correspondence with him in writing? Yes.

115. Has it been friendly or unfriendly? It was not very friendly; it was about trespass generally.

116. Do you know whether Andrews and Skerrett were on familiar terms? I believe he used to go there very often.

117. Have you been in the habit, since your early life on the Manning, of signing your name in the same particular way? No, I used to sign it with a straight "y"—a "y" with a straight stroke; but some years ago I gave a cheque to Mr. Hughes, the grocer, in Market-street, in payment for some grocery. I went about the shop, and when I returned he had a paper on the counter, and said "Is that your signature, Miss Kelly?" He said—"I could take every shilling you have in the bank, if I thought proper." I then tried to alter my signature. That is long before I knew Skerrett. The bank accounts will show that.

118. How did you alter your signature? I crossed the "y."

119. You looped the "y"? Yes, and tried to alter it as much as possible.

120. *By Mr. Dickson*: Show us the two different methods? (*Witness wrote her signature in the two different ways on a sheet of note paper, and handed the paper to the Committee.*)

121. *By the Chairman*: The top signature is written in the old style, and the second in the new? Yes.

122. These documents that Skerrett put in as evidence of a claim to the cattle—in which of these styles are the signatures? They were in both. Mr. Andrews told me that when he saw my signature he doubted it. Then Skerrett imitated my hand in both ways.

123. *By Mr. Flett*: In Andrews' presence? Andrews was not present at any agreement with Skerrett and me.

124. *By the Chairman*: Andrews told him so? Yes.

125. Did Mr. Andrews tell you so? He did.

126. But this claim set up at Bungee Bungee—the documents are signed in both these ways? Yes; both the forgeries are signed both ways—the old and the new way.

127. One one way and the other the other? Yes; one is signed in the old style and one in the new style. He was then told he had overdone the thing.

128. *By Mr. Stewart*: Do they both bear about the same date? The same date.

129. *By the Chairman*: One is a sale and the other acknowledging the receipt of money? They both acknowledge the receipt of the money on the same date.

130. Where are these documents to be found now? In the Crown Law Offices.

131. Did you ever sign your signature according to the old style after you had adopted the new—have you, since you adopted the new style, signed your name in the old style? Never, to my recollection, have I signed any document in the old style after that. I completely changed the "y" after I was told by Mr. Hughes, the grocer, that he could take all my money out of the bank, if he wished it.

132. *By Mr. Stewart*: And that was previous to this date? It was previous to this date. It might be in 1852 or 1853. I would not be quite certain, but I think it was in 1852.

133. But previous to the documents produced by Skerrett, and bearing your signature? Yes; it was altered long before I had anything to do with Skerrett; but he has both the documents in the old and new style with my signature.

134. Were these documents witnessed by any person? Yes; one of them is witnessed by Skerrett's two daughters, and the other one is signed "William Turner," who gave his evidence here, in the Police Office. They are both on the same date.

135. And are the documents that purport to be a sale and a receipt for money — ? Both acknowledge the receipt of money.

136. Both? Yes, both acknowledge the receipt of money.

137. And they both refer to the same transaction, do they? Yes.

138. And they are signed on the same date, and witnessed by the same parties? Yes.

139. One is witnessed by Turner, and the other by the two girls? Yes.

140. Do you remember the names of these two girls? Margaret Skerrett and Jane Skerrett.

141. You say Skerrett was committed from Bungee Bungee—was he convicted? He was, and sentenced to ten years. 142.

* *Revised*:—He wrote only one.

- Miss I. M. Kelly.
 22 Oct., 1862.
142. And sentenced to ten years on the roads? Yes.
143. Were you present when the judgment was delivered? I was.
144. Was he convicted of cattle stealing or forgery, or both? Cattle stealing; but the jury brought it in cattle stealing based upon forgery.
145. There was a report in the papers at the time of the trial. I want to draw your attention to the report published in the *Sydney Morning Herald*, and particularly to the verdict of the jury and the Judge's remarks? The Judge said he regretted he could not give him a longer sentence.
146. Do not say any more until I read this, and see whether it be true or not? No.
147. *By Mr. Flett*: Who was the Judge who tried the case? Judge Dickenson.
148. *By the Chairman*: Who tried Skerrett? Sir Alfred Stephen.
149. This is the sentence, as reported in the *Sydney Morning Herald* of the 5th April, 1855:—
 "At twenty-five minutes past four the jury returned with a verdict of 'Guilty' against the prisoner, accompanying their verdict with an expression of opinion that the two documents purporting to be an instrument of sale and a receipt for the payment of the purchase money were forgeries. The Chief Justice, in passing sentence, expressed his perfect concurrence in the verdict, and his horror at the conduct of the prisoner, who had endeavoured to shield himself from the punishment due to his fraudulent designs by inducing his own children to commit perjury." Do you recollect this? I perfectly recollect it.
150. Is it a fair statement? Yes, exactly so.
151. *By Mr. Dickson*: Of what took place in Court? Yes; but one expression is not there. He regretted that he could not give him a longer sentence.
152. *By the Chairman*: He was sent to Cockatoo Island? He was.
153. How long did he serve on Cockatoo Island? I think about four years, but I am not quite certain.
154. About four years? About four years.
155. And then he was pardoned? I do not know how it was.
156. But he was pardoned? He was liberated.
157. Do you remember when you saw him first, after his liberation, or what he did with respect to yourself—that is what I want to know? I came up to Sydney, and was taken on a warrant, without previously knowing anything about it.
158. You were taken on a warrant? Yes. I did not know what possibly could be the charge. They sent me to the lock-up.
159. And was that the first intimation you had of there being anything wrong? That was the first.
160. What was the charge against you? Perjury.
161. At the instance of Skerrett? Yes.
162. And were you tried at the Police Court? Yes. I had no witnesses down or anything.
163. And were you committed from that Court? Yes.
164. Do you remember who the Magistrates were that sat upon the Bench? I remember Mr. Scott Ross.
165. He was one? Yes. There was another on the Bench, but I do not remember his name; he took no part in the case.
166. Do you remember the date of that committal? Well, I do not. I was in the lock-up from Saturday until Monday.
167. Was that in Sydney? Yes.
168. Do you remember the nature of the evidence that was brought against you? Both these documents—that they were genuine.
169. Was it the evidence you gave at the Court of Dungog? Yes, and Bungee Bungee—both. His two* daughters and himself swore that they were genuine.
170. This was after he was liberated? Yes.
171. And these are the documents in reference to which His Honor said his children had been brought up to Court and perjured themselves, in declaring them to be genuine? Yes.
172. And these are the same documents that the jury found to be forgeries? Yes, Mr. Bloxsome was foreman of the jury—a very gentlemanly man.
173. You understand the nature of the question, do you? Yes, I perfectly understand.
174. That you were committed upon Skerrett's evidence that these documents were forgeries? Yes.
175. That the signatures were *genuine*, although a jury had found them to be forgeries only a short time before? Yes. Skerrett and his two† daughters were witnesses in the Police Office against me.
176. They were the only witnesses in the Police Office against you? Yes.
177. These witnesses whom the Judge had said had perjured themselves? Yes.
178. And Ann Andrews? No.
179. *By Mr. Flett*: At the time you were committed in Sydney, were the Skerretts in Sydney? Yes.
180. *By the Chairman*: We understand that you were committed on a charge of perjury because you said the signatures of these papers were not genuine? Yes, and they swore they were genuine at the Police Office.
181. And the jury who tried Skerrett had found that they were forgeries? Yes.
182. And the Judge said in open Court that Skerrett had brought up his children to perjure themselves, to make out the genuineness of these documents? Yes. And would you permit me to say what the Judge said to Margaret Skerrett? He addressed her for a long time after the

* Revised:—I think one daughter.

† Revised:—I think one daughter.

the sentence was passed upon Skerrett. He said—"and as to you, Margaret Skerrett, you are the most determined perjurer that ever came before this Court."

Miss I. M.
Kelly.

183. Have you any person who heard him say that, beside yourself? I think all the Court heard it.

22 Oct., 1862.

184. *By Mr. Cunneen*: Have you any one you could call to mind to give evidence that the Judge said this? I think so, sir.

185. You were sent to your trial and convicted? Yes.

186. For having sworn that these papers were forged papers? Yes.

187. Were the papers before the Court? They were.

188. Were they before the Court when you were tried? No, they were mislaid then. The papers could not be found.

189. *By Mr. Dickson*: Which papers? The forgeries. They were not produced on my trial; they were not produced at my conviction; they were mislaid by Sir Alfred Stephen.

190. Why were these papers not produced? The Chief Justice, in the witness-box, swore that they were taken back either by himself or his clerk.

191. The Chief Justice got these papers? Yes; he borrowed them from the Crown Law Office.

192. When he recommended that Skerrett should be pardoned? Yes.

193. And when your trial came on where were these papers? They could not be found.

194. *By Mr. Stewart*: But they were produced at the committal? No.

195. *By the Chairman*: They were not produced until after your conviction? I had been in gaol some time. I was afterwards liberated.

196. What was the sentence? One year, and a fine of £100. I was five months and a fortnight in gaol.

197. That was considered not a very heavy sentence for a felony of this sort? The Judge did not even concur with the jury. He merely sentenced me, and ran away out of the Court.

198. He did not lecture you at all? No; he said "You are found guilty by a jury of your countrymen;" and he then said "One year and £100 fine." He did not say he concurred with the jury, or anything of the kind.

199. That was Judge Dickenson? Yes.

200. Was the penalty enforced—the £100? No.

201. It was never demanded? It was never demanded.

202. But you were liberated? I was, after being in gaol five months and a fortnight.

203. Do you know why they did not enforce the penalty? No.

204. Do you know why you were liberated—had you made any application? I had made no application whatever.

205. With respect to the papers—was the Chief Justice examined at the Police Office about them? He was.

206. And the papers containing his examination are there, I suppose? I suppose so. He said they were taken back to the Crown Law Office, by himself or by his clerk.

207. Do you remember the date? I cannot remember it.

208. Were these papers afterwards found, do you know? They were.

209. Have you heard where they were found, and under what circumstances? I heard that they were found in a private drawer, either at Sir Alfred Stephen's private residence, or at his office.

210. Where were you, do you know, when they were found? In gaol.

211. In the Darlinghurst Gaol? In Darlinghurst Gaol.

212. And it was after they were found that you were liberated? Yes.

213. During the time you were in gaol, what became of your property—your cattle? Everything was gone to rack when I came out.

214. Did Skerrett sell anything? The very place was broken open, and robbed of everything, even to my bed-room. My side saddle made to order, and sent out from England—even that saddle was taken away, and given to a neighbour, who kept it, lent it, and wore it nearly out.

215. Did Skerrett take any management of the property when you were in gaol—did he drive away your horses? He did. He took a number of my horses, and sold them; I can prove how he sold some of them; I am prepared to show it.

216. Did he take any cattle? He did—several cattle, and sold them in Maitland.

217. Had you sold any cattle, after the time of Skerrett's conviction, to people? Yes, to Messrs. Begbie and Cooper.

218. Did you get any of the money? Only £200.

219. What was the amount of the sale? £1,200; they gave me £200 and a promissory note, bearing interest.*

220. They gave you £200, and a promissory note with interest for the remainder? Yes.

221. From the date of the sale? Yes.

222. Were these cattle delivered to them? They were to muster them. They took them as they stood.

223. Did Skerrett sell any of these cattle? He did.

224. Are you aware how many he sold? I cannot say; he took in one lot, they said, about twenty-four head.

225. Only twenty-four head? At a time; I cannot say how many he took altogether.

226. What was the value per head? I cannot say.

227.

- Miss I. M. Kelly. 227. Did Messrs. Begbie and Cooper buy any horses? No, they bought cattle only.
228. How many head had you? 500 head, more or less; I cannot say exactly, 500 —
229. Young and old, fat and lean? There were very few fat ones left among them; my neighbours took care of that.
230. Did Begbie and Cooper retire their promissory note at maturity? No, they became insolvent.
231. What did they say? They said that Skerrett caused them so much annoyance, that they had to sell the cattle for half they could otherwise have got for them.
232. He claimed them, and would not let them get delivery? It was through Skerrett they could not meet their bills.
233. Did they make a composition? They made no compensation at all.
234. No, composition—did they pay anything in the pound? I do not know. Lennon and Cape were my agents. I do not know how they managed it, but I have got their accounts here.
235. You had borrowed money from them? I borrowed £320 from them, independent of what money I had, to try and defend myself, and bring witnesses down. There were so many witnesses, and the case was postponed each time, and they had to go away and come back again; so that the expense of witnesses was very great.
236. Do you know how long your case lasted, from the time it was first initiated at the Police Court until your final conviction? I do not remember.
237. Oh! was it two months or three months? It was two months or more; I am not quite sure; I do not like to say when I do not know it exactly.
238. How long have you been in the Colony? Twenty-eight years. I arrived here in November. I came out in November, 1834. I came out in the ship "James," with Dr. Lang.
239. You brought some money here, did you not? Yes, I brought a great quantity of property, of which I did not give any statement when I last gave evidence. I invested about £2,000 in property.
240. To fetch out here? Yes.
241. What sort of property? Cases of French plate. I was in Paris. French and English goods of different sorts.
242. Plated ware? Plated mirrors. I sold Mr. Charles Henry Chambers £200 worth of property; I sold him one of Broadwood's pianofortes.
243. These things you imported from Paris direct? And from England too.
244. Did you bring them out in the "James" with you? Yes.
245. What was the date of her arrival? November, 1834.
246. You say you brought £2,000 worth of goods with you, in which you had invested in England and Paris? Yes.
247. And did you bring any ready money? The first time I brought 900 sovereigns, for which I got a shilling in every sovereign when I arrived here. Mr. Chambers managed my affairs for me.
248. Was this shipment brought out the first time? Yes, in the "James."
249. And you brought out also 900 sovereigns with this £2,000 worth of goods? Yes.
250. And the next time? I had £1,900 in money; that was in the "Columbian," in 1837.
251. That will be about £1,900 altogether? No, it is different; I went out and came back again.
252. But did you not take the money back with you? I had bought land and cattle.
253. Oh! did you invest part of your money here? Yes.
254. Do you remember how much you invested? I could tell you everything if I had my journal to refer to.
255. About how much? I bought cattle and allotments of land.
256. *By Mr. Dickson:* How much did you take Home? I really cannot say how much I took Home. It was lent out here by Mr. Charles Henry Chambers.
257. Your money was lent out here? Yes, he lent it out.
258. *By the Chairman:* However, I suppose you remember a considerable amount between money and goods—£3,000? More than that; I brought at least £4,000 or £5,000. Colonel Wilson paid me £200 for odds and ends. Mr. Chambers paid me £210 for a piano alone. He bought my lamps, and carpet, and other things. I do not know the amount, but I sold a good many things to Chambers and two others.
259. And all that money, which you had collected during your whole lifetime, is gone? It is all gone.
260. Now, coming to another point—Mr. Burt—you know Mr. Burt? Yes.
261. You had some transactions with him, had you not? I had.
262. He brought some horses of yours to India? He did.
263. Did you ever get any payment for them? No, I did not.
264. Why did you not get payment, do you know? Mr. Burt said my horses would take—I forget—so many men to lead them. My little orphan boy used to take each horse to water; they were as quiet as possible. He said some died on the passage, and that he had taken so many stalls, but he could not produce a letter to show that I had made him a promise of any number of horses. I would not bind myself to him.
265. You sent some horses with Mr. Burt to India? Yes.
266. Did you get any money for them? No.
267. Did Mr. Burt? He said the returns would be £40. I said I would not think of such a thing.
268. Had you a lawsuit? I went to law with him for the price of the horses, and for him to deliver me up the brands of the horses that died, the same as Captain Gobble, of the "Royal Stuart," did.

269. In that lawsuit was there any letter of yours that you denied the signature of? No, Miss I. M. Kelly. not one.
270. Nor any document? There was not any document produced that I denied any signature—no no; in that case there was not a letter to show that I had promised him any number of horses. 22 Oct., 1862.
271. You sued him for the returns? Yes.
272. And you never got anything at all? No; the £40 I would not accept of.
273. He pleaded that you had contracted to send a certain number of horses on board his vessel? Yes.
274. And that you failed to send the quantity he alleged you contracted for? Yes.
275. And therefore he charged you with the passage money of the whole of the horses he alleged you had promised, and stopped it out of the proceeds of the sale of the horses you did send? Yes.
276. And you got nothing? Yes.*
277. And there was no document of which you denied the signature? I did not deny any document.
278. *By Mr. Morrice*: What was the result of the trial? He then wanted to compromise. He offered £100 to my attorney to have done with any further proceedings; but I told Mr. Dawson that I would not accept of any such thing.
279. *By the Chairman*: You consider that you should have had £400 or £500? Yes.
280. The suit went against you? Yes.
281. *By Mr. Flett*: Are you asking compensation from Mr. Burt, too? I am asking —
282. Compensation for the losses you have sustained through him—is that one of your grievances, Miss Kelly? Not at all; I am not grieving about that; I am stating the circumstances of the case.
283. *By the Chairman*: Were you ever committed for cattle stealing? I was, indeed.
284. About what time was this? I think it was in the month of July, 1854.
285. Was this before Skerrett's alleged renting of Brimbin from you? It was after.
286. You were committed? Yes, I was.
287. Were you sent to prison? Oh no; I was only summoned.
288. What Bench were you tried before? The Bungee Bungee.
289. Were you committed there? Yes, I was committed.
290. Were you held to bail? Yes.
291. Who bailed you? Mr. Bates and Skerrett.
292. Who was Bates—was he a storekeeper on the Manning? He was not a storekeeper; he is a gentleman who was a farmer there.
293. Had he a brother in Sydney? No, I do not think he is any relation of that Bates.
294. Did you stand your trial at the Court? No.
295. The Attorney General did not prosecute? No.
296. What was the nature of the crime alleged? I will just tell you. I lived twenty-two miles from my station, at Mount George. I lived at Brimbin. I was on my way to Sydney. My cattle were branded there repeatedly. They might brand 200 calves without my knowing whether they were mine or not. I did not live there. There was a little dispute between me and my neighbour. It was a concocted thing to do me an injury. I gave notice to each neighbour to be present, as I would not be answerable for anything my stockmen did. I gave notice, and that was the reason the Attorney General would not file a bill.
297. *By Mr. Stewart*: This was when the men were branding? Yes—twenty-two miles from my station.
298. At each time you gave notice? At this particular time. I had brought an action against a neighbour of mine, and I was very careful. All my beautiful residence—the best house on the Manning River—the best furnished house—was burned to ashes. My house was burnt down, and they left me nothing. My plate, linen, glass, wearing apparel, were all gone.
299. Never mind that now—tell us about the branding of the cattle? I was on my way to Sydney. The cattle were being branded in the yard, and they were let out into their usual run and not a beast removed. They were just before my neighbours' eyes. They might brand 20 or 100 calves without my knowing whether they belonged to me. I never go after the cattle.
300. How many were branded in this instance when you were committed? One or two, I believe; but I do not know.
301. *By Mr. Morrice*: Who branded them? My stockman.
302. In your absence? I was at Mount George at the time, but not at the yard.
303. You were on the same premises? I was on the estate. I was coming to Sydney, and the little boy that was with me stopped to help them brand; I stopped to wait for the boy, but there was no house for me to reside in.
304. Oh! that was the place where the house was burned? Yes.
305. *By Mr. Stewart*: Were any of the neighbours present? No.
306. *By Mr. Flett*: Will you tell the names of any two of the parties you gave notice to on that particular day? Yes; to Connelly and Mrs. Joseph Andrews, and to M'Pherson.
307. *By Mr. Dickson*: Were they verbal notices? Verbal to Mrs. Andrews, but written to the others; I sent my stockman over.
308. *By the Chairman*: There were two calves —? Two calves.
309. What age were they? One was I think, from what I understood, eighteen months old; it was off my own run, rented by me from the Australian Company.

- Miss I. M. Kelly. 310. Is it a very extraordinary thing in the Manning River District for things of that sort to occur in branding time? It is quite a common thing; why, Mr. Flett, there, branded four or five of mine.
- 22 Oct., 1862. 311. In mistake? In mistake—mistakes are every day occurring.
312. You have mentioned Mr. Flett's name? Yes.
313. How many cattle has he branded by mistake—young cattle of yours—do you suppose? I have been informed that he branded at one time, I know, two; and the second time he branded one; and the third time, Mr. Harkness and those who informed me of it said he branded two in the yard at Killawarra.
314. And he wrote to you about them? No.
[*Certain evidence was here taken, and expunged on motion.*]
315. You were saying that a person of the name of Denn had written to you? Yes; he said that some time ago he had seen a calf of mine branded by his stockman, and that he would either give me the animal itself, or one in lieu of it.
316. Is that the letter (*produced*)? Yes; Mr. Denn, of New England.
317. What is the date of it? This is the letter; it is dated 29th September, 1844.
318. *By Mr. Stewart*: You produce this to show that those mistakes have occurred for years? Yes; there is a person who branded two of mine, of the name of Serl.
319. Mr. Denn you said branded one? Yes.
320. And is there any other person who has branded in mistake? I do not know that it was a mistake. A person of the name of Serl branded some.
321. *By the Chairman*: After Skerrett was liberated, had you ever been brought up again? Never, sir, only when Skerrett was taken up.
322. But did you ever get Skerrett brought up again? Yes, he was committed at the Police Office here on the forgeries.
323. Was that after you got out of prison? Yes; I had him up, and I had witnesses brought from the Manning, and documents laid before the Court.
324. What inquiry was that? That was before Mr. Murphy, the Mayor, and I do not know who was the other gentleman.
325. *By Mr. Morrice*: Were these the same papers? The very same papers I had made up for the forgeries.
326. *By the Chairman*: Do you remember the date? I think the date is on my circular.
327. Was he before the Bench on the Manning? No, sir. He was, but not by me; he was there for cattle stealing, at the suit of Begbie and Cooper.
328. At the suit of Begbie and Cooper? Yes.
329. And he was committed? By the Manning Bench.
330. And what became of that prosecution? The Attorney General refused to file a bill.
331. And what became of the Sydney one—did the Attorney General refuse to prosecute? Yes.
332. Did he give any reason for declining to prosecute? Mr. Williams told me that a man could not be put on his trial twice for the same offence; the Attorney General did not say so to me.
333. Do you remember who was examined in that case at the Police Court? William Turner, Joseph Andrews, Ann Andrews, Samuel Turner. There were five I know, but I forget the other.
334. How long did the case last there? It was a long time I know.
335. More than a day? Yes, I think it was two or three days, but I do not know exactly. It was the 19th when he was committed, and they were sitting on the 18th.

FRIDAY, 24 OCTOBER, 1862.

Present:—

| | |
|--------------|-----------------|
| MR. MORRICE, | MR. W. FORSTER, |
| MR. MORRIS, | MR. FLETT, |
| MR. CUNNEEN. | |

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Miss Isabella Mary Kelly called in and further examined:—

- Miss I. M. Kelly. 336. *By the Chairman*: You have already told the Committee of your committal and conviction for perjury? Yes.
- 24 Oct., 1862. 337. Arising out of these documents? Yes.
338. In what way were you brought before the Court—was it by warrant, or how? By warrant. I was in the lock-up from Saturday until Monday.
339. In what way were you arrested? If you will put those questions to me afterwards; I cannot —
340. Yes; well now, referring to these papers—were you aware that these papers were missing before you were put on your trial? No.
341. When did you become aware that they were missing? When I was put on my trial at the Police Office; my counsel demanded them then.
342. When you were put on your trial at the Police Office you mean? Yes.
343. From whom did he demand them? From the Crown Law Office.
344. And they were not produced? No.
345. Did you take any steps then? No.
346. Did you find out who had taken them out of the office? Not then—I did not.

347.

347. Was not there some examination of Sir Alfred Stephen? Yes, he was put into the witness-box; he said he had borrowed them from the Crown Law Office.

348. The Judge said so? Yes, and that either he himself or his clerk had taken them back again.

349. Do you know the date of Sir Alfred Stephen's examination, or about the date? I do not remember, but I think it is in my circular.

350. *By Mr. Morris*: Sir Alfred Stephen was examined in the Supreme Court, and not in the Police Office, was he not? He was examined in the Police Office.

351. *By the Chairman*: You have mentioned the name of Ann Andrews as knowing something of this matter—that is, Mrs. — what is her name? Ann Richards.

352. Have you got any papers from her that will throw any light on the part she took, or on the case generally? Here are all the letters. I believe Mr. Dodds could certify to the writing. I copied this one (*exhibit initialled G.R.*), because it is almost impossible to read it, but I have brought the original copy also. This is a letter from Reuben Richards and his wife. I never saw the man at the time this was written to me.

353. You wish to put that in as an explanatory paper? Yes.

354. Does it refer to your case? Yes, it does—to the infernal plot which was laid against me.

355. You hand this paper in? I hand it in. (*Paper handed in marked F—Richards' (Andrews') exhibit—and initialled G.R. Vide Appendix.*)

356. *By Mr. Morris*: Is this the same Richards who brought an action against Mr. Andrews? The very same.

357. *By the Chairman*: Have you any other papers you desire to lay before the Committee referring to the case? None but these letters to show that they are in the same handwriting. There are Mr. Richards' letters and Mr. Dodds' letters. (*Letters produced.*)

358. You produce these letters as corroborating their handwriting in some way? Yes. (*Letters marked A 1, 2, 3, 4, and 5.*)

359. *By Mr. Morris*: Is Reuben Richards a man of education? No; that is his letter—you will see by it that he cannot spell.

360. But is he otherwise a clever man? I think he is.

361. Does he express himself readily and well in conversation? He does, but not grammatically, of course; he speaks in the usual way that a poor man would speak; but he is a clever fellow, there is no doubt.

362. Do you believe that Reuben Richards wrote that letter himself, or that it was dictated to him? I suppose he did it by his wife's conversation with him; he states what he knew of the case.

363. Is his wife a woman of education? She reads and writes a little. She lived twelve months in my service, but Skerrett induced her to go to him after she had served that time with me.

364. *By the Chairman*: All I have to ask you now is, did your health suffer while you were in Darlinghurst? I was bad the greater part of the time; I had bronchitis, and I have been subject to fits ever since.

365. Do you attribute that to the cell in which you were kept? Yes, it was very damp.

366. Did the officers of the gaol treat you what you considered fairly? When I first went in I was allowed to walk in the garden.

367. And was that afterwards refused? Yes.

368. *By Mr. Morris*: Where were you, Miss Kelly, when this (Reuben Richards') letter was written to you? At Brimbin, on the Manning River.

369. And where are Nelson's Plains? Raymond Terrace.

370. Have you got the envelope? The postmark is on it.

371. There is the postmark of Stroud and Raymond Terrace also? Yes.

372. *By the Chairman*: You were before examined before a Select Committee of this House, were you not? Yes.

373. In the case of Charles Skerrett? Yes.

374. *By Mr. Morris*: This letter purports to be written both by Mrs. Richards and by her husband? Yes.

375. The handwriting seems to be the same? So it appears.

376. And who wrote it—was it Mrs. Richards or Mr. Richards? I cannot say; but they both acknowledged to the very words, not only to me, but to others as well.

377. Were they examined upon your trial—either of them? They were.*

378. And did they admit having written this letter to you? No.

379. Did they deny it? They denied having written this letter.

380. That is a new thing to me? They denied it then.

381. *By Mr. Flett*: It was her that was examined, and not him;—she might not have known of that letter? It was her.†

382. *By Mr. Morris*: It purports to be written by both of them;—Mrs. Richards was examined? Yes.

383. And she denied any knowledge of this letter? Yes; she took then the part of Skerrett.

384. *By Mr. Flett*: I believe that is Richards' signature—I know it is not hers;—she might not have known anything about that letter? It may be so.

385. *By Mr. Morris*: You have received other letters from Reuben Richards in your time? Yes, they are there—from Nelson's Plains.

386. Do you believe this letter was written by him? Yes, I do; I believe it is written by either one or the other—I cannot say who. Here is Richards' own letter.

387.

* NOTE (on revision):—Only Mrs. Richards.

† NOTE (on revision):—She (Mrs. Richards) admitted of having joined her husband in sending the letter to me.

Miss I. M.
Kelly.

24 Oct., 1862.

- Miss I. M. Kelly. 387. Did you ever see Richards write? Never in my life.
 388. Not even sign his name? Yes, I did, at Mr. Mullens' office, but I did not pay particular attention to it. He signed his name in my presence in Mr. Mullens' office, at 24 Oct., 1862. Maitland.
389. Was there not some action brought by this Reuben Richards against Mrs. Andrews? Yes.
390. And were you a witness in the case? I was a witness in that case.
391. Were you ever much mixed up in the matter? Not at all; only he forged a lease of a paddock, and I took possession of the house.
392. You accused this Richards of having forged a lease? I did. He would not produce the papers. They were not impounded. I then took forcible possession of the place, in order to bring him up to show his lease. I took possession of the whole place, and I have got it still. "Now," I said, "if you can show your lease, just show it—I take forcible possession." It is of no use me saying what the wife said; I will refer you to No. 3 documents, where Mrs. Richards swears (thinking the documents were lost in the Criminal Court)—where she swears distinctly that I sold my cattle, and twenty head, the pick of my horses, to Charles Skerrett, on the 6th June. There is nothing about horses nor cattle in that document, but only the renting of a hut, for the Chinaman, at 6d. a week. The document was supposed to be lost, and she swore that.
393. *By Mr. W. Forster*: What was the nature of your transactions with this man Skerrett, originally? He came to my place at Brimbin. I rented him a place called Brimbin—the tenure of my lease only. I was going back to my own residence at Mount George.
394. He was a lessee of yours? Yes, I rented him Brimbin.
395. Did you ever recognize him as a partner? Not at all.
396. In any way? Never.
397. Was he your agent in any way? Not in any one thing.
398. In no way at all? Not in any transaction.
399. Did you ever place any trust in his hands to execute for you, of any sort? Not in any way or of any sort whatever.
400. All you knew of him was as your lessee? Yes.
401. He was a lessee of land, was he? Yes.
402. And of cattle? No, not any cattle.
403. He never leased cattle from you? No; I allowed him to have the use of two cows until they were sold by Rich, Langley, and Butchart.
404. They were on the land he leased? Certainly.
405. And while there, you allowed him to make use of them for milking? Yes.
406. But you gave him no power over them in any other way? No.
407. Neither by writing nor by word of mouth? No. I allowed him to kill one bullock on the 17th July, 1854. He wanted to purchase my cattle.* He said he had a power of attorney from Messrs. Holden & Mc'Carthy, passed through Brierly, Dean, & Co., for collection, and that he would soon be in a position to purchase my cattle. I said, "If you want to purchase my cattle you must go to Messrs. Rich, Langley, and Butchart, and treat with them."
408. In that case you contemplated the sale of the cattle to him? I referred him to Rich, Langley, and Butchart; they were in their hands.
409. You had no intention of selling them yourself? No; they were in their hands, and they had a lien on my cattle.
410. Rich, Langley, and Butchart had a lien on your cattle? They had.
411. Skerrett never had any lien on your cattle? He hadn't anything to do with my cattle *pro or con*.
412. The only transaction between you and Skerrett was that he was your lessee? Yes.
413. When you referred him to these people, did he purchase? That very moment the agreement was drawn out; Mr. Anderson, Mr. Millar, and himself started for Sydney on the 29th April, 1854. On the 22nd or 23rd May he returned, and said he had bought my cattle.
414. If you will answer my question simply,—did you sell the cattle to him through Rich, Langley, and Butchart? Never.
415. I think you said he did not purchase your cattle that time through Messrs. Rich, Langley, and Butchart? Oh no, he did not.
416. Had he any cattle of his own on your land? Not one, neither horse nor other four-footed animal.
417. Did he make any claim to any? No.†
418. At any time? Not any time until afterwards.
419. To no horses either? No, not one—cattle nor horses.
420. What was his occupation upon this land then—what was he doing on the land? Nothing at all.
421. Was he living on it? He was living in the house; I gave him a bag of flour —
422. I do not want to know what you gave him;—what was he doing—was he a farmer? He said he was.
423. Did he make use of the permission to milk the cows? No; that is already down, or else I would give you an explanation about that.
424. He did not keep a dairy at all? No.
425. Had you any money transactions with Skerrett of a different kind—either borrowing or lending? No; he owed me money.
426. He owed you money? Yes, for the price of the bullock.

427.

* NOTE (on revision): If he wanted to purchase my cattle I referred him to my agents.

† NOTE (on revision): When I had him brought up for cattle-stealing.

‡ NOTE (on revision): When I had him brought up for cattle-stealing.

427. You sold him a bullock? Yes.
428. And he owed you the money? Yes.
429. Did he ever pay you for that? No, never; I never saw a shilling of his money in my life.
430. Have you had solicitors or legal advisers throughout all your transactions? Yes.
431. Who have they been, if I may ask? At that time I — until such time as included about his taking my cattle —
432. But at the time Rich, Langley, and Butchart held a lien over your cattle, who were your legal advisers then? Rodd and Dawson—I think so.
433. Do they remain so now? I have no law business now,—I have not employed them for some time; Mr. Ryan Brenan acted for me, and Mr. Ellis, in Elizabeth-street, latterly, in all those transactions.
434. *By the Chairman*: Mr. Forster refers to the time you put your cattle in their hands for sale? Mr. Langley sold cattle of mine, and transacted business for me, and I had no lawyer that I remember of.
435. *By Mr. W. Forster*: Then the first beginning of your trouble with this man, Skerrett, was in regard to these two calves that you were accused of branding? I do not know that he had anything to do with that.
436. Had he nothing to do with that? Not that I know of.
437. You speak, in your petition, of Skerrett producing a bill of sale in regard to £600;—did Skerrett ever pay this £600 to you? No.
438. Have you any notion of the origin or grounds which induced Skerrett to make such a statement that he paid you £600—what leads to it? I do not know.
439. Is it utterly without foundation? It is without the slightest foundation. I did not know that there was such a thing in existence when I took him up for cattle stealing.
440. With regard to this document which you said you did not sign—I suppose you still say so? Yes, I never signed it.
441. What put that document into his head? I do not know.
442. Did you ever see the document? In the Police Office—yes.
443. You saw it then? I did.
444. Did you examine it? Yes.
445. Was your name signed at the bottom of it? In two ways.
446. Was it like your handwriting? Yes.
447. Was it cleverly done? Yes, it was cleverly done, but it was not exactly like.
448. Was it possible for you to be deceived by it for a moment? No, not for a moment; I never signed such a document.
449. Did you ever contemplate signing such a document? I never heard anything about it, either of the two documents, till I had him up for cattle stealing.
450. You are clear that there was no transaction between you and Skerrett, which would form the basis or ground for such a document? Yes; he came there to live on the 5th June.
451. And he had no right over you of any kind? Not at all.
452. You say this document was not produced on your trial? No, it was not.
453. I suppose you have stated already how that happened? Yes.
454. Do you know if there was anything unfair in the keeping back of this document, or do you think it was a mere accident? I do not know. It was very strange. I know Skerrett was ably defended. He gave it out that I was out of my mind, and that he should not be at all surprised if I was found in a waterhole, or if I shot myself.
455. Did you fully examine the document after it was placed in your hands, to see the purport? Yes; I was quite struck.
456. What did it purport to be? The two documents were dated the same day; one was signed by William Turner, and the other was signed by Margaret and Jane Skerrett—his two daughters.
457. *By Mr. Morris*: Witnessed, you mean? Yes, witnessed; and they were both dated the same day.
458. *By Mr. Forster*: What were the two documents? There are two documents —
459. *By the Chairman*: One is a contract to sell and a receipt for the money, and the other is a receipt for money? Yes.
460. *By Mr. Forster*: And was your name to both? Yes.
461. And you did not sign either of them? I did not know that they were in existence until I saw them in the Police Court.*
462. Did it strike you that these documents were drawn up by a lawyer? I knew that they were drawn up by Skerrett. They are in his handwriting.
463. Are they in Skerrett's handwriting? They are in Skerrett's handwriting.
464. They did not purport to be in a lawyer-like style at all? No.
465. Did he admit that they were in his handwriting, because they might be in his handwriting and there be nothing wrong about it? I do not know what he admitted.
466. But did you notice whether the signature was like the other part of the document—was your name signed in the same sort of writing in the one as in the other? It was not.
467. And the signatures of the witnesses, do you think they were genuine? I do not know.
468. Were they different to the other part of the writing? Yes.
469. Are the witnesses alive yet? Yes, I believe they are.
470. Were they examined at the Court? They were examined at the Court.
471. Were they examined at the time you were convicted? No; only one daughter, and Skerrett.
472. They were examined at the Court? Yes, when Skerrett got two years.

473.

* NOTE (on revision):—When I had him taken up for cattle stealing.

Miss I. M.
Kelly.
24 Oct., 1862.

- Miss I. M. Kelly.
24 Oct., 1862.
473. At the time you were convicted, this document was not forthcoming? No.
474. You were convicted, then, without that document—upon what is called secondary evidence? Exactly.
475. Were the witnesses to the document examined before the Court? One of them was.
476. Did she appear in Court? She did.
477. In both? No, only in one.
478. You were committed first and tried at the Criminal Court afterwards? Yes.
479. At the committal was the document produced? No.
480. What was the nature of the secondary evidence—were the witnesses produced? One daughter of Skerrett's swore that they were genuine.
481. In the absence of the document? Yes.
482. Then the same witnesses that appeared on Skerrett's trial appeared also upon yours, did they? Only his daughters.
483. His daughters? Yes, and Ann Andrews, now Richards.
484. Was their evidence pretty much the same on both trials? Well, I think so; but I do not remember it. I cannot recollect as I used to do. I think so—the very same evidence.
485. Who were the persons, then, that swore to your signature being genuine? I do not know that any did, except Skerrett's daughters.
486. Except Skerrett's daughters? Except Skerrett's daughters.
487. The witnesses swore they saw you sign it? They did.
488. Had you any reason to believe the girls capable of committing perjury, at any time? I believe every one of his family are so, and I think I will be able to prove that they will do any mortal thing.
489. Did you think so before this occurred? I did not know anything about them until the 4th June.
490. Is this Ann Andrews of the same character? When she lived with me I had not a word to say about her. When she went to live with Skerrett he dressed her out and had a horse (the horses were borrowed from Mr. Sullivan) and saddle for her, and she used to ride out with them.
491. What was the age of these girls? They were grown up—three of them; but the eldest daughter would not perjure herself; she swore she never saw Turner there on the 6th June.
492. Did not she swear to the genuineness of the documents? No, she swore she never saw me sign them.
493. Was her name to them? No; it was Jane and Margaret Skerrett—the eldest daughter would not do it.
494. Then you attribute your conviction to this accident that happened about the document? Yes.
495. You feel certain that if that document had been produced matters would have taken a different turn? I am quite sure I should not have been in Darlinghurst.
496. On the production of the document you were liberated? I was, immediately after.
497. What was the form of your liberation—did Sir Alfred Stephen take any part in it? No; it was Judge Dickenson.
498. During the time of your imprisonment, you state that your property was squandered away by Skerrett—that he took possession of it? He did, and drove my horses and cattle away, and even stopped my servant boys on the road and took their horses from them.
499. Had you no friends in the district to endeavour to prevent this? I am sorry to say I had not.
500. Were there any other parties concerned with Skerrett in the matter? There was.
501. Who were they? A man named Davis—he was afterwards struck dead.
502. What do you mean by being struck dead? And the other dropped dead at his own door—Tipping.
503. You mean that they died suddenly? A sapling, or something, fell upon him and killed him.
504. Both of them? No, one of them, and the other dropped dead at his own door.
505. Who is the other? Davis and Tippin.
506. They were both engaged with Skerrett in plundering your property? Yes.*
507. Had you no agent to look after it? Not one at that time.
508. Then the Crown took no part at all in taking possession of your property? No.
509. You attribute your losses altogether to this conviction of yours, and the conviction to the loss of this document? Yes.
510. Have you made any application to the Government for remuneration at all, in any way? No, except as I apply to them now for compensation.
511. You did not apply otherwise than by petition to the Assembly? No.
512. Did you never ask Mr. Cowper or Mr. Robertson to entertain your claim for compensation? No, not before I petitioned the House.
513. Did you make any application to anyone else—did you state your case to Sir Alfred Stephen, or to the Judges in any way? No, I have been very ill.
514. What do you consider your losses to be altogether? I consider that at the lowest calculation I have lost about £10,000.
515. I suppose you will be able to produce evidence to substantiate these statements to some extent—to prove the value of your property, and so on? Yes, at that time.
516. Are there any legal gentlemen whose knowledge of your property would give us any information

* NOTE (on revision) :—Davis, but not Tippin—Tippin did not give the true statement on my trial.

- information upon this point? I have had property sold by Mr. Dodds. I have written to him for the accounts of the sales since Skerrett was transported.
517. I see you make a statement to the effect that Skerrett was liberated after four years, although he was sentenced to ten years;—can you state how he came to be liberated? No, ^{Miss I. M. Kelly.} 24 Oct., 1862. I do not know.
518. Had you ever any reason to believe that Skerrett was innocent? No, sir.
519. Do you think he is in his senses now? I do not know. I have not seen him for some time.
520. Do you think he was sane throughout the whole of this transaction? I cannot say.
521. Did you ever know him to be fond of telling extraordinary stories? Yes.
522. That was always his character? Yes. He told me he was nine years a Magistrate at Port Phillip, and many other things, but I do not know that he was insane.
523. Did you believe these stories of his? Yes, I did.
524. You believed them? I did.
525. It never struck you that he was romancing? No. The first intimation I had of his character was from Major Innes cautioning me.
526. You were completely taken in by him? I was cautious after what I heard from Major Innes. He told me that Skerrett was the greatest scoundrel unhung.
527. Major Innes told you so? Yes.
528. Was Skerrett a man of education at all? Yes.
529. Could he read and write pretty well? Yes; I saw signatures of his, and there were not two alike.
530. Was he a clever man with his pen then? I think so.
531. How did he bring his family up—were they fairly educated? No.
532. They were brought up in ignorance, were they? They were.
533. Could these girls write? There were two of them that could write pretty well, I think—middling—the eldest daughter and Jane Skerrett; I do not know that I ever saw their signatures, only I heard they did.
534. Mrs. Skerrett, was she an educated woman—could she read and write? I cannot say.
535. What sort of transactions had you with the Richardses? I rented a place at Mount George—a cottage there—to Richards.
536. Oh, they were tenants of yours with Skerrett? No, they were twenty-two miles distant.
537. Are they still tenants of yours? No.
538. Were they long your tenants? I think they were. I cannot exactly state, without referring back, but I think three or four years, perhaps.
539. They seem to have been on good terms with you? I never saw Richards at the time he wrote that letter. I knew his wife, because she lived with me for one year.
540. As your servant? Yes.
541. Have you anything to say against her? No.
542. You took this to be a genuine letter? Yes.
543. Do you think she was sincere? Yes, I think she was sorry at the time she wrote that letter.
544. What do you think she was sorry for? She—you will see in the letter.
545. I have read the letter? She writes about the plot laid against me.
546. Did she ever explain to you? She did; she told me the time they broke into my house and robbed me of everything in it.
547. That was a little more than a plot. Did she tell you that she was mixed up in the plot? She told me she got a sheet of paper written to learn off what she was to swear in the Court. It is in that letter, and she told me that verbally. Then they had a quarrel, and she said, "If I were to do as they told me, my soul would be for ever —"
548. I have read that;—at that time you had no reason to suppose that she had any ill-feeling against you? No.
549. Did she afterwards change her mind? I believe so, after she married Richards. She was married from Skerrett's house, and after she went home with her husband she told her husband, and one or the other wrote that letter, and told me about the plot, and how Davis and they were plotting together. Davis had some of my cattle and slaughtered them; he got them from Skerrett.
550. What was it changed this woman's mind? I do not know.
551. You had no quarrel with them? No.
552. Had you a quarrel with Richards? I quarrelled with them after they came to my place. They paid me no rent.
553. Was that before the plot or after it? It was after the plot.
554. That was after what is called the plot? She says she had no hand in the plot.
555. *By Mr. Flett*: One or two questions have suggested themselves in reading from this petition. Did you ever, at any time, ask Mr. Faucett to recommend Skerrett as a proper person to be placed in the Commission of the Peace? I did.
556. What reason had you for doing it? He told me that he had been nine years a Magistrate at Port Phillip, and I thought he was a fit person to be placed in the Commission of the Peace.
557. Was that your only reason? That was the only reason; I had no knowledge of it. I know that of the Manning River Magistrates there were none of them that understood much, and I thought a clever man like that was a fit and proper person to be placed on the Bench. I did not know his character, but he told me he had been nine years a Magistrate.
558. Was he living at your place at the time? He had just come to live there at the time.
- He

- Miss I. M. Kelly.
24 Oct., 1862.
- He had been there a week or so, I think. That was in June, 1854—No—I think that was in June, 1854; I do not know exactly the month, but it was before I knew anything about him at any rate.
559. It was about April you recommended him? It was in or about June.
560. That was just about the time he came to your place? I cannot exactly say, without referring —
561. I wish particularly to know that? Then I cannot tell you.
562. You also said to me, at my own house, that you thought he would make a great acquisition to the Bench? I think you make a mistake.
563. I only ask you the question? I never said that to you; I never told any person until it came out in evidence.
564. I am merely putting the question to you;—I shall not say whether you did it or not? It is not true.
565. What property had you at the time you were put in gaol, on the Manning River;—you say here, £15,000? I was worth that at the time Skerrett first commenced with me. I refused £4,000 for my horses; I wanted £4,500. I dare say you know that.
566. I know nothing whatever about it. And at what did you value your cattle at the time—I see that they were sold to Begbie and Cooper—you valued them at £1,000? I sold them for £1,200.
567. Was Mount George your property at that time? It was.
568. Not encumbered in any way? No.
569. Is it your property now? It is mortgaged.
570. Is it your property at all now? I suppose it is still; I am living on it.
571. I wish you to give me an answer? I cannot. It is so far my property until it is sold.
572. It is your property now? Yes.
573. *By Mr. Morris*: The mortgage is not foreclosed? No.
574. *By Mr. W. Forster*: You have a right to it in some way? The mortgage is not foreclosed.
575. But at any rate, it was your property at the time Skerrett put you in gaol? At the time I sent Skerrett to —
576. I am speaking of the time you were put in gaol? Before that.
577. The value of the property at that time could not be the value four years afterwards? I know what the value of my property is.
578. What did you value your landed property at, at that time? Will you permit me to get the accounts from Mr. Dodds?
579. Answer me the questions I am putting—I will only put one or two more to you;—I want to know at what you valued Mount George? I sold it at £12 an acre. There were 895 acres, and I sold some of it at £24 an acre at the township I cut up. I valued the property at £4,000, if sold in allotments.
580. How much of the property is sold now? Very little of it is sold. There are some thirty-five allotments sold.
581. Are there thirty-five allotments sold? Yes. Twenty-seven acre farm also, sold to Mr. Paten.
582. Then how is it that they can offer the whole property for sale? Which?
583. I asked you the value of this land at the time you received the lease? I valued my land to be worth about £4,000.
584. *By Mr. Morris*: At the time you were put in gaol, was there a mortgage on the property? Yes; because when Skerrett put me in gaol I had to mortgage.
585. *By Mr. Flett*: There was no mortgage at the time Skerrett first commenced? No.
586. At the time you sold Begbie the cattle did you sell him any land? Yes, forty-three acres, on the Dawson River, for £43.
587. You sold him forty-three acres? Yes.
588. Have you that land now? He became insolvent, and I know nothing about it. My agents took the whole case in their hands. I have their accounts.
589. Your agents took the property? They settled it. They had to do with everything of mine then. I really have not been in a position to look after anything.
590. They took cattle and land, and did the best they could with them, I suppose? Yes.
591. Who were your agents at that time? Messrs. Lennon and Cape.
592. Then they have got that property, and it is not yours;—I was under a mistake about that? I beg pardon—it is not their property now. They have paid themselves out of its proceeds, by sacrificing the property.
593. They have sold that, have they;—that was the very question I asked? They sold part of my property. They sold horses, but no landed property; they did not sell that.
594. What has become of the fifty acres? Forty-three acres—I cannot say at present.
595. The only answer I wished to elicit was this—at the time you sold them the cattle you sold them a piece of land? Forty-three acres. They sold forty-three acres for £43. I paid for it myself.
596. *By Mr. Cunneen*: You said, in answer to Mr. Forster, that you considered your property to be worth £10,000 at the time you were imprisoned? Yes, at the time of my imprisonment.
597. Do you mean to say that you have sustained a loss of £10,000, or that that was merely the value of your property then? I wanted to get Mr. Dodd's accounts of landed property sold by him in Maitland.
598. Have you any idea of what you consider your actual losses on account of having been imprisoned on this occasion? As far as my own calculation has gone, I believe firmly that I have lost about £10,000 through my being knocked about, and my property all sacrificed.
- 599.

599. Do you think you have sustained that loss in consequence of transactions you have had with Mr. Skerrett as a private individual, or on account of any act of a Government officer in mislaying any documents? I believe I have lost it through those documents being mislaid. Miss I. M.
Kelly.
24 Oct., 1862.
600. You attribute the loss, do you, to the act of an officer of the public service having mislaid certain documents—or do you attribute it to transactions you had with Skerrett as you might have had with any other private individual? I consider that I chiefly lost my property through these documents not being brought forth on my trial. I have lost my health, which is worse than all.
601. You stated, in your evidence, that you signed three documents which Skerrett had drawn up? Yes; I signed one, “sixpence a week,” for a cottage.
602. For letting a cottage? The Chinaman’s hut.
603. And another? Another, which I thought was torn up, for mustering my horses. He said he would muster my horses; but I would not allow him to break them in, and then he said he would not muster them, and that I was to tear up my copy of the agreement and he would tear up his. I saw him tear up a paper, and I thought he tore up his agreement. I saw him throw the pieces into the fire-place.
604. Did you read the three documents before you signed them? I read as far as “sixpence a week,” and seeing neither cattle nor horses mentioned, I signed it. I did not look at the date even. I was cautious about Skerrett at that time. I read “sixpence a week,” and I saw neither cattle nor horses named in the document.
605. You are certain he did not place before you a document containing a bill of sale instead of a lease? No, no.
606. And you signed it? No.
607. You are certain that that was impossible? That was impossible.
608. *By Mr. Morris*: You brought an action, I believe, at one time, against Mr. Burt—did you not? Yes.
609. And the only evidence in the case was your own? That was all.
610. And the only evidence on the other side was Mr. Burt’s? Yes.
611. Was there any documentary evidence put in? No.
612. Who did the jury believe? They believed Mr. Burt. They gave it against me, and I wanted to get a fresh action against them.
613. The documents to which you have referred as having been forgeries were not all witnessed by the same persons? No.
614. One was witnessed only by the Messrs. Skerrett, and the receipts for money by Turner? They were both receipts for money—both of them, but one was signed by William Turner.
615. Witnessed you mean? Yes; one was witnessed by William Turner, and the other by Skerrett’s two daughters. The signatures were both different.*

APPENDIX.

A.

[(F.)—*Richards v. Andrews*—G. R.]*Nelson’s Plains, 23 July, 1855.*

To Miss Kelly,

Yours of the 16th instant I received, and am very sorry to hear of your misfortune, after falling into the hands of so great a felon, and while in the midst of your trouble in encountering with the said fool, to be robbed to so great an extent. I thought it very strange you did not write to me before, so I wrote to you, but I suppose you did not receive it before you favoured me with yours, and now I must say your letter has kindled a feeling of remorse and anguish, and an excessive pain of mind. I am both provoked and displeased with the absurdity of Mrs. Skerrett; not that she will not deliver up my wife’s boxes, &c., but her statement concerning my wife’s character. Dear Miss, I spoke the words of affection and candour; you state in yours that Mrs. Skerrett tells you that my wife is equally as guilty as her husband; that she backed Skerrett in his plot, by perjury. And you further state, that Skerrett was going to the diggings, but was prevented by my present wife’s words, that they wanted to drive him from his wife and family, &c.; and that Davis declares that she was the best active friend Skerrett had, and that she urged him on in his plot, but that you don’t believe it is true, not all of it. Poor unfortunate female, to fall into the hands of such scope as Mrs. Skerrett and the family, which was only in their power to aim at pretensions of people of quality. I repeated to my wife Mrs. Skerrett’s statements of her, and the conclusion she came to was, words will be lost; eternity shall prove the truth. Had I obeyed Mr. and Mrs. Skerrett’s request then my soul would have been damned for ever, but as it is, I am not condemned, as God is my impartial witness that I am ignorant of how the plot was laid. She further states that a time after Skerrett tried to break open your door when you were in the house—I could not swear to the date—but that Mr. and Mrs. Skerrett were both in the parlour a long time, and after their consultation they gave me and Margaret one sheet of paper each. I asked what they were for, and Mrs. Skerrett told me that whatever was in them Margaret and I were to learn. What was in Margaret’s one I do not know; the one that was given to me I read it; the contents I need not repeat. After reading it I put it into my box; after some dispute arose, and I told Mrs. Skerrett and Margaret I would not learn it, but that when I was called to Court I will tell them I know nothing of it; some time after this I went to my box and found it was gone. I made a great to-do about them going to my box without my consent. Margaret kept hers, and read it repeatedly. I believe it was Mrs. Skerrett that burnt my paper, for I never knew anything more; but Mr. and Mrs. Skerrett were always together when they were plotting anything concerning your matter; and I wish that you repeated this to Mrs. Skerrett, and she cannot but admit that she knew every point of the plot as well as her husband. My wife, moreover, states for me to write, that Davis, Mr. and Mrs. Skerrett, when they were together consulting about anything, if she went into the room where they were talking, they would stop directly; and if I stayed they would go into the other room. So, Miss, you understand that the infernal party kept my wife in the dark concerning all their proceedings after this dispute occurred I have intimated of.

Dear

NOTE (on revision):—Two signatures were both alike.
662—C

Dear Miss, we have thought oftentimes of you, and fancied something had happened to you. I was glad to hear from you, and shall be glad to see you any time you come down the line. Be pleased to write as soon as convenience will allow.

I remain,
Yours affectionately,
FRANCES ANN RICHARDS.

As regards my living with Mr. Andrew Lang, Dunmore, I must admit had Mrs. Skerrett commenced working for an honest livelihood in the world, it had been that she maintained a good character, but we cannot think there is any virtue in walking the streets of a city, &c.

Dear Miss, your reply will materially oblige
Your sincere friend and well-wisher,
REUBEN RICHARDS.

Henry Connell, Esq., Clerk of Petty Sessions, Central Police Office, Sydney, called in and examined:—

Henry
Connell, Esq.
24 Oct., 1862.

616. *By the Chairman*: You came here in answer to a summons? Yes.
617. Can you produce the papers asked for? The papers in this particular case—the Queen on prosecution of Isabella Mary Kelly, *v.* Charles Skerrett, for forgery—were sent to the Attorney General, the defendant being committed by the Mayor of Sydney to take his trial at the next Central Criminal Court, on the 23rd November, 1860. In the first instance, the depositions (Nos. 5 to 82 inclusive); information of Miss Kelly; a receipt, dated Brimbin, Manning River, 6th June, 1854, for £400, and marked as “Exhibit, Central Police Office, A;” also, an agreement of 6th June, 1854, marked as “Exhibit B,” purporting to be signed Isabella Mary Kelly, and witnessed by Jane Skerrett and Margaret Skerrett; also, a document, signed by the Prothonotary of the Supreme Court, and marked “Exhibit C;” also, two account sales of Messrs. Rieb, Langley, and Butchart, on account of Miss Kelly, which were received by the Attorney General, 26th November, 1860. The recognizances to give evidence in this case were entered into by John Taylor, Isabella Mary Kelly, William Turner, Samuel Turner, Joseph Giles, Joseph Andrews, Joseph Andrews (for Ann Andrews, his wife), and a recognizance of bail of Charles Skerrett. Those instruments were received at the Attorney General’s Office, on the 26th November, 1860, in the same case. Those are the whole of the papers, with the exception of the warrant, which was prepared, in the first instance, for the apprehension of Margaret Skerrett, *alias* Kan; John Skerrett, *alias* Branthwaite; and William Turner. Turner was subsequently apprehended at Gayndah, Queensland, and was dismissed on account of Miss Kelly’s declining to prosecute, I think. William Turner was apprehended and brought before the Brisbane Police Office, and was remanded to be dealt with by the Sydney Bench. On the 23rd November he was discharged, at the request of prosecutrix. Those are the whole of the papers referred to.
618. They were sent to the Attorney General’s Office on the 23rd November? Yes.
619. And were received on the 26th November? On the 26th November.

TUESDAY, 29 OCTOBER, 1862.

Present:—

| | | |
|--------------|-----------------|--------------|
| MR. MORRIS, | | MR. FLETT, |
| MR. CUNNEEN, | \| | MR. MORRICE, |
| | MR. W. FORSTER. | |

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

William Elyard, Esq., Under Secretary to Principal Secretary, called in and examined:—

W. Elyard,
Esq.
29 Oct., 1862.

620. *By the Chairman*: You are summoned here to produce certain papers in the case of Miss Kelly and Charles Skerrett;—do you produce those documents? I produce the recommendation of Sir John Nodes Dickinson, on which Miss Kelly was released from imprisonment. This is a copy of the report.

621. That is all you have to produce? That is all I was asked to produce.

APPENDIX.

Supreme Court, 6 March, 1860.

Sir,

I have the honor to beg that you will bring under the notice of His Excellency the Governor General the case of Isabella Mary Kelly, now a prisoner in Darlinghurst Gaol, under sentence for the misdemeanor of perjury.

2. The following paragraphs contain an outline of the circumstances of her case:—

3. In or about the year 1855 Miss Kelly caused one Charles Skerrett to be indicted for stealing her cattle.

4. His defence was that Miss Kelly sold the cattle to him. That allegation she denied.

5. In proof of his assertion Skerrett gave in evidence two documents. Each of them had written on it the words “Isabella Mary Kelly.”

6. Those documents were both dated on the same day, viz., “6 June, 1854.”

7. One of them purported to be a contract of sale of the goodwill of a station, the cattle belonging to it, and twenty unbroken horses, for £600. There was in it an acknowledgment that £400 was paid in cash, and that a bill at twelve months had been given for the balance, £200.

8. That paper was witnessed by Jane Skerrett and by Margaret Skerrett, daughters of the said Charles Skerrett.

9. The other document appeared to be an acknowledgment of the receipt by Miss Kelly from Charles Skerrett of £400, full amount due for her cattle and twenty unbroken horses, which she had sold to him that day.

10.

10. The name, William Turner, was subscribed as an attesting witness to the last-mentioned paper.
11. At Skerrett's trial his daughter Margaret was called, and gave her testimony. The other daughter's attendance could not be procured. William Turner was not produced, but his father was called to explain his absence.
12. At that trial Miss Kelly swore that the signatures to the two papers were not hers.
13. The jury found Skerrett guilty, and he was sentenced by Sir Alfred Stephen, Chief Justice, to be kept to hard labour on the roads, &c., for ten years.
14. After Skerrett had been for some time under imprisonment—pursuant to the sentence—Sir Alfred Stephen reconsidered his case. In so doing he obtained the two documents before-mentioned and some other papers which had been given in evidence at Skerrett's trial. By some mischance those papers were mislaid, and were not found again till after the trial and conviction of Miss Kelly, and the sentence upon her as hereinafter mentioned.
15. The result of Sir Alfred's re-consideration was, that upon his Honor's advice Skerrett obtained a remission, and he was discharged from Cockatoo Island.
16. In the examination before the Police Magistrate, at Dungog, preliminary to Skerrett being committed for trial, Miss Kelly swore,—1st. That Skerrett told her that he had purchased her cattle for £800, from her Sydney agents, Messrs. Rich and Langley. 2nd. That she did not sell her cattle, &c., to Skerrett. 3rd. That the signatures to the two documents were not hers.
17. Her testimony then given was reduced to writing, and she signed the deposition.
18. After Skerrett's release, the Attorney General filed an information in the Supreme Court, charging Miss Kelly with perjury, in making the depositions just mentioned.
- The information contained assignments of perjury on each of the three matters above specified to have been set down in her deposition.
19. Miss Kelly was tried before me, upon that information, on the 6th and 7th October, 1859.
20. Upon that trial Skerrett swore that she made the sale, and signed the two papers; and that what she had sworn as to Rich and Langley, was false.
21. Sir Alfred Stephen was called as a witness, and proved the loss of the two papers. He then gave evidence of their contents.
22. Skerrett's daughters, Jane and Margaret, swore they witnessed a document of sale. Skerrett deposed that William Turner witnessed the receipt, at Miss Kelly's request.
23. At this trial Turner's father swore he had not seen his son for five years.
24. There was, at Miss Kelly's trial, a great deal of evidence on both sides. The evidence of one Joseph Andrews, a witness for Miss Kelly, I think I may here enlarge on, as that testimony, it will be perceived, bears considerably on the recommendation I propose hereinafter respectfully to submit to His Excellency the Governor General.
25. The effect of Andrews' evidence was substantially as follows,—
26. Skerrett came to Andrews' house in 1854, after the month of June, and asked Andrews to help him to muster cattle, which, he said, "he had bought from Miss Kelly."
- On Andrews expressing a doubt as to that purchase, Skerrett showed him the document of sale. Andrews said then to Skerrett, "I don't like your children signing a document of such importance." Skerrett then said, "Is it not right for them to do so?" Andrews replied, "I do not know." Andrews then said, "I don't like Miss Kelly's signature." Skerrett answered, "What! would she deny her signature?" Andrews replied—"I don't know that, but it does not appear to me her usual way of signing." Andrews then drew Skerrett's attention to the letter "y" in the words "Mary" and "Kelly," and produced to Skerrett some papers signed by Miss Kelly, and they compared the signatures on those papers with that on the document of sale. Skerrett then said, "I'll get a receipt for the money, to make all sure." Andrews then said, "That is unnecessary," and pointed out to Skerrett that the paper of sale contained a receipt. Skerrett afterwards paid Andrews a second visit, on which occasion he showed Andrews the receipt. The signature in the receipt was unlike that in the paper of sale, and the signature of the receipt was much more like Miss Kelly's than that of the paper of sale. Miss Kelly, in the course of her correspondence with Andrews, changed the formation of her "y's" in signing her name. At first she made her y with a straight tail, thus—"y." She afterwards looped the tails of that letter—which then had this appearance, "y." Andrews first noticed that alteration in the year 1854. In the papers shown by Andrews to Skerrett the tails of the y's were *straight*. In the document of sale shown by Skerrett to Andrews the tails were *looped*; but in the contemporaneous receipt afterwards shown to Andrews by Skerrett the tails of the "y's" were *straight*.
27. The jury found Miss Kelly guilty, and I sentenced her to pay a fine of £100, and to be imprisoned for 12 months.
28. I expected a different verdict. On perusal, however, of my notes, and on consideration of the case since the trial, and thinking that as the alteration in Miss Kelly's formation of the "y" was not perceived till 1854, that it might (consistently with the evidence before me) have been made so recently before the 6th June in that year, that Miss Kelly had not become used to it, I do not feel that I have reason to be dissatisfied with the verdict of the jury, as a question of probability on the balance of the evidence before them. I certainly should not be dissatisfied now had the verdict been the other way—for the evidence does not, to my mind, exclude all reasonable doubt of Miss Kelly's guilt.
29. Since Miss Kelly's conviction the document of sale, and also the receipt, have been found, and laid before me, and also some papers which I am told are some of those which Andrews swore he showed to Skerrett.
30. On inspecting all those papers they appear to me to confirm strongly the evidence of Andrews. I observe—1st. That the "y's" in the words "Mary" and "Kelly" are differently formed in the papers of sale and receipt of same date, 6th June, 1854. 2ndly. That one is signed by the daughters, and the other by William Turner. 3rdly. That the "y's" in the receipt have straight tails, as have also the "y's" in the papers said to be some of those shown by Andrews to Skerrett. 4thly. That the "y's" in the paper of sale have looped tails. 5thly. That the signature, "Isabella Mary Kelly," in the receipt, is more like the signature in Andrews' papers than the writing of Miss Kelly's name is in the paper of sale.
31. It is possible that the jury may have disbelieved the evidence of Andrews, and, moreover, that they might have believed him had they seen and compared the documents. It is equally possible, that had the jury believed Andrews they might have felt a reasonable doubt, and given Miss Kelly the benefit of it, and acquitted her. They might also, under such circumstances, have concluded she was innocent. The jury might, moreover, from the secondary evidence of the papers of sale and receipt, have formed an erroneous conception of the receipt; for Sir Alfred Stephen appears to have been mistaken in saying as he did, though cautiously, "*it was a receipt for £400, and also, I think, for the bill.*"
32. As, therefore, I conceive that Miss Kelly may, from the loss of the papers, have been prejudiced at her trial, I beg leave most respectfully to recommend His Excellency the Governor General, in merciful caution, to remit to Miss Kelly the fine of £100, and to release her forthwith from her imprisonment.
33. In making the foregoing recommendation, I do so *ex abundantî cantelâ*; and in so acting, I do not offer any opinion as to the actual guilt or innocence either of Charles Skerrett or of Miss Kelly.
34. So little turned at Miss Kelly's trial on that part of the charge relating to the alleged statements of purchase by Skerrett from Rich and Langley, that I do not consider it necessary to say anything about that part of the case.

The Honorable the Principal Secretary.

I have, &c.,
J. N. DICKINSON.

William

William Edmund Plunkett, Esq., Secretary to the Crown Law Officers, called in and examined:—

William E. 622. *By the Chairman*: You produce certain papers in the case of Miss Kelly and Charles Plunkett, Esq. Skerrett? I produce copies of the original proceedings in the case of the Queen v. Charles Skerrett, for forgery, which I hand in. These are all the papers connected with the matter 29 Oct., 1862. that we have at present.

APPENDIX.

New South Wales, City of Sydney, }
To wit.

ISABELLA MARY KELLY v. CHARLES SKERRETT.

BE it remembered, that on this eighth day of October, in the year of our Lord one thousand eight hundred and sixty, at the City of Sydney, in the Colony of New South Wales, Isabella Mary Kelly, of the City of Sydney, appears before me, the undersigned, one of Her Majesty's Justices duly assigned to keep the peace of our Lady the Queen in and for the City of Sydney and Territory of New South Wales, and on oath informs me that, on the sixth day of June, in the year of our Lord one thousand eight hundred and fifty-four, one Charles Skerrett, of the Manning River, in the Colony aforesaid, labourer, did feloniously forge a certain instrument in writing, in the words and figures following, that is to say,—“Brinbin, Manning River, June the 6th, 1854. Sold this day to Mr. Charles Skerrett, all my cattle and brand, with my interest of Brinbin Station, and twenty unbroken horses, for the sum of six hundred pounds, four hundred pounds paid cash, and two hundred pounds by a bill of twelve months; the horses to be selected by Mr. Charles Skerrett, either of the Manning Flats or Brinbin Station. The above four hundred pounds I now receive in cash, and possession of the above-named cattle I this day give to the said Charles Skerrett.—ISABELLA MARY KELLY. Witness—Jane Skerrett, Margaret Skerrett.” And the said Isabella Mary Kelly further saith, that he, the said Charles Skerrett, did feloniously forge one other instrument in writing, in the words and figures following, that is to say,—“Brinbin, Manning River, June 6th, 1854. Received from Mr. Charles Skerrett, the sum of four hundred pounds, full amount due to me for all my cattle and twenty unbroken horses, which I have sold to him this day.—ISABELLA MARY KELLY. Witness—William Turner.” And the said Isabella Mary Kelly further informed me, on oath, that he, the said Charles Skerrett, has been prosecuted by information, in the year one thousand eight hundred and fifty-five, for cattle-stealing, before certain Justices of the Peace, at the Manning River Bench, in the Colony aforesaid; he, the said Charles Skerrett, was then and there duly committed for trial for said offence; and that, on the sixth day of April, one thousand eight hundred and fifty-five, he was duly tried at the Criminal Court, at Sydney aforesaid, and was then and there convicted of said offence of cattle-stealing; and further informs me, on oath, that he, the said Charles Skerrett, caused the original of the said instrument, of which the above set forth agreement and receipt bearing date respectively the sixth day of June, one thousand eight hundred and fifty-four, being true copies of said original agreement and receipt, to be produced on his said trial; and he, the said Charles Skerrett, did offer and did cause to be given in evidence, on his said trial, at Sydney aforesaid, in the Colony aforesaid, as a part of his defence, the said forged documents, with intent to defraud this informant; that he, the said Charles Skerrett, at the time he so uttered, published, and put forth the said before-mentioned agreement and receipt, then and there well knowing the same to be forged; and the said Isabella Mary Kelly further informs me, on oath, that she has seen the originals of which the above set forth agreement and receipt purport to be copies, and that the same are now in the possession of the Criminal Crown Solicitor, John Williams, Esquire, at Sydney aforesaid, and the name, Isabella Mary Kelly, at the foot of both of the said original agreement and receipt, are forgeries. She, therefore, charges the said Charles Skerrett with forgery, and that the said original agreement and receipt, hereinbefore referred to, have been by the said Charles Skerrett put forth and uttered with intent to defraud the said Isabella Mary Kelly, then and there well knowing the same to be forged, the form of the statute in such case made and provided. Whereupon the said Isabella Mary Kelly prays that I, the said Justice, will proceed in the premises according to law.

ISABELLA MARY KELLY.

Sworn at the City of Sydney, in the day and }
year first above written, before me, }
JAMES MURPHY, J.P.

John Dawson, solicitor, of Pitt-street, Sydney, on oath, states:—I was present at the trial of Mr. Charles Skerrett (5th April, 1855); I was his solicitor at that time; the exhibits A and B were produced in Court on that occasion; they were put into the hands of Miss Kelly; Miss Kelly was examined by Mr. Holroyd in reference to these documents; my impression is that he was the first to examine her with reference to these documents; other witnesses were examined with reference to these documents; two of Skerrett's daughters and his son were examined with reference to these documents; Skerrett's children were not called for the Crown.

By Mr. Roberts: I had these documents in my hand before to-day; there are some marks on the back and front of these documents as exhibits which were not on when I saw them at the trial; my impression is that there was one mark on the front.

Re-examined: My impression is that I had these documents in my possession anterior to and at the trial.

JOHN DAWSON.

Sworn, Police Office, Sydney, 17th }
October, 1860, }
JAMES MURPHY, J.P.

Archibald Fraser, Clerk in the Criminal Branch of the Crown Solicitor's Office, Sydney, on oath, states:—I produce from that office two documents, both bearing date 6th June, 1854; they form part of the records of the case against Charles Skerrett, committed for trial at Bungay Bungay, on 20th December, 1854, for cattle-stealing—tried on 5th April, 1855, at Sydney.

By Mr. Roberts: I have been Clerk in the Criminal Branch since May last; I have heard that certain documents were missing; I don't know what documents; before I came I knew nothing about them; I don't know of my own knowledge that these documents were used at the trial; I was in the Colony at the time of the trial, but not in the Crown Solicitor's Office; I know nothing more than that the Crown Solicitor has instructed me to produce the documents, which I found with the papers.

ARCHIBALD C. FRASER.

Sworn, Police Office, Sydney, this 17th }
October, 1860, before }
JAMES MURPHY, J.P.

Isabella

Isabella Mary Kelly, re-sworn, states:—My information, now read, is true; I now look at a document (B.), purporting to be an agreement between Isabella Mary Kelly and Charles Skerrett; the name of Isabella Mary Kelly is not my handwriting; I never authorized anyone to write my name to this document; no part of this document is in my handwriting; I now look at the exhibit A; it purports to be witnessed by William James; the name Isabella Mary Kelly is not my handwriting; I never authorized any person to write my name to it; no part of this document is in my handwriting; I never authorized anyone to write this document or any part of it; both these documents are dated 6th June, 1854; I know the defendant, Charles Skerrett; I did not on that day receive from defendant the sum of £400; I did not on that day receive from defendant, Charles Skerrett, a bill or promissory note for £200; I did not before or since that day, or at any other time, receive from Charles Skerrett, the defendant, the sum of £400; I did not on 6th June, 1854, or at any other time before or since, receive from Charles Skerrett, the defendant, a bill or promissory note for £200, or any other document; I know defendant's daughters, and a man named William Turner; I did not at that or any other time sell to Mr. Charles Skerrett all my cattle and brand, and my interest in Brinbin Station with twenty horses; I never got any portion of the £400 mentioned in these documents, nor a bill or promissory note for any amount; I think I first saw these documents in the Police Office at Bungay Bungay, on the Manning River, in 1854; I am not sure; I remember seeing these at Darlinghurst, when defendant, Charles Skerrett, was tried for cattle-stealing; these documents were then put into my hand; I cannot remember by whom, but I saw them; I was afterwards charged with perjury in reference to these documents, for swearing that these were not my signatures; I was found guilty and convicted, and afterwards pardoned; William Turner was not called at Skerrett's trial; I never signed any document of which William Turner was witness; these documents were not produced on my trial for perjury; William Turner was not examined at that trial; I did not know where he was at that time; I had made efforts to find him; I never assented to the documents produced.

By *Mr. Roberts*: I know Mr. Joseph Andrews; he was examined on the trial of Skerrett for cattle-stealing; I cannot swear whether Andrews saw the documents produced at the time of the trial; he knew and was acquainted with my handwriting; Andrews never told me he believed the signature to be in my handwriting; in the Court, on the trial against Skerrett, I heard Andrews swear he believed that the signature was not my handwriting; it was not on Skerrett's trial; it is so long ago that I can't remember whether he swore that the signature, he believed, was not in my handwriting; I can't remember how many times I have appeared in Courts of Justice against Skerrett; I charge Skerrett with forgery; I know a person named Richards, of the Manning River; I think I see him in Court; I ought to know him; I charged him with forgery; he is Skerrett's friend; I was convicted of perjury at the Criminal Court, at the instance of Skerrett, for having sworn that these two documents were forgeries; I was imprisoned; I have no good feeling to Skerrett, nor do I wish to do him an injury; I came out of gaol on 15th of March last; I was sentenced to twelve months' imprisonment, and fined £100; the reason I did not prosecute him for forgery before I was prosecuted for perjury was, because I was under the doctor's hands; I was ill for two months before I left the gaol; I was apprehended for cattle-stealing by Skerrett's plotters; they said my men branded cattle belonging to Macpherson; Skerrett never gave me into custody for stealing cattle mentioned in this agreement; I charged Skerrett with horse-stealing and cattle-stealing, before the Dungog Bench, in 1854, and it was referred back to the Manning River Bench; I did not charge him with horse-stealing in last year; I heard that a charge of stealing cattle was preferred against Skerrett, and that the Attorney General declined to prosecute; the illness I speak of was before and after I left the gaol; before my own trial I came to Sydney, and heard that Skerrett had been liberated, and had passed up through the Manning; without reference to my journal I can't and won't swear when it was; I afterwards heard it was not Skerrett who had passed; when I came to Sydney I intended to have him up for horse-stealing and forgery—for stealing a stock horse in 1854; I was told of Skerrett's selling this horse by a man named Richards, whom I call Skerrett's friend; I have heard that Skerrett has been down near my place lately; I not only complain that he has been taking away horses which he alleges he bought, but a hundred; I believe he took 100; I would not like Skerrett to go down to my neighbourhood; I don't know that I looked for Turner for my trial; I endeavoured to find him, to punish him for perjury; I wrote to Mr. Denny Day, in 1854 or 1855, to find Turner; Turner swore in Court, at the Manning Bench, that he saw me sign the documents; I got a warrant against Skerrett, and I got a warrant against Turner; Turner was absent from the time Skerrett was committed; he gave his evidence in favour of Skerrett; he was not examined at the trial of Skerrett, at the Criminal Court; I do not know what became of Turner from 1855 to 1860; it is since March last that I obtained the warrant against Turner; I think I obtained warrants at the same time against Skerrett and Turner; I also obtained a warrant against Skerrett's daughter; I was not advised to do so; Turner, I believe, is in the lock-up, or at Darlinghurst; I had cattle branded on the Bin Bin Station, about 6th June, 1854; I had about 400 head of cattle at Bin Bin and the Flats, Manning River; I have since sold all the cattle to Messrs. Bigby and Cooper; I have also sold the brands; it was early in 1859; it was, I think, on 1st January, 1859, but I am not quite sure; I did not hear that Skerrett was about to be released at the time I sold the cattle to Bigby and Cooper; I know Paddy Connolly; he is a settler on the Manning River; he did not, before I sold the cattle to Bigby and Cooper, tell me Skerrett was to be released; I sold to Bigby and Cooper for £400 cash, and £1,000 in bills, and a farm of forty-three acres; it was a *bonâ fide* sale; I can't say that cattle rose in price about 6th June, 1854; it was not in consequence of the increase of price of cattle that I repudiated this contract; I never had a contract in selling to, or buying from, Charles Skerrett; on 24th July, 1854, I signed a document without knowing what it was; I saw that there was something about 6d. a week; I could not read it, as I had not my glasses; my signature to that document is genuine; I never became a tenant of his; I signed such a document as that now produced, marked D; I believe it bears my signature; this certainly is like my Isabella Mary Kelly—Isabella Mary Kelly—(the handwriting of the witness); I believe I signed such a document; this is the document I signed; I generally write with a steel pen; the first signature of mine on the paper produced is written with a steel pen, the second with a quill pen; my signatures vary at times; the signature to document D, I wrote carelessly, and without my glasses; Skerrett saw me write my name before 6th June, 1854; he agreed to muster my horses, for which I was to give him two horses for his trouble in mustering; there was a document which he asked me to write out; I afterwards tore my document up, and I believe he tore his up at the time; he tore up a paper, which I thought was his agreement, and I afterwards saw it produced; that was the first time he saw me write; he did not return me the memorandum with my signature; I believed he tore it up at the time; I might have signed more than one document with reference to the mustering of the horses; I signed a duplicate, and kept one, and tore it up; he did not return me the other; either the Judge or Mr. Holroyd put this second paper in my hand; I did examine the documents, and gave Skerrett one and kept the other; I did not deliver him a pony and a horse at the time I signed the document; I agreed to give him a pony and horse for mustering the cattle; the agreement was destroyed, I think, two days after it was signed; I now look to the signatures, Isabella Kelly, B and D; there is a difference in the two—there is a difference in the K; the document B I never signed in my life; I was in doubt a long time to-day that the signature to document D was mine; from circumstances, I think D is a forgery, for he broke into my room, and robbed me of everything; I certainly signed a document of 6d. a week, dated 24th July, 1854, and that I read it, and looked it over carelessly to see if there were horses and cattle named in it; seeing there was nothing about horses and cattle in it, and that there was nothing in it about Bin Bin Station, and when this document was put into my hand I could not believe I had signed such a document, in consequence of seeing the latter part of it; I do not think now that the signature to this document is mine; I did not

not swear to-day that I signed this document without my spectacles; I have sworn to-day that I believe the writing was mine; it is in my evidence that I swear that the signature to the document D is mine; when I signed it I had no spectacles on; I have worn spectacles for eight years; I have said that my signature was genuine; the circumstances I refer to I have known a long time; my spectacles were in my bag when I signed a document respecting 6d. a-week; when I saw there was nothing about cattle and horses in it, I did not read any more; there was but little more in it; I read it carelessly; I never read and saw the underneath part of this document; I swear, to the best of my belief, I never saw this document before the trial of Skerrett for cattle-stealing; I do not remember seeing it before then; I did not say then that I believed it was a forgery; I then objected to the latter part of it; Judge Stephen said, no doubt he did that as well as the rest; this was when I was in the witness-box; to the best of my belief he said this; he said, to the best of my belief, that he concocted this as well as the rest; the words "rent commencing July 24th, 1854," were in the document I signed; those words appear in the agreement I signed; there were words following the 6d. a-week in the agreement I signed; I do not remember seeing 1854 in the body of this document; when I signed the document I observed there were only a few lines in it; there were not fourteen lines in it; I won't swear that the document did not contain from ten to twelve lines; I do not know what lines were in the document I signed; the document produced contains ten lines; I knew Rich and Langley; they were auctioneers in this City, and carrying on business about 1854; my cattle were in their hands for sale; they had a lien on them; I told two persons that Skerrett had bought my cattle; when the agreement of 29 April was drawn out, Skerrett said, "I will soon be in a position to purchase your cattle;" I said, "If you want to purchase my cattle you will have to go to my agents, Rich, Langley, and Butchart, in George-street, Sydney, as they have the sale of them;" he said he had £1,500 left him, and that he had had a power of attorney drawn out, and had passed it through the firm of Brierley, Dean, and Co., for collection; he left for Sydney, and on his return, on 22nd or 23rd May, accompanied by Mr. Miller, he said to me, "I have purchased all your cattle—all your brands;" I said, "I have not authorized Rich, Langley, and Butchart to sell more than 250 head;" I said, "What did you pay for them?" he said, "£800;" I then said, "What am I to do for cows or beef for my station;" he said, "Never mind, you can have as many bullocks as you like for the same as I paid for them," and asked me what number I wanted; I told him; there was nothing about horses; a few days after that Mr. Finley came to me for a fat bullock; I told him Skerrett had bought the cattle, believing at the time he was telling the truth; in July, 1854, I received a letter from Rich, Langley, and Butchart; I took the letter to Skerrett, who was then in my garden; I said to him, "How came you to say you had purchased my cattle?" he said, "Well, Miss Kelly, I have been disappointed in money matters, and if you say now that I have not purchased your cattle, I'll never be able to muster them for you;" I then said, "I am only astonished that any man calling himself a gentleman, and nine years a Magistrate of Port Phillip, would be guilty of telling an untruth;" he then said, "Be off from here, you damned bitch;" I ordered my horses directly, and started for Sydney; this is my explanation of my stating that he had bought my cattle; in the month of May, 1854, I told a person Skerrett had bought my cattle; I received the letter from Rich and Langley in July, towards the latter end; I observe that the document D. is dated 23rd July; I left Bin Bin for Sydney in July, 1854; early in July, before I got Mr. Langley's letter, I told two persons that I sold the cattle; I think I had got Rich and Langley's letter when I signed the document D., respecting the 6d. a-week; I came to Sydney and saw Langley, and instructed him about the cattle; I spoke to him about Skerrett; he said he did not know the man; he recommended me to get Mr. Dodds to sell them; I swear the cattle were in Langley's hands for sale; it was after the 24th July, 1854, I saw Langley.

For 18 October, at 11 o'clock.

Again until 19 October.

By Mr. Michael (for Mr. Roberts): I first became acquainted with Skerrett in April, 1854; the second time I saw him was on 29th April, when I signed a paper; it was an agreement letting him Bin Bin Station; I understood his object was to keep a dairy; I allowed him to milk 100 head until I made sale of the cattle; I let him my station for the remainder of the term; the agreement is now produced; it is marked No. 6, brought from the Council Chamber (in the hands of the Council Clerk); this document is not a forgery; on the 4th June, 1854, Skerrett came to Bin Bin in pursuance of this agreement; he left for Sydney after the agreement was signed, and returned in May, 1854; there was no agreement for the sale of cattle after he returned; there was no conversation about his buying from me; not a sentence about his purchasing from me; Rich and Langley had a lien of about £300 on the cattle; I never, in fact, did at any time sell Skerrett my cattle and station; I merely referred him to my agents about them; I wanted the Chinaman's hut, for which I was to pay 6d. a-week, for my stockman; to my knowledge I never signed any other document or paper in connection with Skerrett except those I have stated; I never received any money whatever from Skerrett on account of cattle; I swore at Dungog I sold a bullock to Skerrett for £4; I did sell him one, but he never paid me for it; I cannot say that I swore there that I had not been paid for it; to the best of my belief I said so; if I had been asked the question there I would have said it; William Turner entered my service in 1854; I think it was about the month of March; he was to put me up a cottage at Mount George, about twenty-two miles from my place; he continued there for some time; I can tell by reference to my journal; I saw him at work for me in July, 1854; I remember returning from Sydney; I don't know whether Turner was working for me at that time; I remember Turner giving evidence at Bungay Bungay; I think he was working for Mr. Hawthorne at the time; when working at Mount George, Turner got some of his supplies from Andrews, and some from Bin Bin; Andrews' place was near Mount George; sometimes Turner sent for supplies, and sometimes I sent them; I can't say that he ever fetched any supplies himself; the nails and locks, and such like articles, were chiefly supplied from Bin Bin; Skerrett lived at Bin Bin up to the time I preferred the charge against him; I paid Turner some money on account of the building while he was at work; Turner first came to Bin Bin on 22nd May; when Skerrett was passing, it was either 22nd or 23rd May; I don't remember seeing them together on that day; Turner was there that day, and I think Skerrett was there; the second time Turner came to Bin Bin was on the 25th June, when my man was drowned; I mean the second time of his coming was when Skerrett was there; Turner and Skerrett were together that day; I saw them together; I was not with them; I spoke to them; a few days afterwards, when the man was found, Turner was again at Bin Bin with Skerrett; I spoke to them about the loss of the man; after that I saw them often together; I never mentioned to them in any conversation anything about the sale of cattle; anything I might have said to them on such occasions was totally of a different character; I did swear at Bungay Bungay that I was never present at any time when Skerrett and Turner were together; the signature to the depositions of 20th December, 1854, taken at Bungay Bungay, is mine (Depositions in hands of Council Clerk); I don't know when Turner left the Manning District; I remember his going to see Mrs. Skerrett after Skerrett was committed; I heard him give his evidence in Court; after he gave evidence I called him a perjurer; I never saw him by appointment before his departure; I left my house after Skerrett was committed; I was at Andrews' because it was an inn; I did not see Turner there since the hearing at the Dungog Bench, except when I saw him at dinner with the Skerretts; after the hearing at Dungog, I made inquiries for Turner, and could not find him until a recent period; a few months ago I heard of his whereabouts, and immediately after hearing I got a warrant

warrant against him, and I did not see him until yesterday, when he was brought to this Court; I never sent anyone to him in gaol, nor did I authorize anyone to go to him.

Re-examined: I did not know that the papers which the Judge handed me were in existence until they were shown to me; I first heard of the papers at Bungay Bungay; it was after Skerrett was arrested; I was in the Court when they were produced by Skerrett; the documents produced, marked A and B, are the same I speak of; they are the very same documents.

ISABELLA MARY KELLY.

Sworn, Police Office, Sydney, }
19 October, 1860. }

JAMES MURPHY, J.P.

The agreement, marked as exhibit D, was returned to the Legislative Assembly Clerk, at his request and by order of the Bench. (*Agreement of 24th July, 1854, between Isabella Mary Kelly and Charles Skerrett.*)

Remanded until 22nd November next; bail, £200 and two sureties in £100 each, or one in £200; notice to be given to Mr. J. R. Brennan.

JAMES MURPHY, J.P.

William Turner, on oath, states: I know the defendant, Charles Skerrett, and Miss Isabella Mary Kelly; I knew Skerrett in 1854, on the Manning River; I was a carpenter at that time in the service of Miss Kelly; Skerrett was living at Bin Bin; I was there before Mr. Skerrett went to live there; I had not been long in that part of the country; he was living in a house of Miss Kelly's; Miss Kelly was living in part of the same house; in or about that time I had a conversation with Skerrett, at Bin Bin; no one was present besides Skerrett and myself; the conversation was something about the sale of some cattle; to the best of my recollection he sent word to me that he wanted to see me very particular; I went over to Skerrett's—to the house; on my way there I called at a neighbour's, and had a glass or two to drink; when I got to Skerrett's house he told me that he had purchased some property, and he said he had got a receipt for the property, and that he had got a witness to it, and he asked me if I would witness it; I objected to it at the time; he said it was a matter of no consequence, if Miss Kelly denied her own signature there would be no further bother; and I, being a little the worse for liquor, he pressed me very much to witness it; after a long pressing I did it, being a little stupefied with liquor; I can't read writing, but I think the signature to the paper produced (A) is mine; I won't swear positive, but I think it is mine; I have just heard the receipt read; I now remember his telling me something to that effect; he read or told me of it; I think he read some portion over to me; he said something about paying the money, and having no witness to it; I remember nothing else about the money at that time; he said they were Melbourne notes; I don't recollect the amount he said the notes were—£100 each; I did not see Miss Kelly sign the paper A; I did not see Skerrett pay any money to Miss Kelly at that time, or any other time; I signed this paper between the middle and latter end of July; I think I have reason to know it was in July, because I remember working for Miss Kelly in June and not in July; I left Miss Kelly some time in June; I think it was in the beginning of June; it was a good while after I left, when I signed the paper; the next thing was, that his son came and said something to me; I went and got a horse, and met Skerrett on the road, in charge of a policeman; he told me Miss Kelly had got a warrant against him for cattle-stealing, and that the document which I had signed was a receipt, and that I would have to swear it—that I was as deep in it as himself; this was on the road; he said something to that effect; he was in the custody of the police; I was allowed to talk to him on the road, but not many words; I went on riding with them, and we stopped at Andrews' public-house that night; Skerrett and I slept in one room; I disremember whether the police were in the room or not; there was only one policeman taking charge of Skerrett; during the night, and while Skerrett and I were together, Skerrett said, "You will have to swear to that paper you signed your signature, or else I will get into trouble, and you deeper than me;" he said, "You know your signature when you see it;" I said, "This is a pretty mess you have brought me into, I did not expect it from you;" he said if he didn't do that Miss Kelly would have robbed him out of his money; I said, "Well, Mr. Skerrett, I thought you would not have brought me into such a matter as this;" he began to tell me about money, and he told me that he had purchased that place for that amount of money, and I would have to swear to it; he said he purchased the brand of the cattle and twenty head of horses—all but one chesnut horse, which she reserved, and I would have to swear to that, or else I would be brought into trouble as deep as him; he pressed on me very hard to do so, and I objected at first to do so, but through fear and the position I was placed in, and from his advising, I done so; I believe we slept in one bed on that occasion; he asked me to go to Maitland for an attorney to plead at Dungog for him; he mentioned the name of Mr. Chambers; I went for Mr. Chambers to Maitland, and I delivered the message as Skerrett had told me; I went back to Dungog to the Police Office there; Skerrett was brought up to the Police Office there, but had to be removed to the Manning Bench; I was not examined; Mr. Chambers was at Dungog; Mr. Skerrett, his daughter, my father, and myself left the neighbourhood of Dungog together; I had to attend the Manning Bench at Bungay Bungay, where Skerrett was brought up; I was examined as a witness; this paper (A) was put into my hand at that bench; I swore at the Manning Bench according to what Mr. Skerrett told me to say; after the proceedings were over I had no conversation with Skerrett; I remember his having a conversation with me in a bed of the Manning River; that was the day he was tried at Bungay Bungay, after the hearing there; it was some time in the afternoon; no one else was present; he said I should have to stick to that what he had told me to swear; I saw no more of him after that; I was afraid, and went home to where I was at work—Dingo Creek, about three or four miles from Bungay Bungay; I only stopped there a few days, and I was afraid of the position Skerrett had placed me in, and I ran away; I went to Dungog, and there went harvesting; from that I came to Maitland, and from thence to Sydney, where I remained two years and a half, and then went to the Rocky River Diggings; I left my father on the Manning; I was arrested on the 26th August last, on the Dawson River, near to Rockhampton, and I was marched down to Sydney; I have not been with my family since I left the Manning; I was not twenty years of age when I signed this document in 1854; I never signed more than one paper, as I know; I went down from the Court House to the bed of the Manning River, and we talked there.

By Mr. Michael: I was the person who was examined at Bungay Bungay when Skerrett was brought up, and I am the William Turner whose signature appears to the paper shown me to-day; I swear I am the person who gave evidence on that occasion; I was sworn on that occasion; Mr. Day was on the Bench, and, I think, two other Magistrates; I am sure of one; I think it was Mr. Croker's father-in-law; I can't swear positively that there was another Magistrate present; I was in Mr. Croker's employ then at Dingo Creek; I recollect something of what I swore on that day; I swore I witnessed the paper—I signed my name, and Miss Kelly asked me to witness it; I believe I swore I saw Skerrett draw it out, and Miss Kelly read it, and signed it; I swore that I saw him pay her the money, according as I was told; I did not swear, as I remember, that Miss Kelly called me from the kitchen to witness it; I might have sworn it, but I don't remember; I think I swore I saw him give her a bill for £200 at twelve months; I saw the bank notes were taken out of Mr. Skerrett's pocket-book; I saw they were £100 each; I don't recollect swearing that I saw Skerrett count them one by one, and hand them to Miss Kelly; I think I swore that I remember this was on the 6th June; I remember it, because I went to Bin Bin the day before for nails and flour, and stopped all night; I believe I swore that the

first

first time Miss Kelly disputed the sale was when she came from Sydney; I don't remember swearing it was Andrews who told of me, at his own house; immediately after giving this and the other evidence I ran away, and from then, up to the time I was arrested, I saw none of the parties; I was arrested at the instance of Miss Kelly, and am now in custody; my object in coming here to-day is, that I was brought into error; I did not understand it at the time; I have been in Darlinghurst eight days, and I have not seen Miss Kelly during that time; I have seen Mr. Brennan, Miss Kelly's attorney; I have not seen anyone else from Miss Kelly; I have not seen any other visitors during the time I have been there; Mr. Brennan had me called into an office; he called in a detective officer to hear what I said; no one else was there; Mr. Brennan got me to make an affidavit, which I swore before the Mayor; I saw the Mayor in the prison, and he swore me to the paper; that affidavit was made in the gaol; Mr. Brennan told me that if I stated the truth on the matter that I should not be harmed; that was the only promise made to me; there was no offer of any benefit to me, on the Manning or otherwise, nor anything to happen me after Skerrett's conviction; I think I saw Mr. Brennan twice at Darlinghurst; I had not known Skerrett long before the transaction in 1854; I might have known him a month or two; I was residing with Miss Kelly up to just before the paper was signed; I was living about six miles from Skerrett at the time I witnessed the receipt; I never lived closer to him than that; I might have seen him a dozen times or more—I can't remember; I might have seen him half-a-dozen times; I can't recollect anything that took place between us on any one of these times; I now remember seeing him once respecting a man who was drowned; I can't say whether I was with — a short or long time on these visits; I was never long with him; I don't know how I came to do such things for a mere stranger; I had had no favour from him, nor was I under any obligation to him; I believe I was in the employment of Miss Kelly on 6th June, 1854; I was putting up a house for her; I think I recollect Miss Kelly leaving for Sydney about the end of July or beginning of August; the conversation with Skerrett took place after Miss Kelly left for Sydney—I mean the conversations about the property; I know that Miss Kelly had gone to Sydney at the time; I have said that the first conversation took place about the middle of July; I know that Miss Kelly had started for Sydney; the first conversation took place at Skerrett's, in one of his rooms—one of his sitting-rooms; the room was next to Miss Kelly's; Skerrett's family were living there; I can't remember positively the first thing he said to me; he said something to me about the property—that he had purchased it from Miss Kelly; he said the station, the brand of cattle, and twenty unbroken horses he had purchased; he didn't tell me all that I recollect; I can't say he read it all to me, that I recollect; I believe he asked me then to witness it for him; he said he had got a receipt, but had no witness to it; I don't know what answer I made to him at the time; several words passed, but I don't remember what they were; I know I objected to it at the first going off; he said Miss Kelly might turn round and rob him of the money if had not a witness to it; I might have been there an hour or two before I signed the paper; the next I heard of the matter was when Skerrett was apprehended; I never mentioned it to any one; I heard that Miss Kelly had not got home when Skerrett was apprehended; I first heard from Skerrett, when he was apprehended, about the dispute as to the state of the cattle; I don't remember Andrews telling me at all of it; I don't recollect whether I swore it was Andrews who told me so; my next conversation with Skerrett was when in custody; I don't remember having any conversation with him between the two occasions; I knew his family; the second conversation I had with him was between Bin Bin and Cedar Party Creek; he was not much hindered in having conversation with me; between the time of the signature and arrest I was residing about six miles from Skerrett; I am not aware that he was collecting and branding cattle; I heard that he was; I don't remember who told me; I did not mention that I was the attesting witness to the receipt between the parties; I did not tell Andrews I had witnessed the receipt according to what Skerrett told me; this was when we stopped there that night, when Skerrett was in custody; I can't now remember what I told Andrews; I suppose I told him the whole of it as Skerrett told me, and I gave evidence to the same effect before the Bench; I may have made the same statement to different persons; during the six years that have elapsed, I have not mentioned any of these conversations to any one until I was arrested; on the Manning River I did not mention to the Bench any of these conversations; I don't think a fortnight elapsed between the time of my giving evidence at Bungay Bungay and my leaving the Manning River; I can't say that I saw Skerrett during that fortnight I was at his place; I saw Skerrett's son during that fortnight; I don't think I saw Miss Kelly; she never came to my bed-room during that fortnight; if I did see her I did not speak to her; I did not receive a message from her; Miss Kelly did not threaten to have me lagged if I did not make myself scarce; it was not in consequence of her threats that I went away; the first night I left I stopped at Andrews'.

Re-examined: The name being mentioned to me I now remember that Mr. Hawthorne was one of the Magistrates; I don't remember Mr. Cooper being on the Bench; on 6th June, 1854, I was putting up a house for Miss Kelly at Mount George, about twenty miles from Bin Bin; I had not finished the house before I left Mount George; I believe I was at Mount George on 6th June; I remember Miss Kelly leaving Sydney some time before I signed the paper.

WILLIAM TURNER.

Sworn at Police Office, Sydney, }
the 18th October, 1860. }

JAMES MURPHY, J.P.

Remanded until 19th October, on former bail.

Again remanded until 22nd Nov.—JAMES MURPHY, J.P.

In the Supreme Court of }
New South Wales. }

THE QUEEN AGAINST CHARLES SKERRETT.

I, Samuel Raymond, Esquire, Prothonotary of the Supreme Court of New South Wales, do hereby certify that at the Criminal Court holden at Darlinghurst, on Thursday, the 5th day of April, 1855, Charles Skerrett was duly tried upon an information presented by the Honorable John Hubert Plunkett, Her Majesty's Attorney General, then prosecuting in the said Colony for our Sovereign Lady the Queen, the said information charging him with feloniously stealing seven oxen and seven cows, the property of Isabella Mary Kelly; and I further certify that the said Charles Skerrett having pleaded not guilty to the said information, was, on the day and year aforesaid, at the Criminal Court aforesaid, given in charge to a jury therein, and was then and there by the said jury found guilty upon the said information.

And I further certify that the said Charles Skerrett was duly adjudged and sentenced for his said offence, to be kept to hard labour on the roads or public works of the Colony for the period of ten years.

Given under my hand and the seal of the Supreme Court Office, this 6th of June, A.D. 1860.

(L.S.) S. RAYMOND,

Prothonotary.

Charles Edward Langley, on oath, saith: I was in partnership with Rich, Langley, and Butchart, in 1854; Miss Kelly placed some cattle in their hands for sale that year—I can't exactly swear to the month; defendant never applied to me to purchase those cattle; I did not sell the cattle to Skerrett; the document produced is an account current of the amount advanced to Miss Kelly, together with the expenses.

By

APPENDIX TO THE FOREGOING EVIDENCE.

25

By Mr. Windeyer: This document is dated 2 November, 1854; I was not examined as a witness in April, 1859, on the charge of perjury against Miss Kelly; I was not subpoenaed in October, 1859, as a witness; I don't know whether I was in Sydney at that time; I don't know whether the cattle were in our hands in June, 1854.

CHAS. E. LANGLEY.

Sworn, Police Office, Sydney, }
22 November, 1860.

JAMES MURPHY, J.P.

Sydney, November 2, 1854.

Miss Kelly.

| | | To Rich, Langley, and Butchart. | | | |
|--------------|---|---------------------------------|---|----------|--|
| February 14. | To cash advanced | £300 | 0 | 0 | |
| November 2. | „ commission | 15 | 0 | 0 | |
| | „ interest 261 days.. .. . | 17 | 3 | 3 | |
| | „ advertising 280 head of cattle in <i>Herald and Empire</i> , ten times in each, at 6s. | 6 | 0 | 0 | |
| | | <hr/> | | £338 3 3 | |

Sydney, February 14, 18—

Sold on account Miss Kelly, by Rich, Langley, and Butchart.

| | | | |
|--|------|---------|---|
| Cattle to Wilson, as per specification | £159 | 15 | 0 |
| Handed over to us to make up cheque | 100 | 0 | 0 |
| | | <hr/> | |
| | | 59 15 0 | |
| CHARGES. | | | |
| To commission, 5 per cent. | £8 | 0 | 0 |
| „ advertising | 2 | 10 | 0 |
| „ our cheque in your favour | 20 | 0 | 0 |
| | | <hr/> | |
| | | 30 10 0 | |
| | | <hr/> | |
| | | £29 5 0 | |

RICH, LANGLEY, AND BUTCHART.

Licensed Auctioneers.

Samuel Turner, on oath states:—William Turner, now in Court, is my son; in 1854 my son and myself were in the employ of Miss Kelly, at the Manning River; the first place I ever saw Skerrett was in Andrews', in June or July—I think it was in June; I remember when a man of Miss Kelly's was drowned; it was in June or July; I was at the finding of that man; my son was with me one afternoon when I first met Skerrett at Andrews'; when the man was found, Skerrett and I went to Brinbin; my son also went; that was the first time I saw Skerrett, and that was the first time I went to Brinbin, that I remember; I was at that time with my son doing work for Miss Kelly at Mount George; we were working together, day after day, for more than a month; my son went away many a time of a Saturday night, and returned sometimes on a Monday, and sometimes on a Tuesday; I remember when Skerrett was arrested, at the instance of Miss Kelly, for cattle-stealing; I recollect my son being called as a witness for Skerrett, at Bungay Bungay; I don't remember the time I was there that day; I heard no conversation between my son and Skerrett before he went in to be examined; it was in June or July, but I don't recollect; it was after July, because I was in Mr. Croker's employ; I had no conversation with my son after he was called as a witness in Skerrett's case; I may say that my son ran away, and I did not see him again until I saw him in Sydney; he told me he was going away, but I expected him back.

By Mr. Windeyer: I remember Miss Kelly telling me that Skerrett had bought her cattle; I swore that before, when Miss Kelly was tried for perjury; I went to Miss Kelly for money, after she told me this; I don't remember when it was; it was in 1854, about the time I was building the house, when I went to her for some money; she said her notes were too heavy, and she could not cash them; she did not pay me; she said when she cashed them she would pay me; she owed me £35; I only wanted £2 at the time; I was at Brinbin when she told me Skerrett had purchased the cattle; it was after she came from Sydney she told me she thought he had purchased the cattle, and that he did not buy the cattle; I was building the house at Mount George, and I went to Brinbin, where she lived, to get the money from her; she did not tell me at Brinbin that she had sold the cattle; it was at Mount George she told me she had sold the cattle to Skerrett; I was asking her for money at that time; after that I was asking her for money, and she said the notes were too heavy; this was at Brinbin, a fortnight after she told me she had sold the cattle to Skerrett; she didn't say where she got the notes from; when I went to Brinbin Miss Kelly told me her notes were too heavy; I was examined when Miss Kelly was tried for perjury; I did not swear that when she told me the notes were too heavy, she said she had sold the cattle to Skerrett; I don't recollect that she told me when she said the notes were too heavy that she had sold the cattle to Skerrett; I was present when she sold a mare, and received two notes, which I heard were £20 notes; it was about three weeks before I applied to her for money; when Miss Kelly told me Skerrett had purchased her cattle, she said he had purchased them from her agents in Sydney.

By Mr. Windeyer: It was at Mount George she told me; she afterwards said at Brinbin that he had not purchased them.

Sworn, Police Office, Sydney, }
22 November, 1860.

JAMES MURPHY, J.P.

his
SAMUEL x TURNER.
mark.

Joseph Giles, of the Manning River, on oath, states:—I know Miss Kelly, and Skerrett, the defendant; I remember well the time Skerrett was apprehended for cattle-stealing; I remember William Turner being examined as a witness at the Bench at Bungay Bungay; Skerrett made a proposition to me about Turner's evidence; I went across the Dingo Creek with him; he asked me what I thought of Miss Kelly's case; I said, "I don't know anything about law—I know nothing about it;" he said he was no man for law—he was a man for business; I said, "If you paid Miss Kelly for those cattle you bought, she must be a very bad woman to deny it;" I said, "You have William Turner and your own daughter as an evidence;" he said then that William Turner was good evidence—that he was afraid of his daughter's, and that he would give me or any other person £20 to back William Turner's evidence up; and we parted.

662—D

By

By Bench : Turner had given his evidence before this ; I was in Court at Bungay Bungay when Turner had given his evidence ; I knew nothing of the alleged purchase of the cattle by Skerrett from Miss Kelly ; I knew nothing personally of Miss Kelly receiving £400 from Skerrett ; I was not present at any bargain between Miss Kelly and Skerrett, respecting the purchase of the cattle ; I was in Court as a bystander when Skerrett was accused, and when Turner gave his evidence ; I heard no conversation between Turner and Skerrett ; I afterwards spoke to Turner ; Turner went away in November, 1854.

By Mr. Windeyer : I reside at the Manning River, at Mr. Andrews' ; I have now been living with him twenty-two months ; I was at work at Cundletown in 1854, for Mr. Charles Croker ; in 1855 I think I was in Maitland ; this is the first time I have been examined as a witness ; I was on the Manning when Miss Kelly was tried for perjury ; I don't think I was with Mr. Andrews at the time ; I was at work for Mr. Croker when I met Mr. Skerrett ; I had known him before then ; I think I first saw him in June, 1854 ; he used to pass where I was at work ; he might have passed once or twice a week, and we used to talk about this case ; my mate Thomas Watson used to see me talking to Skerrett ; pending the adjournment at Bungay Bungay, from November to December, I had the conversation with Skerrett ; I was not subpoenaed in Miss Kelly's case for perjury ; application was made to me to come, but I did not come.

Re-examined : I was subpoenaed to attend here in the case of Kelly v. Skerrett ; I attended, but was not examined ; the case was postponed.

his
JOSEPH X GILES.
mark.

Sworn, Police Office, Sydney, }
22 November, 1860.

JAMES MURPHY, J.P.

Ann Andrews, wife of Joseph Andrews, of the Manning River, on oath, states:—I know Miss Kelly and the defendant Skerrett ; I remember seeing Skerrett at our house several times in 1854 ; we kept an hotel there ; I heard from Skerrett that he had purchased Miss Kelly's cattle for £800 ; this was in the month of May ; I understood him to say there were 500 head, or 300 head, I am not positive as to the number ; It was on or about the 20th May he told me this ; after that time I saw him at our hotel ; I heard Skerrett ask my husband if he had heard anyone say that he had not purchased Miss Kelly's cattle, and he then asked my husband to look at some document ; this was in the month of July, 1854, about the middle of the month ; I saw no papers, but I was asked to get some papers to compare Miss Kelly's writing ; I gave them to my husband ; I remember when a man of Miss Kelly's was drowned—it was on the 19th June, 1854 ; I heard that the body was found that day week ; when Skerrett was at our place in the middle of July, 1854, Sam Turner, William Turner, and my brother-in-law, William Andrews were there ; when Skerrett told me in May that he had purchased the cattle, I understood that he came from Sydney ; he did not say where he had purchased the cattle ; I remember when Skerrett was convicted, at the instance of Miss Kelly, for cattle-stealing ; on his return from Dungog Court House he told me Miss Kelly had got up some excuse that he had told her he had purchased the cattle from her agents ; I said "Do you remember telling me, Mr. Skerrett, that you had purchased Miss Kelly's cattle last May ?" he made a pause ; I repeated it again, and he put his hand on my shoulder and said, "Don't you tell Miss Kelly that, she has too much in her head for you" ; I don't remember his saying anything else.

By Mr. Carroll : I was examined for Miss Kelly on the case for cattle-stealing ; I was examined in the case against Miss Kelly for perjury ; I have said to-day what I remember ; I was not asked the same questions then as I have been asked to-day ; I was not on good terms with Miss Kelly at the time—May, 1854, nor in June, or July ; it was in October that I reminded Skerrett what he had said about the purchase of the cattle ; it was on his return from Dungog Bench.

ANN ANDREWS.

Sworn, Police Office, Sydney, }
23 November, 1860.

JAMES MURPHY, J.P.

Joseph Andrews, of the Manning River, on oath, states:—I know Miss Kelly and the defendant Skerrett ; I first became acquainted with Miss Kelly about 1845 ; some of her property joined mine ; I remember Skerrett coming to reside at the Manning River in 1854, in June, I think ; I remember Miss Kelly prosecuting Skerrett for cattle-stealing, in 1854 ; I was examined on that trial at the Criminal Court, Darlinghurst ; I was called on behalf of the Crown ; I was cross-examined on behalf of the now defendant, and the then prisoner, Skerrett ; the documents produced, marked A and B, were put into my hands on behalf of Skerrett, and I was cross-examined in reference thereto ; I did see before then, in Skerrett's hands, the document B now produced ; I saw it at my own house about the middle of July, 1854 ; I think it was the 12th, but I won't be positive ; I recollect Skerrett coming to my house with William and Sam Turner, I think in the evening of the 12th July, 1854 ; he asked me to tell him who had said that he had not purchased Miss Kelly's cattle ; I said I could not tell him—that it was the general opinion ; he said he would like very much to know ; he then said, "Will you look at my documents and be convinced ?" and he put his hand in his pocket and took out and showed me the document produced, of 6 June, 1854 (B) ; he wished me to look at the document ; he said he would like me to give my opinion on it ; I read it carefully ; I said he had made a better bargain than what he had said when he was going to Port Macquarie in the month of May ; he asked me if I liked it ; I said I did, but did not like to see his children as witnesses to such an important document ; he drew my attention to Miss Kelly's signature ; I said I did not like it—that it was not her usual signature ; I then said, "By-the-by, I have a number of Miss Kelly's receipts and signatures, and I'll go and get them, and compare them ;" I got them and compared them ; they did not correspond with the signature to that document ; after that time I had a great deal of correspondence with Miss Kelly, and had an opportunity of seeing her signature ; there is a loop in the letter "y" in the signature to this which I did not at any time notice before in her signature ; at the turn of the loop, and in the letter "y," the pen has been lifted and left a small space at the bottom of the loop ; I now believe that the signature to the document produced (B) is not Miss Kelly's ; when I read the document he said he had given £400 in cash, and a bill for £200 at twelve months ; after some conversation he said he would get a receipt for the £400 from Miss Kelly ; I said it was not necessary, that she had acknowledged the receipt of the £400 in the document ; this was about the 12th July, 1854 ; I understood that he had no receipt ; he said he would get a receipt and make sure ; I remember seeing the receipt produced, marked A, on Skerrett's return from Dungog, in October, 1854 ; that was the first time I ever saw this receipt ; it was afterwards produced at the Court, at Bungay Bungay ; it was put in at the Supreme Court, on Skerrett's defence, and when I was examined ; I have no doubt about the document produced (B) being the same as I saw before, and have spoken of ; there is a palpable difference in the letter "y" in the signature to the documents produced ; I was examined before the Select Committee of the Legislative Assembly, and was shown the signature only to the receipt produced ; I then said I would not take it to be Miss Kelly's signature ; also that of the bill of sale of 6th June ; the documents I left with Mr. Arnold, the Chairman of the Committee, I did not get back.

By

By Mr. Windeyer : I believe the documents produced, A and B, are the same I have seen before; I believe them to be identically the same; they were numbered at Bungay, 2 and 4; I had a doubt as to these signatures; on one occasion I said I thought they were Miss Kelly's, at Darlinghurst; I would not swear one way or the other; In 1854, I said I believed them to be Miss Kelly's; I said that on oath; subsequently I said they were not; I changed my opinion, from circumstances which came to my knowledge; my first impression is, that when I first saw the signature I challenged it; in comparison of the signatures I saw there was a resemblance of the signatures, and I gave the benefit of the doubt to Skerrett; I was not on friendly terms with Miss Kelly in June, July, or August, 1854; in October, 1854, I was a friend by turns with both parties; I remember first talking to Miss Kelly about the agreement, in September, 1854; I believe she, at that time, abandoned an action which she threatened me with, and I made friends with her; my estate is under sequestration; I bought a few head of cattle from Mr. Bigby; he purchased them from Miss Kelly; I gave evidence for the Crown, in the case against Skerrett; In 1854, I said I thought the signatures were Miss Kelly's; it was after September I was examined for Miss Kelly, in the perjury case.

Re-examined : I challenged the agreement signature when I saw it; the signature to the receipt produced (B) corresponds with those I looked at to compare with signature to document A.

Sworn, Police Office, Sydney, }
23 November, 1860, }

JOSEPH ANDREWS.

JAMES MURPHY, J.P.

*James Moores, on oath, states :—*In 1854 I was one of the firm of Brierley, Dean, and Co.; I know defendant, Skerrett; I knew him in 1854; In May, 1854, he came to our store to buy some goods; he bought to the amount of about £20; I am not aware that he has paid the amount since.

JAMES MOORES.

Sworn, Police Office, Sydney, }
23 November, 1860, }

JAMES MURPHY, J.P.

Committed for trial at next Criminal Court. Bail, £200, and two sureties in £100 each.

JAMES MURPHY, J.P.

No. 4.—EXHIBIT A.

Central Police Office, 17th October, 1860.

*Brimbon, Manning River,
6 June, 1854.*

RECEIVED from Mr. Charles Skerrett the sum of £400, full amount due to me for all my cattle and twenty unbroken horses, which I have sold to him this day.

ISABELLA MARY KELLY.

Witness—WILLIAM TURNER.

No. 2.—EXHIBIT B.

(N. 11 & 12 Vic., cap. 42.)—Central Police Office, 17th October, 1860.

*Brimbon, Manning River,
6 June, 1854.*

SOLD this day to Mr. Charles Skerrett, all my cattle and brand, with my interest of Brimbon Station, and twenty unbroken horses, for the sum of £600—£400 paid cash, and £200 by a bill of twelve months; the horses to be selected by Mr. Charles Skerrett, either of the Manning Flats or Brimbon Station; the above £400 I now receive in cash, and possession of the above-named cattle I this day give to the said Mr. Charles Skerrett.

ISABELLA MARY KELLY.

Witnesses—

JANE SKERRETT,
MARGARET SKERRETT.

New South Wales, }
City of Sydney, to wit. }

(N. 11 & 12 Vic., cap. 42.)

STATEMENT OF THE ACCUSED.

CHARLES SKERRETT stands charged before the undersigned, one of Her Majesty's Justices of the Peace in and for the City and Colony aforesaid, this 23rd day of November, in the year of our Lord One thousand eight hundred and sixty, for that he, the said Charles Skerrett, on the 6th day of June, 1854, at the Manning River, in the said Colony, did feloniously forge a certain agreement and receipt of that date, with intent to defraud one Isabella Mary Kelly; and the said charge being read to the said Charles Skerrett, and the witnesses for the prosecution being severally examined in his presence, the said Charles Skerrett is now addressed by me 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 in evidence against you upon your trial;" whereupon the said Charles Skerrett saith nothing.

JAMES MURPHY, J.P.

John Ryan Brenan called in and examined:—

- J. R. Brenan. 623. *By the Chairman:* You are a Solicitor of the Supreme Court? I am.
- 29 Oct., 1862. 624. You conducted the case against Charles Skerrett? I originally conducted the prosecution of Skerrett in 1855, when he was convicted for cattle-stealing. That was the first prosecution in which I was engaged for Miss Kelly.
625. Do you remember who was the solicitor for Skerrett? No, I do not recollect who defended him. By-the-by, I do recollect—it was Mr. Dawson, and it was he who defended Skerrett at the Supreme Court. It was out of Mr. Dawson's hands that these forgeries came for which the prosecutions of 1860 were instituted, which also I conducted.
626. Did you say you conducted Miss Kelly's defence at the Police Office? No, not when she was prosecuted for perjury; I had nothing to do with that. My first engagement for Miss Kelly against Skerrett was in the prosecution for cattle-stealing in 1855. He was then committed,* tried, convicted, and sent to Cockatoo Island under sentence. I was present during the whole of the trial, which lasted, if I remember rightly, until two or three o'clock in the morning.
627. Were you present when the Judge delivered sentence? I was, and during the whole time that the witnesses for the prosecution and defence were being examined. Mr. Plunkett conducted the case for the Crown.
628. Was there anything so remarkable in the evidence as to strike you, especially as to the evidence of Skerrett's daughter who witnessed the forgery? Yes. One daughter was examined, and gave her evidence very unsatisfactorily.
629. And I think Skerrett's son was examined? That I cannot recollect—it is so many years ago; but the daughter's evidence struck me forcibly—it was so wavering, and she prevaricated, cried, and sobbed a good deal. The Judge animadverted very sharply upon the mode in which she gave her evidence.
630. Do you remember any of the particulars of the Judge's address as to the manner in which the evidence was got up? Addressing Miss Skerrett, he said he was disposed to look with great leniency upon her evidence and the way in which she gave it, on account of the relationship that existed between the prisoner and herself; but he expressed his opinion that he did not attach much credence to her evidence, or words to that effect.
631. Did he say anything purporting to convey the idea that the family were brought up to perjure themselves at the instance of their father? No. He said the influence that was exercised, or which he supposed was exercised, by the parent over the child, was a palliation of the mode in which she gave her evidence—something to that effect; but were it not under such circumstances, I think he said, he would feel himself bound either to commit her or take serious notice of her mode of giving evidence.
632. Did he address Skerrett himself in a condemnatory way? I do not think he did; he might have said something when he was passing sentence upon him.
633. I allude to that? He did say something to the effect that he had great apprehensions upon his mind that this young girl, who was little more than a child, was influenced (I cannot recollect his words exactly), or appeared to be influenced, by the natural affection a child would have for her father, and the father's influence upon her youthful mind.
634. Were there any other of the witnesses in whose examination or mode of reply there appeared to be anything peculiarly remarkable? The whole of the evidence produced for the defence appeared to be very questionable and unsatisfactory. As far as I could judge, the jury did not appear to attach any importance at all to it.
635. Did it strike you that Skerrett got a fair trial, or that he was properly defended? I think he had a very fair trial, and that he was very well defended. Mr. Dawson is an excellent young man, a very good lawyer, and his case was as well got up as it could be. I dare say Mr. Dawson was deceived by Skerrett as to the production of these documents. Mr. Dawson at the time believed the documents were genuine. I never did believe so, and the whole of the case came under my view.
636. Have you ever been examined before a Committee of the Assembly, touching this case, at a former period? I think I was examined in Skerrett's case, or on some inquiry or application from Skerrett for compensation, so far as my recollection serves me. I do not recollect the subject I was examined upon. As far as having a fair trial is concerned, I thought a great deal of pains was taken in his defence. It was a very patient inquiry, and lasted until 2 or 3 o'clock in the morning, if I recollect rightly.
637. Miss Kelly was brought up at the Police Office for perjury? She was brought up, committed to take her trial, and was convicted of perjury.
638. Were you engaged in that case? No, but I know it as a fact, that these documents were not produced then, as they were not found at that time, as far as I was informed. I was in Court during a portion of the trial.
639. The perjury alleged on that trial was the swearing that these very documents were not genuine? The same documents which were the subject of the prosecution of Skerrett in 1860, when he was committed to take his trial for the forgery of these documents †
640. The forgery for which he was committed, and of which he was convicted, was, in fact, based upon those documents? Upon the genuineness or forgery of the signature. She swore that she did not sign these documents, or sell her cattle and horses to this man Skerrett, and it was upon that she was prosecuted for perjury.
641. To your knowledge, is it customary to convict a person in that way for perjury without producing the documents said to be forged? It is in very rare instances indeed, because the accused labours under great disadvantage, in not having the benefit of the production of the documents

* NOTE (on revision):—Not committed on my prosecution by me as advocate.

† NOTE (on revision):—I did not say this. Skerrett was not put on his trial.

documents to exhibit them to the jury trying the case. It is necessary that they should look at what is alleged to be her signature, and with its semblance of truth or falsehood weigh her testimony. The non-production of these documents was a serious disadvantage to Miss Kelly; and I believe that if the documents had been produced she would not have been convicted. Indeed, I might say with great confidence, as much as we can do in anticipation of the discretion of a jury. J. R. Brennan.
29 Oct., 1862.

642. During your practice in the Colony, have you ever known a case of a similar character? No, never—not a case of perjury based upon the forgery of a document, or upon the genuineness or non-genuineness of a signature to a document, during the whole course of my practice of thirty years.

643. Have you ever seen any of Skerrett's handwriting? I had these forgeries in my hands, and examined them. I think the only way in which the signature could have been copied is, by placing a genuine signature against a window, or some transparent body, and tracing it off. The forgeries were very well done, but some of the characteristics of Miss Kelly's handwriting were not discernible in them.

644. Here is a letter referred to the Committee, signed by Charles Skerrett? I have seen writing by Skerrett much worse than this, and some in a different style. He was a client of mine at one time.

645. Does that writing strike you as being written by a man possessing a considerable amount of facility in penmanship and great freedom in writing? Yes; but I have seen writing of a very different style from him. I do not think I ever saw so many flourishes in his writing. His writing was smaller, and somewhat more regular, with fewer flourishes about it; and his signature to this letter is also somewhat different from some that I have seen of his.

646. There is a sharpness about the letters? This, I should say, is a very naturally written hand—not at all studied; written, I should think, dashingly. There are some peculiar turns of the 'f's, 't's, and 'i's, rather sharp, and something peculiar in the loops.

647. You think the man who could write that style, would be so free with his pen as to alter the style? I do not know that; because we generally find a man who writes in that kind of style, writing it naturally; but I have seen writing of his that was different. There is something very peculiar in the loops of the 'f's and 'i's of the capital letters.

648. Do you not think this would be an excellent lady's style, a little smaller? I do not think it is written by a person who, judging from this handwriting, would have great control over his writing. It does not appear to be a studied, but a natural style of handwriting. Still, I have seen writing of Skerrett's differing very considerably from that of the signature. I believe it is really his writing. I saw his signature in 1851 or 1852. He took a place from Mrs. Terry Hughes, and was carrying on some business in colonial wine and other things.

649. At what time was that? I think in 1852. I have reason to know that it was before 1853.

650. Are you aware at what time he gave that up? He went from there to Major Innes'.

651. Did he go to Melbourne, to the diggings, after he left that, or did he go to Major Innes' first? Well, upon my word, I cannot recollect. I know it was prior to 1853, because I took a partner in 1853, and when I was concerned for him I had no partner. I have seen documents in reference to his tenancy under Mrs. Hughes, when he was engaged in colonial wine operations, distilling, and work of that kind. I know he neither paid Mrs. Terry Hughes nor myself, except £5 or £6 out of £25 or £30; but his wife was in such an apparently destitute situation that, after he went away, I never looked for the money. He went somewhere, but where I cannot recollect, and he left prior to 1853. His wife had a miserable little place near Mrs. Hughes', and when I went, pleaded poverty. After that I never looked for my bill of costs.

652. They were so utterly destitute? They were then.

653. That was some time in 1852? I think so. It might have been in 1851; I cannot recollect the date. It must be before he went to the diggings, I think. I think it was in 1854 that he went to the diggings.

654. In 1854 he bought Miss Kelly's property? Yes, I know that. When I was concerned for him, it was before he went to the diggings, and indeed before the discovery of gold. I know that at the time they were very poor indeed. I have not my papers here, they are up at Maitland, but I came across his papers some time ago. However, I am quite sure it was before he went to the diggings, on reflection. I know he went away, and I found Mrs. Skerrett in such a state of destitution that I told her it was no use my looking for the payment of my bill of costs.

655. You think it was prior to his going to the diggings? I have no doubt about it.

656. That he had the brewery? Yes, and when I was concerned for him professionally.

657. How did he next appear under your notice? The next that I heard of him was that he had gone to Major Innes', and I heard a good deal about colonial wine and distilling there. After that Miss Kelly came to me with her case about these alleged forgeries (and so far as the committal goes, they are proved to be such).

658. Were you concerned in any other but the one case, between Miss Kelly and Skerrett? Two cases; the first prosecution in 1855, for cattle-stealing, when he was convicted and sent to Cockatoo; and I next prosecuted him for these forgeries. I also had private information with reference to the man William Turner (whose evidence you see), and with some difficulty traced him out. When Miss Kelly first consulted me, I told her it would be a difficult case against Skerrett (the forgeries being so inimitably well done), unless we could get that man Turner. I had information of what he knew and swore in evidence; and having set inquiries on foot, I found that he was somewhere on the Dawson River. I obtained a warrant for his apprehension, and he was brought down.

659.

- J. R. Brennan. 659. Was he examined? He was.
660. Where? At the Police Office; but he had made a deposition whilst he was in gaol.
- 29 Oct., 1862. 661. Was he confined upon the warrant you obtained? Yes; he was brought down upon that warrant, charged with aiding and abetting in these forgeries. I was going upon the evidence I had obtained from Mr. and Mrs. Andrews.
662. Joseph Andrews? Joseph, I believe that was his name. He became insolvent.
663. Then Turner was brought from the gaol to the Police Office? After he had made a deposition, he was brought to the Police Office and placed at the bar. I stated to the Magistrate that he had made a deposition, and having put in the deposition, requested that the Bench would examine him, as he had made a full disclosure of how he was induced to give evidence originally in Bungay Bungay. Turner stated that he had done so, and that it was a voluntary information he had given; that he was willing to prove it. He spoke of having been met at Andrews' public-house, and referred to some evidence of Andrews and his wife in corroboration of his statements. He swore that the evidence he gave against Miss Kelly he was induced to give on Skerrett's promise to give him one-half of the cattle and get him a wife—some girl, I forget her name.
664. This was a voluntary information he gave at the Police Office? Quite voluntary, and I was thus led to inform the Magistrates about it, and prepare his affidavit upon the subject.
665. Was Skerrett present at the time? Yes, when he was brought before the Police Court, but not present at the gaol when he made his first deposition.
666. Was any lawyer employed for Skerrett? Two or three different lawyers, at the Police Office.
667. He had an opportunity of cross-questioning Turner? Yes; he did cross-examine him, I believe.
668. *By Mr. Morris*: Did Turner maintain the same evidence as that he gave in his deposition when in gaol? He was a youth of about eighteen or nineteen years of age, he said, when he made this false deposition, that he made it under a promise from Skerrett that he should get half the cattle, and get this girl as his wife.
669. *By the Chairman*: Did he use any peculiar expression? He said, what would not a young man do to get a wife.
670. *By Mr. Flett*: Did you conduct the proceedings at the Police Office in Sydney? I did, against Skerrett for forgery.
671. I mean the proceedings at the Police Office? Yes, I did. The first deposition taken at the Manning River was upon the committal of Skerrett. Then there was the prosecution before the Supreme Court in 1855, which I conducted; and upon these depositions in 1855 Turner gave evidence of his knowledge of the money being passed by Skerrett to Miss Kelly, and that he was a witness to one of the documents. You will find also, that afterwards he never appeared at the Criminal Court on the prosecution of Skerrett, when he was convicted, and remained away until I had him apprehended at the Dawson River, in 1860, and brought down here, when Skerrett was prosecuted for the forgery of these documents—partly upon the evidence of Turner, partly upon that of Andrews and his wife, with other evidence, which you will see.
672. These depositions that we have produced are depositions in the case of Kelly against Skerrett, for forgery? Yes. You will find in the depositions upon which Skerrett was prosecuted and convicted, in 1855, this evidence by Turner, for Skerrett, against Miss Kelly; and you will be able better to understand the nature of the evidence given by Turner in 1860, when I prosecuted him for aiding and abetting in the forgery. That case occupied an immense time in hearing.
673. *By Mr. Morris*: What was the result of the charge against Skerrett at the Police Office? He was committed for trial.
674. And the Attorney General declined to prosecute? He did.
675. *By Mr. Cunneen*: Was Turner one of the principal witnesses against Miss Kelly at Bungay Bungay? Yes, he was one of the principal witnesses against her.
676. Are you aware of what was the purport of his evidence against her? From recollection, I think it was that he was present when the £100 notes were passed over for the purchase of the cattle, and when she signed the agreement selling her cattle with a pick of twenty horses.
677. Did he swear he saw Miss Kelly sign the bill of sale? Yes, on the first occasion. It was a document on a sheet of paper, and the purport of it was, that Miss Kelly had agreed to sell him her cattle, I think, for £600—£400 of which was to be paid in cash, and £200 by a promissory note; he was also to have the pick of twenty of her horses. Turner stated that he was present when she signed that agreement, and when the notes were handed over. That was in 1854.
678. *By the Chairman*: There were two documents, the agreement of sale and receipt, and one a receipt—you might confound the two? Turner was a witness to one or other, if not both.
679. *By Mr. Cunneen*: He swore at Bungay Bungay that he was a witness to one? To one.
680. When he was apprehended under warrant, at your instance, what did he swear as to his evidence at Bungay Bungay? That it was false.
681. Did he swear he did not see her sign this document? To the best of my recollection he did. I have not seen the documents since Skerrett was committed for trial. Turner's father did not know where he was for a considerable time (so the father said), nor did he know of his running away. I brought down the father also upon the prosecution.
682. *By the Chairman*: Did Skerrett, at the Police Court, deny that young Turner was the proper person? He said he never saw the man in his life.
683. And you sent up for his father? Yes.

684. And he identified him as the person? Yes.

685. *By Mr. Cunneen*: Then, when he was in custody under the warrant you obtained, he swore that all he had sworn at Bungay Bungay was untrue—indeed, that he had perjured himself? Yes; he said he was young (eighteen or nineteen), was promised half the cattle if Skerrett succeeded in getting them, and a wife, a girl whose name I do not recollect—I think it was Ann Andrews; she was promised to him as a wife, as he stated.

J. R. Brennan.

29 Oct., 1862.

686. *By Mr. Flett*: I thought it was one of Skerrett's daughters? I never heard that. He said he was influenced by this offer; he was a lad of eighteen or nineteen, and stated in his depositions where Skerrett met him crossing a river, and first proposed the arrangement, then made an appointment to meet him at Andrews' house; and he states what took place there. That is all in evidence.

687. *By the Chairman*: Have you got any further statement to make that would throw any light on this obscure subject? From the first day I prosecuted Skerrett until now I have been of the opinion that Miss Kelly was victimised, beyond all doubt. Although Miss Kelly has a rather short and disagreeable temper, yet I always considered her to be a woman of truth, and straightforward and honourable in every respect. I say this, notwithstanding that we fell out about my bill of costs.

688. Have you heard anything that you can satisfactorily state with regard to the character of Skerrett? I consider him one of the worst characters I ever met with; he introduced himself as one of the Skerretts of Scarriff, in the County of Galway, close upon the borders of the County of Clare.

689. Were they respectable? Yes, and he resembled them. I know them to be a highly respectable family, and he was very like them; but I found his character and conduct throughout to be very bad.

690. Did you find out that he was not of that family? No. If he is one of that family it is a very respectable family, and I have no reason to think he is not, because a circumstance he told me led me to believe it; but his conduct all through was very disreputable to himself and his family too.

691. *By Mr. Flett*: You say this man Turner was taken down at your instance, and lodged in gaol? Yes.

692. When he was in gaol in Sydney, did you see him there? I did.

693. Were any persons present with you at the time of your interview with him? I believe the Magistrate was present when his statement about the matter was made. He intimated his intention of stating the facts, and I think a Magistrate was present when he made the statement in full, and he then said he would consent to have it taken down in writing.

694. That was on the first occasion you had an interview with him? No. The first time was in gaol, in the presence of Mr. Beverley, I think, and Mr. Harrison, the principal turnkey. I never saw Turner by himself, because of his relative position in the matter. I knew from other circumstances, that what he had sworn was not likely to be true, and it made me very cautious.

695. Have you heard since that he made a statement of his reasons for making the statement at the Police Office? No, I never heard of his making any statement; in fact, when he got out of gaol he was closely pursued and watched—so many attempts were made to get him to back out of it again, I am told. He was, I have heard, brought to a certain public-house, and whilst there Reuben Richards attempted to get him round to his former evidence. He said he was afraid to go into Sydney, he was so dogged and watched, and Richards coaxed him to resume his original evidence, and wanted to go for some lawyer for Skerrett. That is the only thing I heard about it.

696. Are you aware where he can be found? His father lives at Dungog.

697. You do not know where the young man lives? No, I have not the slightest idea. He told me, when I wanted him to do fencing, to send to Dungog to his father, who would always find him.

698. *By Mr. Morrice*: I think you said that Skerrett, in the Police Office, denied the identity of Turner? Yes, and Turner's father was examined as to his identity. He denied it positively, and said, "I never saw that man," Turner being then in the witness-box.

699. I imagine that his father's examination will appear among these papers? Yes; his father was examined as to his identity. I was driven to examine the father, although I could have had other evidence; that, however, was most conclusive, as he could swear to his son better than anyone else. Skerrett positively denied it. I experienced great difficulty in that prosecution, as there appeared to be a prejudice against Miss Kelly, and the Magistrate seemed to be favourably impressed with Skerrett's side of the case. Mr. Scott refused me a warrant upon the most positive swearing. When I went to get the warrant I saw Skerrett in close conversation with Mr. Scott in the room. I said, "I have just come in time; that is the man I want the warrant for."

Mrs. Brandswait called in and examined:—

700. *By the Chairman*: Your name is Jane Brandswait? Yes.

701. Formerly Miss Jane Skerrett? Yes.

Mrs.
Brandswait.

702. This is a Committee appointed by the Legislative Assembly to inquire into the case of Miss Kelly and your father, Charles Skerrett, and the Committee have thought it well to ask you to attend, to give such evidence as you find to be true as to the questions put to you touching this matter;—your father, I believe, formerly lived in Sydney? Yes.

29 Oct., 1862.

703. At the brewery down at Mrs. Terry Hughes' place, in connection with a person of the name of Vaughan? Yes.

704.

- Mrs. Brandswait. 704. Do you remember what year that was in? No, I do not.
705. Did he afterwards go to the diggings, or was that after he came from the diggings—do you remember? No, he went to Port Macquarie after he left the brewery.
- 29 Oct., 1862. 706. Then he had the brewery after he came from the diggings? No, before he went to the diggings.
707. He had the brewery before he went to the diggings? Yes.
708. How long was he at the diggings on the Melbourne side? I think a couple of years, but I am not sure how long—it is so long since.
709. Do you know in what year he came back? No; but I think it was the latter end of 1853, though I am not sure.
710. You were living at Port Macquarie at that time with Mrs. Skerrett? Yes.
711. What business did Mr. Skerrett enter into then? He went into no business.
712. Did he take some property from a Mr. Atkinson there? Not that I am aware of.
713. Had he anything to do with a vineyard? He took some property from Major Innes—a vineyard.
714. Did he live upon the vineyard? No, he did not.
715. How long did he occupy the vineyard? He never occupied it at all after taking it; he never had possession of it.
716. Do you remember the month during which he arrived at Port Macquarie? No, I do not.
717. Do you remember whether he came up in a sailing vessel or in a steamer from Melbourne, or do you know the name of the vessel? That I could not tell you, but I think it was a sailing vessel.
718. Do you know the month in which he left Melbourne? No.
719. Your father is said to have purchased some cattle from Miss Kelly, in 1854—I have a copy of the agreement before me here, and it is witnessed by you and your sister Margaret;—which of these signatures is yours? The upper one.
720. Did you see Miss Kelly sign this document? Yes.
721. Where was she when she signed it? In her front room.
722. How many rooms are there in the house? I cannot tell exactly. Miss Kelly had two rooms in the house.
723. Was the front room her room? One of them.
724. The one in which she signed this document? Yes.
725. It was Miss Kelly's own room? Yes.
726. And how did you happen to be in her room when it was signed? I was not in the room until I was called in to sign. I was in the garden, in front, and was called in to sign it.
727. And who else was present? My father, Miss Kelly, my sister, and myself were present; there were four people present.
728. You are sure you were present when your sister signed? I believe I was; I am not quite sure about it, but I think I was.
729. And how did your sister happen to be in there? Neither of us was there until we were called in. There was a flower garden in front of Miss Kelly's place, and we were in the garden at the time we were called in to sign.
730. Was your sister called in? I believe she was.
731. Did you both go into the house together? No, I went in first.
732. Did you sign it then? Yes, I did.
733. And did you come out again? Yes, just after signing it.
734. And where was your sister, then, when you came out? I believe she was in the room when I came out.
735. You did not see her sign? No, I do not recollect—it is so long since.
736. Is your sister older or younger than you? Older.
737. *By Mr. Morris*: How old were you at the time you signed the document? Turned fourteen.
738. *By the Chairman*: What sort of a place was it upon which you signed this document—what sort of table? It was on a table.
739. What sort of table—a mahogany table? I do not recollect; I did not take that much notice.
740. It was Miss Kelly's furniture? Yes.
741. Was there a table-cover on? I do not recollect now.
742. Do you remember whether your sister remained long in the room after you came out? I do not recollect.
743. At what time do you recollect hearing of your father having purchased these cattle from Miss Kelly? After this.
744. When did you first hear of his having purchased the cattle from her? The first I heard of it was when a man of the name of Findlay, of Brimbin, came to purchase cattle?
745. What was he? He was a farmer.
746. In what position in the room was the table—in the centre of the floor of the room, or near the window? In the centre of the room.
747. And there was a passage all round it? Yes.
748. And where was Miss Kelly at the time you signed? I do not remember where she was; I did not take much notice.
749. Do you remember where your father stood when you signed? I do not.
750. Did Findlay come to purchase cattle from Miss Kelly? Yes, from Miss Kelly.
751. When Findlay came to purchase cattle from Miss Kelly you first heard that your father had purchased the cattle? That was the first public statement I had heard of the cattle

cattle being purchased. Miss Kelly sent Findlay to my father, and said she had sold her cattle to him. Findlay came to my father.

752. Was this before or after you signed the document? After.

753. When did you first hear of the purchase? When I signed this document.

754. Did you hear before? I heard that he was going to purchase.

755. Had you ever been present at any treaty or bargain between Miss Kelly and your father previous to the day on which you signed this paper? No, never.

756. You see how necessary it is to show how many rooms there were in the house—try to recollect how many rooms there were? I think there were eight rooms, but I am not sure.

757. And Miss Kelly had two? Yes.

758. It was a large house? The rooms were small, like little kitchens. Some of them were very small. It was like two houses.

759. Was the front room you speak of used as a parlour or sitting-room;—what did you use that front room for? A sitting-room.

760. And did you dine in it? No.

761. And the family came in and out just as they liked? Yes.

762. Mrs. Skerrett was often in that sitting-room? Of course.

763. This was considered an important matter in your family at this time—this purchase of the cattle—a subject that would be much talked of by your sister, yourself, and your father and mother—was it not? I never took much notice of it; I was not allowed to talk about business then; I was not very old at that time.

764. Did you never hear your father and mother talk of this arrangement for the purchase of these cattle previous to your signing this document—talking as man and wife would? I never was much with them. We were not allowed to sit with them much. We had a regular time to go to bed, and did not stop up long. Father and mother used to talk by themselves.

765. What quantity of cattle had your father when he came to Brimbin—had he any? Not that I know of.

766. Had he any stock anywhere else that you know of? No, I do not know that he had any. I do not recollect.

767. You came up from Port Macquarie to Brimbin? Yes.

768. That is about seventy miles—how did you travel? We travelled on horseback.

769. You brought up some furniture? Yes, bedding.

770. How did that come up? It was drawn on a sledge.

771. By bullocks? Yes.

772. What business had your father carried on at Port Macquarie? He had a vineyard.

773. You said he never had possession of it? He had this previous to going to the diggings. He and Major Innes carried on business before going to the diggings.

774. Whose vineyard was it? I believe it belonged to Mr. Stokes.

775. Did he rent it? No, because he and Major Innes were partners.

776. He carried on this vineyard—did he cultivate it? No, he had people to cultivate it.

777. He attended to it? Yes, he made wine.

778. Was that the only business he had at the time he came from the diggings, and previous to going to Brimbin? He had no business. He came from the diggings and went up to the Manning. He bought many horses on the Macleay, and fetched them backwards and forwards between there and Sydney.

779. Your brother went with him? Yes.

780. Your father was then dealing in horses—he was not in any business? No.

781. How long was he engaged in horse dealing? I do not know; I have no idea.

782. But when he came to Brimbin he had no stock or cattle? I do not know.

783. Did he retain the vineyard after he came to Brimbin? No, he entered an action against Major Innes.

784. That was for the leasing of it? Well, he never had possession of it.

785. But we are speaking of the vineyard you said he cultivated? That is the same. When he went to the diggings he gave it up, and when he returned, the vineyard being to let, he took it and paid so much money down.

786. He never had any business with the vineyard after he came from the diggings—he had no business but this horse dealing when he went to Brimbin? No.

787. Where were the windows of this room where you signed the document—how were they placed—did one look into the garden? Yes.

788. Was there any other window than that? Only that one, I think.

789. On which side of the table did you stand when you signed—the side near the window or the opposite side? I cannot recollect.

790. You said you did not know where Miss Kelly stood, where your sister was, nor where your father stood when you signed this paper? I do not recollect it; it is now eight years ago.

791. But you were examined upon this subject many times before? Not on this subject.

792. On the signing of the papers? Yes, but not as to where I and the others stood.

793. What conversation had they about these cattle at the time you signed this paper;—how long were you in the room? Not long.

794. Who called you in? Miss Kelly.

795. *By Mr. Morrice:* Were you there when the agreement was written out? No.

796. Do you know who wrote it? I believe it is my father's writing.

797. *By Mr. W. Forster:* Do you say that from what you know of your father's writing? I think it is my father's writing.

798. *By Mr. Morris:* I think you said, in answer to a question by the Chairman, that your sister is older than you? Yes.

- Mrs. Brandswait. 799. How much older? A couple of years, I think.
- 29 Oct., 1862. 800. Which of you signed the document first, you or your sister? Myself.
801. Is it likely that both of you were in the room when you signed? I believe she was in the room when I came out; I do not think she was in when I signed.
802. Was a lad named Turner present when this paper was signed? No, he was not.
803. Was he at the house at the time? Yes, I believe he was.
804. What was his occupation or work? He was a kind of builder.
805. Was he in the employment of your father? No, in the employ of Miss Kelly.
806. When you witnessed the signature of that bill of sale? Yes, I believe so.
807. Do you remember any other document having been witnessed on the same day that you witnessed Miss Kelly's signature to the bill of sale? No; I had nothing to do with any other document.
808. Do you remember Turner coming into the house to witness any document? No, I do not recollect. But I know he was there.
809. Would you have known that he had witnessed any document with regard to the receipt of money, or the sale of stock, you having but recently witnessed similar documents yourself? I left the room when I had witnessed the document.
810. Would you be kind enough to write the name "Jane Skerrett"? Yes.
811. Were you ever examined as to these matters between your father and Miss Kelly in any Court? Never.
812. Was your sister? I do not recollect. She was examined at the Police Office.
813. *By the Chairman*: At what school were you taught to write? I have been at several schools.
814. Will you mention them? Mr. M'Guinness', in Port Macquarie; Mr. Simpson's; Mr. Waugh's, in Port Macquarie. I have been to about fifty different schools.
815. Were you ever at a ladies' school? Mrs. Benjamin taught me to write. I have been at several ladies' schools.
816. At what school was your sister brought up? At the same school.
817. All at the same school? No; I have had more schooling than any of them.
818. Was Margaret ever at a ladies' school? Yes; she went to Waugh's, and a lady instructed us in writing.
819. *By Mr. Morris*: Can your sister write well? No.
820. Can she write as well as you? No, she cannot.
821. *By the Chairman*: At the time your father was at Cockatoo you had opportunities of visiting him? Yes.
822. How did you obtain these opportunities—you went over with Mr. Forbes, in the police-boat, I suppose? No, I never did, to my recollection; I do not recollect going with Mr. Forbes.
823. But you were several times there? Yes.
824. And how did you go over? In different ways; sometimes by taking a waterman's boat, at other times we have gone by the Police Magistrate's boat. Mr. North was the Visiting Magistrate then.
825. Did you frequently go in Mr. North's boat? Not very frequently; sometimes we used to go in it, to save expense.
826. But had you not to get an order to go? Captain North was Visiting Magistrate, and we had to get an order from him.
827. Did he interest himself in getting your father liberated from the island? No, in no way that I know of.
828. *By Mr. W. Forster*: Do you recollect fully the circumstances under which you signed these documents—the sort of place you were in? Yes.
829. You say you were called in out of the garden? Yes.
830. You saw Miss Kelly sign? Yes.
831. And was your sister present when she signed it? No, I do not recollect her being in the room.
832. Who was in the room—how many people? My father, Miss Kelly, myself. My sister may have been in the room, but I do not recollect whether she was or not. I recollect Miss Kelly, father, and myself being there.
833. Anyone else? My sister may have been in the room, but I do not recollect.
834. Was it a large room? A good size.
835. As big as this? Not so big as this.
836. Did you sit down to write? I do not recollect whether I was standing or sitting.
837. Were you placed in such a position that your sister could be in the room without your seeing her? She may have been in the room, but I do not recollect now whether she was in the room or not.
838. Did anyone enter the room when you were writing? I am not aware.
839. How long did you remain? About five minutes.
840. And when had you seen your sister before? As I came in she was in the garden, I think; and I did not notice whether she came in too or not.
841. Did you go in on a summons—did some one call you? Yes, Miss Kelly.
842. Did she come into the garden and call you? No, she stood in the verandah.
843. Did she call your sister? The verandah was close to the garden.
844. Were you both standing close together? Yes.
845. What were you doing in the garden? We took a pride in the flower garden, and were attending to it.
846. Miss Kelly came into the verandah and called you in? Yes.
847. Did she call you by your name, and say, "Jane Skerrett, come in"? She called me Jane, and told me I was wanted.

848. Did she tell you for what reason you were wanted? Not till I came inside.
849. Did she call your sister at the same time? She may have called my sister, but I went in before Miss Kelly; she followed me in.
850. You did not hear Miss Kelly call your sister? I do not recollect that now.
851. When you were called you went into the room? Yes.
852. How did you know which room to go into? She had only the one sitting-room.
853. It was Miss Kelly's house, then? It was her sitting-room.
854. If, as you say, she did not tell you what you were wanted for, how did you know what room to go into? I know that when she came out she called me, and I went into her room. We were very intimate with each other.
855. When she called you, and told you you were wanted, although she did not tell you what you were wanted for, you understood you were to go into her room—you had no idea of what you were wanted for? No.
856. You found your father there by himself? Yes.
857. Who told you what you were to do? Miss Kelly and I came in together; she was close behind me when I came in.
858. Did you see her come in? Yes.
859. Did she shut the door? I believe she did.
860. Did you notice whether your sister fetched her or not? I cannot recollect.
861. When Miss Kelly came in, who told you to sign your name? The paper was read.
862. Who read it? Well, I cannot recollect; I think it was Miss Kelly.
863. Are you sure it was Miss Kelly who read it? I will not be sure.
864. When it was read, who told you to sign your name to it, or what was the next proceeding? I was asked to sign it.
865. Was that the very next thing after it was read? After Miss Kelly signed it.
866. She signed it after it was read? Yes.
867. Did she sign it immediately after? I do not recollect.
868. Were you standing in such a position that you could not tell whether your sister was in the room or not? I do not recollect now. It is eight years ago, and I have not thought of the case or anything about it.
869. When Miss Kelly signed, who told you to sign your name as a witness? Well, I do not recollect who asked me to sign it.
870. Did you sign your name very soon after Miss Kelly signed? Just after.
871. You say it took you only about five minutes? Only about five minutes.
872. Did you leave the room immediately? Just after.
873. Where did you go to? I signed it. I do not recollect whether I went into the garden or not.
874. When did you see your sister next, after this? Well, I do not recollect.
875. Did you see her at dinner that day? Of course I did.
876. You did not go into the garden to your sister again then? No, I think I went down the paddock.
877. Did you meet your sister in going out of the room? I did not notice.
878. Do you think you did not see your sister again that day until dinner time? I was in the habit of riding with my brother about the paddocks. He and I were always together.
879. He was not with you in the garden? We used to go riding together.
880. Did you go to look after your brother after you had signed this paper? I do not recollect.
881. When you signed the document did you see your sister's name on the paper? No.
882. Did anyone tell you your sister was to sign it? I do not recollect.
883. When you saw your sister did you talk to her about it? I heard that she had signed it also.
884. Who told you? I heard of it when we were taken to the Police Office.
885. Did you not hear of it before that—that she had signed it? I do not recollect.
886. Did not you and your sister, at any time, talk about both having signed the same document? No.
887. You are positive of that? Not as I remember.
888. Did it go out of your head altogether—did not your father sometimes talk about it? No.
889. Did you never tell your brother that you had signed this document? No, I never thought of it.
890. You never talked to anyone about it? No, I never thought of it.
891. You say you heard that your sister had signed it? When I went to the Police Office.
892. Who told you? I do not recollect.
893. You say your sister does not write as well as you? Not as well as I do now. I think she had the advantage of me in writing at that time.
894. You have improved since? Yes, I have kept a school since.
895. Were you both taught by the same person to write? Yes.
896. Was her writing always considered like yours? Yes, very much. I have letters of hers at home now, written lately, and they are exactly like my writing.
897. You are quite positive you did not sign for your sister? Quite positive.
898. When you went out of the room did you leave a blank under your name? Well, I believe there was. I am not sure about that.
899. Are you sure Miss Kelly did not go out afterwards and call in your sister? I do not recollect whether she was in the room or not.
900. Were any questions of that sort asked you at the Police Office? No, not that I know of.

Mrs.
Brandswait.
29 Oct., 1862.

- Mrs. Brandswait.
29 Oct., 1862.
901. Was your father in the habit of getting you to sign documents of this sort? No.
902. Was that the only one you ever signed for him? Yes, I believe it is.
903. Did you not think it an odd thing to be called in in that way, and to witness a legal document? To tell you the truth, I did not know much about legal documents or anything else.
904. Did it not frighten you rather? No, I was not frightened.
905. Could not your brother write? No, he was not a good writer.
906. Could he not write as good as your writing? No.
907. Was he younger than you? Yes, much younger.
908. Your father did not teach you to write? No.
909. When signing this document, were you aware of the importance of the act you were doing—that is, signing a legal document you might be called upon afterwards to attest,—was anything told you about it? Not that I recollect.
910. Did you not know you were doing a very important act at the time? I might have been told it, but I took no notice of it.
911. On what sort of terms were your father and Miss Kelly at that time? On very intimate terms.
912. You called each other by Christian names? Yes, she always called me Jane, and I always addressed her as Miss Kelly.
913. You never had any disagreement with her up to that time? No, not that I am aware of.
914. Nor your father? Not that I am aware of.
915. Were you aware that she was selling the cattle to your father? I heard something of it.
916. You say you rode about with your brother;—whose horses did you ride? My brother's.
917. Not your father's? No, my brother's.
918. Had you not two horses—you say your brother rode? We were not particular, both rode on one if we had not two.
919. Had not your father many horses? Not that I am aware of.
920. Were they not Miss Kelly's horses that you rode? I never rode a horse of Miss Kelly's in my life.
921. But after this sale of cattle and horses, did you not ride some of those that had been hers? No.
922. Had she not some riding horses? I think she had two, I am not sure.
923. After this transaction, did your father treat the cattle and horses as his own property? I believe he did.
924. Did you consider them as his property after this document was signed—did he do as he liked with them, as if they were his property? Yes.
925. How long did Miss Kelly live in the house with you after this? A good bit. She came up here at the time she was committed.
926. At that time was Miss Kelly on good terms with your father? Yes.
927. Did they fall out after the committal? No, after she came back from Sydney.
928. And during that time he treated the cattle and horses as his property? Yes.
929. And you were led to believe they were his property? I always thought they were.
930. Have you ever seen Miss Kelly write? No, I have not seen her write much.
931. Is this like her usual signature? Well, I do not know; if I saw it I do not think I should know it.
932. Did she never write to you? She never had occasion.
933. Did she never write to your father at all? I think there were some letters came after she got out of the trouble.
934. Do you know a man named Andrews, who lived near you at that time? Yes.
935. How far was his place from yours at that time? Well, I could not say—about twenty miles.
936. Was it possible for your father to procure witnesses to this document in the neighbourhood, without employing you? It was possible.
937. There was William Turner on the place? Yes.
938. Were there not boys who could sign instead of you? I do not recollect anyone in the place.
939. Not in the neighbourhood? Not nearer than six or seven miles.
940. There were plenty of people within six or seven miles? I believe so.
941. Could not they have been called in as witnesses? We knew very few on the Manning.
942. Did she afterwards acknowledge that she had sold the horses and cattle to your father, by word of mouth? I heard her tell a servant man and woman that she did not want them any more.
943. Were they living in the house at the time? Yes, with Miss Kelly.
944. You heard her tell the man? That she would not want them any more.
945. And did she give a reason? She said something about the cattle.
946. Did she say she had sold her cattle? I believe she did.
947. You understood her to mean that she did not want their services any more, as she had disposed of the cattle and horses? I believe so.
948. Did she dismiss them? She turned them over to us.
949. Could they read and write? Yes.
950. And could not they have been called in as witnesses? They were not on the premises at the time the woman was there.
951. Where was the man? I do not know where he was.
952. Did you know your father, after this transaction, to sell any of these cattle to anyone? Several.

953. Are you aware whether Miss Kelly knew of them being sold? I am not aware; these are matters in which I was entirely unconcerned. Mrs. Brandswait.
954. *By Mr. Morris*: Do you remember whether, on the day that you witnessed this document, William Turner was at the house? I believe he was. 29 Oct., 1862.
955. Was he employed about the house previous to, or subsequent to, that time? No, I believe not.
956. He was there only casually? That is all.
957. Where was he employed by Miss Kelly? At Mount George.
958. How far was that away? I do not know.
959. Were many persons in the habit of visiting the place where you resided? Not many.
960. Can you remember whether Turner was there that day or not? I believe he was there that day, but I do not state it positively.
961. Do you remember whether he came that day or some days previous? I do not remember whether he came the night before or that day.
962. Did he leave that day? I cannot recollect.
963. Do you know his father? Yes.
964. Was he there? Well, I do not remember whether he was or not.
965. Do you remember anything particular with regard to the day on which you signed, other than witnessing this signature of Miss Kelly;—can you remember whether it was on a Saturday, a Friday, or a Monday? No, I do not recollect that.
966. Had you domestic servants in the house, or did you do the domestic duties yourselves? We did them ourselves until we had the servant from Miss Kelly.
967. Which was subsequent to this document being signed and witnessed? Yes, afterwards.
968. Did you see any money pass from your father to Miss Kelly? No, I did not. I was not in the room long after signing the document.
969. You saw no money lying on the table, or in your father's hands, or in Miss Kelly's hands? No, I did not notice any money at all.
970. *By the Chairman*: It seems strange that you cannot call to mind a most important matter, as to who read the paper; you remember Miss Kelly calling you in, and your father being in the room, but you cannot remember who read the paper? No, I do not recollect: if I said I could I should tell an untruth.
971. Where is Mr. Skerrett now? At home.
972. Is he able to stand an examination? No.
973. *By Mr. Morris*: Where is your sister? Mrs. Cairn is on the Manning River.
974. *By Mr. Cunneen*: Did you see Miss Kelly sign the document—did she sign it in your presence? Yes.
975. Can you say whether your sister had seen the document before you? My signature was the first.
976. And you saw Miss Kelly sign? Yes.
977. You did not see your sister sign? I do not recollect her signing.
978. Do you know whether your sister saw Miss Kelly sign it? I do not remember whether she was in the room or not.
979. Are you aware whether your sister saw Miss Kelly sign the document? I do not remember.
980. Do you think she did? I do not know whether she did or not.
981. If she was not in the room she could not have seen her sign it? Of course not.
982. *By Mr. Morris*: At what time of the day did you witness the signature—before or after dinner? I believe it was before dinner, but I am not sure.
983. Can you carry your memory back so as to recollect the time? No, it is eight years ago.
984. When Turner came from Mount George to your place, did he ride or walk? He came on horseback.
985. *By Mr. Cunneen*: You do not recollect whether it was before or after dinner that you signed the document? No, I do not.
986. I understood you to state that you met your sister at dinner? Then I suppose it was before dinner; but I do not recollect whether it was or not.
987. *By Mr. W. Forster*: Used your sister and you to be together at night? I never slept with my sister.
988. You never remember talking to your sister about it? No, I do not remember.
989. *By Mr. Morrice*: I think I understood you to say, that both you and your sister were called in to sign the document? No, I said she may have been called, but I did not notice it; and I do not recollect whether she was or not.
990. You did not hear whether she was called in? I do not recollect whether she was called in or not. Miss Kelly might have called her, but I do not recollect now.
991. *By Mr. W. Forster*: You did not see your sister sign the document? No.
992. *By Mr. Cunneen*: If your sister had signed it after you left the room, it would be impossible for your sister to see Miss Kelly sign it? My sister might have been in the room; I do not recollect whether she was or not.
993. *By Mr. Morrice*: Did you and your sister have any conversation that day after the documents were signed? No.
994. She never mentioned it to you? She may have done so, but I do not remember whether she did or not.

The Hon. J. F. Hargrave, M.L.C.
5 Nov., 1862.

to have from you was, whether the absence of these documents, upon which the case was based, prejudiced Miss Kelly's defence? I know nothing about Miss Kelly's trial at all. It is impossible to recollect the circumstances of one out of the many criminal cases I have had to peruse and conduct.

1003. But I apprehend you would consider that, at any trial of this sort, the production of the documents upon which the charge was based was essentially necessary; she swears she did not sign these papers, and the charge is, that in so swearing she committed perjury;—the information the Committee desire is, whether, in your capacity as Attorney General, you would consider it necessary to have papers of this sort produced upon the trial? It depends entirely upon the particular allegation or assignment of perjury. If the perjury related to such a document not being in her handwriting, of course, as a general rule, that document must be produced. Without reference to this particular case, I would say, that if the perjury relates to a written document—if that is part of the information—you must produce that written document.

1004. *By Mr. Harpur*: With reference to the celebrated pamphlet, written by Lord Somers, that you allude to, was not that an elaborate argument in favour of the preliminary investigation and decision of criminal cases being conducted by the Grand Jury, in preference to an officer nominated by the Crown exercising those functions? It was a long pamphlet relating to the rights of Grand Juries to refuse to put a man on his trial without being accountable to anyone for their reasons. It is many years since I read it, but that point has been always fully impressed on my mind.

1005. In opposition to having those duties performed by an officer of the Crown? That was one part of it.

1006. His arguments on that point having, at that day, peculiar force? I believe it has always been considered in England, by the best authorities, to be better to have Grand Juries to deal with such matters, though I am aware Lord Campbell and other lawyers prefer the practice of Crown Prosecutors.

1007. *By Mr. Cunneen*: I understood you to say that you never assign any reasons why you decline to prosecute? Never. I think I should be doing wrong if I did. I thought the matter over very much, when it first became my duty to deal with such matters, and I came to the conclusion that I was bound to follow the precedent of the Grand Jury in England, who never assign reasons, and are not obliged to do so.

1008. In informing Benches of Magistrates that you do not intend to prosecute, do you not assign any reasons? Not where I decline to prosecute. When I see that some of the evidence is not fully set forth I direct a prosecution; and sometimes correspondence takes place with the Magistrates to confirm such and such evidence, and if it is confirmed then the prosecution will go on; but if it turns out that the depositions are wrong in that respect, then I decline to prosecute; but the invariable practice, and one which I found existing when I came into office, is simply to decline to prosecute on the depositions themselves, which have been taken in the presence of the accused person.

1009. I perceive by the documents which I hold in my hand that that was not the practice of your predecessor, Mr. Wise; he appears to have assigned reasons why he did not prosecute? I was not aware of it. (*Minute by Mr. Wise, in the case of Regina v. Skerrett, for horse-stealing, handed to witness.*) This is hardly assigning a reason why he declines to prosecute, but stating that the parties have a civil remedy. That I have done myself in some cases. I do not think any Attorney General would give reasons for declining to prosecute.

1010. *By the Chairman*: Did I correctly understand you to state that it was necessary, in a prosecution such as Miss Kelly underwent for perjury based on forgery, that the documents alleged to be forged should be produced? If the indictment alleges perjury with reference to a written instrument, that written instrument, in all probability, must be produced.

1011. *By Mr. Forster*: Is it not the practice, that where you are obliged to have recourse to secondary evidence, you give it less weight in proportion to the importance of the issue—if a man's life, for instance, was concerned, would you not be more delicate in depending on secondary evidence than where it was a mere question of property? Yes, certainly. The great rule is, that in all criminal cases the Crown is bound to prove everything, and the prisoner has the benefit of the doubt; but in civil proceedings the doubt is decided by the weight of evidence. If we were obliged to give secondary evidence of a written document alleged to be forged, though possibly it might be admissible, still I never heard of such secondary evidence being admissible in such a trial; and I should think that the secondary evidence would materially weaken the chance of a verdict.

1012. *By Mr. Morris*: In the particular case, however, referred to, Miss Kelly was indicted for perjury, alleged to have been committed on the trial of Skerrett for cattle-stealing, and no doubt the case principally turned on the forged documents, but these documents were not specially put forward in the indictment? The essence of the indictment for perjury would be the false swearing in open Court as to matters of fact, and probably there were other assignments of perjury than those which depended on the forged documents. A witness who perjures himself as to one point will probably perjure himself as to more points, both before and after.

1013. *By Mr. Cunneen*: When a person is indicted for perjury, and there are different allegations in the indictment, is it competent for a jury to find a verdict on any particular allegation, or must they do so upon the whole? They may find him guilty upon any one of the facts of perjury assigned in the indictment. They would state on which allegation they found him guilty, and would acquit on the others, and the entry in the Court book, or the Judge's notes, would show on which of them the verdict was returned.

1014. On the allegation that Miss Kelly swore these signatures were forgeries when they were not so, do you not think that, in order to enable the jury to come to a conclusion upon that, it was very important that these documents should be before the Court? I should think it was indispensable. I cannot conceive of a Judge admitting secondary evidence in an indictment for perjury, in reference to a forged document which was missing. When a case turns upon a document of this kind it ought to be produced.

The Hon. J. F.
Hargrave,
M.L.C.
5 Nov., 1862.

Peter Faucett, Esq., M.P., examined:—

1015. *By the Chairman:* We have asked you to come to this Committee, believing that you were present in Court when Charles Skerrett was tried for cattle-stealing, in 1855? I was present, I remember, at a portion of the proceedings—rather a considerable portion of the proceedings. I had been subpoenaed on the part of Miss Kelly, to produce one or two letters I had received from her some time before, as I understood, for the purpose of comparing the signatures with her alleged signature as it appeared to some documents, either produced, or intended to be produced, at the trial. I was, however, not called, and the letters I had with me, consequently, were not produced. But I think I was in the Court during a considerable portion of the case for the Crown against Skerrett, and I am almost sure I was in Court during the entire, certainly during the greater part, of the defence—that is, while the evidence was being given for the defendant on that occasion.

P. Faucett,
Esq., M.P.
5 Nov., 1862.

1016. Was there anything peculiar in the nature of that evidence, or the manner in which it was given, that struck you at the time—the evidence for the defendant, I mean? Yes, it struck me most forcibly, that several of the witnesses brought forward by Skerrett so glaringly contradicted themselves and one another, that I myself had not the slightest doubt they were committing perjury. There were two or three children—I think two young girls, daughters of Skerrett, that were examined as witnesses on his behalf, and I was at the time clearly under the impression, from the manner in which they gave their evidence, and the efforts they made to evade the questions put to them on cross-examination, that there was not the slightest doubt they were telling a story that had been prepared beforehand. I scarcely ever knew a case in which I formed so strong an opinion as to witnesses giving false evidence as on that occasion. I am unwilling, as a general rule, to form an opinion on matters of that kind; but in that instance the manner of the witnesses, and their statements altogether, were of such a kind, that I was forced into the opinion I have stated.

1017. Then the impression on your mind would be, that Skerrett was properly convicted? That is a question I cannot form an opinion upon, because I did not weigh all the evidence.

1018. The conviction turned, I think, upon the validity of Miss Kelly's signature to documents purporting to be a sale of the cattle from her to Skerrett? I rather think so; I think the case was rather a complicated one.

1019. Skerrett, if you remember, put in papers purporting to be a purchase and sale of these cattle for stealing which he was tried? He put in some papers, and I think his daughters were called for the purpose of proving that these papers were signed by Miss Kelly, and witnessed, if I do not mistake, by one or two of these girls. That is my recollection, but I have not seen the documents, and have not turned my attention to the matter since.

1020. After Skerrett had served four years of his sentence he was pardoned, and he then brought Miss Kelly up before the Court for perjury;—one of the charges was, that she had denied her signature to the documents that were before the Court on Skerrett's trial; the documents, however, were not produced, the Judge having got them out of the Record Office, and mislaid them somewhere;—is it customary to try people for perjury, based on forgery, without the production of the forged papers? I understand the question you put to be this: Whether it is customary to indict a person for perjury, the document on which the perjury is charged not being forthcoming. As to its being customary, I should say that, in my opinion, it is not; and to explain why I say so, I would merely say that I am not aware of any instance of the kind, except this instance of Miss Kelly's. And I would further say, if I were asked my opinion, that I think it would be a most dangerous proceeding, for a variety of reasons. One, which would strike anyone, would be, that any person would be liable to be charged, on the evidence of any two persons, with perjury, on the statement that the document was lost or destroyed, and there would be no means of comparing the handwriting on the supposed document with the handwriting of the accused; or it might be that the document was forged for the purpose of founding the charge, and then there would be no means of comparing the handwriting of the document with the handwriting, possibly, of the witnesses themselves, who might have forged it. I was not personally cognizant of the circumstances of that trial of Miss Kelly's; but having read of the matter, and having been to some extent obliged to consider it in reference to proceedings before Parliament at different times, I thought the proceeding was unusual, if not unprecedented, and, in my opinion, a most dangerous proceeding. Perhaps I might be allowed to add, that I, of course, admit that circumstances might arise, where a charge of perjury might properly be brought and sustained, in the absence or loss of the document on which the perjury was assigned, to use the legal term. I can easily imagine that circumstances might arise, in which it would be desirable, for the ends of justice, to bring forward such a charge, and circumstances under which it might be sustained.

1021. You state that you have had letters from Miss Kelly, and I presume you are acquainted with her signature? I could not say I am acquainted with her signature. It is very long ago since I had those letters. They referred, I think, to public matters. In fact, I recollect that one was in reference to appointing this very man (Skerrett) as a Magistrate of the territory. It was some short time after I arrived here that I had the pleasure of meeting Miss Kelly, and she, supposing I had much greater influence than I possessed, requested me to use whatever influence I had, to get Skerrett appointed a Magistrate. Knowing nothing about Skerrett, being but very slightly acquainted with Miss Kelly, and

having

P. Faucett,
Esq., M.P.

5 Nov., 1862.

having no influence, that I was aware of, I adopted the only course I thought the proper one at the time. I called upon the then Attorney General—Mr. Plunkett—and placed the letter before him as a letter from Miss Kelly, whom he must have known better than I did, stating, at the same time, that I knew nothing about Mr. Skerrett, and of course could not interfere in any way, but that I merely placed the letter in his hands, to act on as he chose. Mr. Plunkett, I believe, suggested to me to make inquiries, and I really forget what the result was; but as the event proved, Skerrett turned out to be a person of such a character that no one would think of suggesting his name to be placed in the Commission of the Peace. I afterwards received a letter from Miss Kelly, in reference to some other matter—I think some proceeding before the Bench—but I have no clear recollection of her handwriting. These letters, I may say, I tore up since the trial of Skerrett. They were utterly unimportant. I may also mention, that I think Miss Kelly stated in one of these letters, or about that time, that Skerrett had just gone to her part of the country.

1022. *By Mr. Forster:* Were you in any way acquainted with the business relations existing between Miss Kelly and this Mr. Skerrett? No, not in any way, except from these proceedings. I had heard some conversation, I believe, from others on the subject, but nothing that could give me any direct information.

1023. You never heard anything from Miss Kelly which led you to think that any partnership was existing between them? I have some recollection of Miss Kelly having said to me, in conversation, or in one of the letters I refer to, that Skerrett had bought, or was about to buy, her cattle and station—something of that kind. I rather think it was in one of the letters that something of that sort was said.

1024. You do not possess those letters now? No, I tore them up.

1025. You know nothing more than this? No. I have very little doubt that in one of the letters, or in conversation with Miss Kelly, it was mentioned that Skerrett was dealing with her about the purchase, if they had not finally concluded a sale, of her cattle, and that she broke it off, or endeavoured to break it off, finding out his character, or finding that he was unable to pay. I have some impression of that kind, and that impression is rather strong. I think she was endeavouring to get out of that part of the country at the time, and on the foundation of his having bought her cattle and stations, or being about to buy them, she wrote the letter to me about the appointment of Skerrett as a Magistrate, there being but a very small number of Magistrates in that district at the time. Another circumstance struck me as rather curious. I now recollect that in the letter, one of the grounds of her wishing this man to be appointed a Magistrate was, that he was a Roman Catholic. I have a recollection now of that being mentioned in the letter, and it struck me at the time as being rather a strange reason in this country. The Chief Justice, I may also say, made some very strong remarks upon the evidence produced in Skerrett's defence, either during his charge to the jury, or when he was sentencing Skerrett—most probably at the latter period. There was also something peculiar about this man Turner. I see the name here (*referring to a paper on the table.*) If I do not mistake, I was engaged at the Police Office afterwards in the prosecution of Skerrett for forgery, and some person was produced who said he was the William Turner mentioned in the proceedings. He was apparently a young man, and certainly swore very positively that he was the person, and I think the evidence will show that he mentioned that he was induced by Skerrett, for some reason or other, to go away. But I have a strong impression that the cross-examination was directed expressly to prove that he was not the same person at all that he represented himself to be. That was the defence, as to that part of the evidence, that Skerrett set up—that this man was not the Turner that he represented himself to be.

FRIDAY, 7 NOVEMBER, 1862.

Present:—

MR. W. FORSTER,

MR. MORRICE,

MR. MORRIS.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

The Rev. Thomas O'Reilly called in and examined:—

The Rev.
T. O'Reilly.

7 Nov., 1862.

1026. *By the Chairman:* You are a Church of England Minister? Yes.

1027. This is a Committee of inquiry into the case of Miss Kelly, arising out of the trial of a man named Charles Skerrett;—did you know Skerrett at Port Macquarie? I did.

1028. How long did you know him there? I think he was at Port Macquarie about eighteen months or two years—I am not quite sure as to the time.

1029. Did you know him all the time he was there? I knew very little of him; he was a person I very seldom came in contact with.

1030. Do you remember what business he carried on? I do not know that he carried on any business, except that he was employed by Major Innes, and living in one of his houses, where he had the selling of wine. I do not know what processes he was required to allow the wine to go through, but he was employed in that way by Major Innes, at a place called Clifton, a mile and a half from Port Macquarie.

1031. What circumstances was he in? I cannot pretend to say. I believe he was in very low circumstances indeed when he came down. I am under the impression that he was quite destitute.

1032. What character did he bear? Nearly as bad as it is possible for any man to bear. I never heard of a redeeming trait in his character.

1033. You would be surprised, I imagine, to hear that he had at that time £600? Of course I cannot pretend to know what the man's circumstances were, but I had no idea he was possessed of any money.

John

John Williams, Esq., called in and further examined:—

1034. *By the Chairman*: You have some papers which you have been requested to produce? I have here the depositions taken at Bungay Bungay, apparently in October, 1854, in the case of the Queen against Charles Skerrett, for horse-stealing, on the information of Miss Kelly. (*Produced*.)
1035. We only desire, I think, a copy of the evidence of Margaret Skerrett in that case? (*Deposition produced, and copy handed in. Vide Appendix.*)

J. Williams,
Esq.
7 Nov., 1862.

APPENDIX.

Margaret Skerrett, being duly sworn, states:—I am a daughter of the defendant, Charles Skerrett, and am going on for seventeen years of age.

By Prisoner: I see my name to the paper I now hold in my hand; it is dated 6th of June, 1854, and numbered 2. I witnessed this agreement between Miss Kelly and my father. I saw Miss Kelly sign it; I saw Miss Kelly take it back again after signing it. You said to Miss Kelly you would rather that somebody else had witnessed to the payment of the money. I saw no money paid.

By Mr. Mullen: The document was written in Miss Kelly's front room. The signatures of the parties signing were all done at the same time, and with the same ink. Miss Kelly, my father, my sister and myself, were the only parties in the room. My father and another man, named Turner, were about the place; also, Ann Andrews, now present. My father has not spoken to me about this case before coming to Court, only about my having signed the paper; he told me I had only to speak about signing the paper. I have only once seen Miss Kelly branding cattle at Brimbin after the agreement was signed; no other cattle could have been branded there without my knowledge. Miss Kelly took back the paper because father said he would rather have some one else to witness the payment of the money. My father made use of some of the stock shortly before Miss Kelly left; I don't know anything about one particular bullock that was killed—four bullocks have been killed since we have been at Brimbin. I cannot say whether there was any specific agreement between Miss Kelly and my father about those bullocks; I was not in the room when the agreement was drawn up—Miss Kelly called me in to witness it. I was not present when Miss Kelly cautioned my father not to remove any of the cattle. I was present in the room when Miss Kelly signed the paper; she was sitting down when she signed it. When she got up I sat down, and used the same pen and ink—it was immediately after she signed it. I saw my sister sign it also; she signed it before I did.

MARGARET SKERRETT.

Sworn before us, at Bungay Bungay, }
this 20th day of December, 1854. }

EDW. D. DAY, J.P.
JOHN CROKER, J.P.
JAS. HAWTHORNE, J.P.

WEDNESDAY, 12 NOVEMBER, 1862.

Present:—

MR. CUNNEEN,

MR. FLETT,

MR. W. FORSTER,

MR. MORRICE,

MR. MORRIS,

MR. STEWART.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

The Honorable John Hubert Plunkett, Esq., M.L.C., examined:—

1036. *By the Chairman*: Do you remember the trial of Charles Skerrett for cattle-stealing, in 1855, from Miss Kelly? Yes, I have a distinct recollection of the trial.

1037. The trial, I believe, was based upon the alleged forgery of a document of this description (*handing certain papers to the witness*.) These documents purport to be memoranda of the sale of these cattle by Miss Kelly to Skerrett, which Miss Kelly denied having signed? I believe the case turned a good deal upon whether certain documents were forged documents or not; but the case came before me, as Attorney General, in the ordinary way from the Police Office—I forget now what Police Office, it is so long ago—and the indictment was for cattle-stealing. Then the further question came before the jury, whether it was a stealing of cattle or not. If these documents put forward were not forgeries, but an agreement between Miss Kelly and Skerrett, of course there was no stealing, and the case would fall to the ground. According to my recollection of the case that was what it hinged upon.

1038. It hinged upon the validity of the documents that were put forward at the time? I think very much. I recollect it was a very long trial; it commenced early in the day, continued through the night, and did not terminate until a very late hour, or rather an early hour on the following morning—three or four in the morning.

1039. Do you remember if Skerrett was found guilty? He was found guilty.

1040. Do you remember the Judge's sentence—his sentence was ten years? I have no distinct recollection of that; when the case was out of my hand I thought no more of it. Skerrett's defence was based upon these documents, and some of his family—his daughters—

1041. Were brought up as witnesses to prove the validity of them? Yes; I think one or two of his daughters, and a very young boy, were examined as witnesses. I recollect that I had a very painful feeling at seeing the exhibition these children made in Court.

1042. I suppose you were under the impression that they were not telling the truth? The jury found that they did not tell the truth.

1043. Was there anything remarkable in the manner in which they gave their evidence? I cannot bear all the details in my recollection, but I recollect that I had to reply upon the whole evidence, and I made the usual observations that the evidence called for in the case, as I was in the habit of doing in all cases that required a reply, but it was out of my mind after that. I considered, and I consider up to the present time, that no prisoner ever arraigned at the bar of justice had a fairer trial. I further remember, that five or six months after the trial took place I received a note from the Chief Justice, putting a question (he was the Judge who tried the case) whether I had any reason to alter my mind respecting the

The Hon.
J.H. Plunkett,
Esq., M.L.C.
12 Nov., 1862.

The Hon.
J.H. Plunkett,
Esq., M.L.C.

12 Nov., 1862.

the fairness and propriety of the verdict in Skerrett's case, as his family were urging him upon the point. That made me revert to the whole of the case, and I wrote back to the Chief Justice to say that I had again considered the case, and thought a fairer trial had never taken place. That confirmed the circumstances in my mind.

1044. I understood you to say that was about five months after the conviction? Some time after—within the year. I considered the jury that sat upon that case a highly intelligent jury, and it was entirely a jury question.

1045. Some four or five years after, Skerrett was liberated and pardoned, and, I believe, as soon as he was pardoned, he took advantage of these papers and had Miss Kelly brought up for perjury? So I heard, and I was very much surprised to hear it.

1046. I believe it was assumed at the trial that it was fully proved that she had given a bill of sale —? I recollect, at the trial, that there was one point that was not entirely satisfactory.

1047. At the trial of Skerrett? At the trial of Skerrett. I think it appeared, according to Miss Kelly's case, that Skerrett came from Sydney, and told her at the Manning River that her agents, some auctioneers in Sydney —

1048. Rich, Langley, and Butchart? Yes, that they had sold all her cattle. She expressed her astonishment, I think, that they should have sold all to Skerrett; and said that she did not give them authority to sell some part. I forget what passed now; but, however, from the price he stated he had given, she expressed herself satisfied with his representation, but objected, until she got advices from her agents of the sale and the payment of the money, to give him possession of the cattle, which he pressed her very much to do. Upon this point one of the firm—I forget which, perhaps two of them, or perhaps all—were summoned on, I think, the part of the Crown, to give evidence, and they were called.

1049. I think it was on the part of the defence? I think they were also called for the Crown; however, that I cannot be certain of at this distance of time, but I was very desirous that one of them should appear, and was very much disappointed that they did not appear, because it could then have been ascertained how far Skerrett had told the truth to Miss Kelly, or otherwise; but they did not answer to the summons, and the case went to the jury without the evidence of any one from that firm; and I thought that the only unsatisfactory part in the whole case.

1050. The point that I was desirous of having your evidence upon was, when Miss Kelly was put upon her trial for this perjury, would her case be damaged by the non-production of these alleged forgeries? I know nothing about the trial for forgery; I was not in office at the time. I am a stranger to all that, and could hardly give an opinion; but if the question were one of forgery or no forgery, it could hardly be satisfactorily determined without the production of the document said to have been forged.

1051. *By Mr. Stewart:* You were not Attorney General at the time Miss Kelly was put upon her trial? No; I was Attorney General when Skerrett was prosecuted in 1855, but I ceased to hold office after the inauguration of Responsible Government.

1052. Then nothing came to your knowledge to lead you to suppose the conviction of Skerrett was improper, during the period you were in office? No, it passed through my hands, like a hundred, or perhaps a thousand, other trials that I had no interest in more than in assisting in the proper administration of justice; and, so far as my judgment led me to believe, it was as fair a trial and as proper a conviction as ever took place.

1053. There was nothing unsatisfactory in it, excepting the non-appearance of one of the firm? That was the only point that was not quite satisfactory to my mind. I have this recollection, that I thought Skerrett was very ably defended by Mr. Holroyd. I think, according to my recollection, that there was something said about Mr. Rich or Mr. Langley, whichever it was, being absent—it was afterwards I heard of it—and that he said the Crown Solicitor gave him leave to go away. The Crown Solicitor summoned him, but said he did not want him as a Crown witness, as the case for the Crown was then closed, and that, so far as he was concerned, he could go away. Whether there was an application to have the case postponed on that ground I do not recollect, but I think it was considered desirable on all hands that the case should be gone through—that there should be no adjournment till the case was ended, as the jury could not separate. I think it was the wish of the jury. It was a very long trial, and I had to speak to the evidence at some length at two or three in the morning, after a very tiresome day.

1054. The conviction of Miss Kelly afterwards for perjury, would, in effect, be a reversal of the judgment then come to—her trial and conviction upon the documents that were produced was tantamount to an acknowledgment that he was improperly convicted? I think it would not follow conclusively in a trial for perjury; if the prisoner could give evidence for himself, his family, who were not believed by the former jury, came in aid of him, Miss Kelly's mouth would be closed.

1055. *By the Chairman:* The Chief Justice, in his evidence before a former Committee, says this trial was virtually a trial for forgery, although under the form of a trial for cattle-stealing? So I said, that it hinged very much upon that; in fact it was so much so, that if the jury had not convicted him of stealing, he would have been open to an indictment for forgery.

1056. *By Mr. Stewart:* The jury, at the time of the conviction of Skerrett, must have been satisfied that these documents were forged? I think, when they delivered in their verdict, they stated expressly upon that point, that they were satisfied the documents produced were forgeries, and that the witnesses—that is, the children—did not tell the truth. Whether the question was put to them by the Chief Justice, who tried the case, I do not recollect, but I have a distinct recollection of their finding that expressly. After the trial I knew nothing of Skerrett at all, but I had great sympathy with his family, under such circumstances, and his family—his wife and daughters—used to come to my wife to try to get her to interfere on Skerrett's behalf. I always made it a point that my wife should never speak

speak to me upon any matters of that kind, and I requested that she would not do so, and that she would not allow these people to see her at all; but they absolutely persecuted my wife, and called at my house to urge my wife, for a considerable time, to induce me to do something for the father. I had a great deal of sympathy for the family, who suffered so much from the fault of the father; but I was so well satisfied that the verdict was a just and proper one, that I never moved in the matter in any way. When I got the note from the Chief Justice, that I before alluded to, I attributed it to the same sort of pressure upon him.

The Hon.
J.H. Plunkett,
Esq., M.L.C.

12 Nov., 1862.

1057. If you had felt any doubt of the case, your sympathy would have led you to make further inquiry? Yes. In any case where I felt any doubt I made it a conscientious point to confer with the Judge, to be satisfied upon the matter one way or other; but I never had any doubt in this case at all.

1058. *By the Chairman*: Do you remember a person named William Turner being absent from the trial, who was said to be the witness to this paper? Yes; I recollect there was a witness of that name, respecting whom inquiry was made, in order to have him as a witness for the Crown, but he had absconded from the country, and there was no account of him.

Mr. Thomas Findley called in and examined:—

1059. *By the Chairman*: This is a Committee of the Assembly to inquire into the allegations of a petition from Isabella Mary Kelly—one of the Committee thought you knew something of the matters referred to, and at his suggestion you have been summoned to attend;— have you anything you desire to say in the case? Yes. I went over to Brinbin in 1854, in June, with a friend of mine who wanted to purchase some cattle, Mr. Angus Cameron. I saw Miss Kelly at her residence at Brinbin, and made my business known to her. She said she was sorry she could not sell any of her cattle, as she had already disposed of them to Mr. Skerrett, but that she would recommend me as a customer to be supplied with beef by him. I went over to her place a short time after that, and met Skerrett on the road. I did not know him at that time, but when I was told it was Skerrett, I asked him if Miss Kelly had recommended me as a customer to be supplied with beef from, and he said no, she had not mentioned my name, only Mr. Moylan; that is all I have to state.

Mr. T. Findley.

12 Nov., 1862.

1060. *By Mr. Flett*: You say you went to purchase cattle from Miss Kelly, as usual? No, I had not bought any before.

1061. Did Miss Kelly tell you distinctly she had sold all her cattle to Skerrett? Yes.

1062. You believed what she stated at the time? I had no hesitation in believing it; I had not the least doubt of it.

1063. Is it your own belief that the sale was a *bonâ fide* one? It always struck me so.

1064. Have you heard the opinion of the people of the Manning? They are all of the same opinion, mostly.

1065. That it was a *bonâ fide* sale? I had no hesitation at the time in believing that it was a *bonâ fide* sale.

1066. *By Mr. Stewart*: You said just now that you had not bought cattle from Miss Kelly? No; I went over with a friend to buy them for the first time.

1067. Have you had any dealings? Never so much as sixpence passed between us. She said she could not dispose of these cattle to me, for she had already disposed of them to Skerrett, but that she would recommend me as a customer to be supplied with beef.

1068. *By Mr. Forster*: Are you a resident on the Manning? Yes.

1069. Do you know anything of Skerrett and his family? No, I do not, except from seeing him pass by.

1070. You have never had any conversation with him? No, except in giving him a drink of water, or a light for his pipe, when he has passed by.

1071. Do you know Miss Kelly? I knew Miss Kelly when she was at Mount George; I was once in her house, but I never had any dealings with either of the parties.

1072. Do you know anything of the character Skerrett bore in the district? Latterly he did not bear a very good one, but whether it was true or not I could not say. I had no acquaintance with him further than I have said.

1073. Were you aware of any other sales being effected to anyone else? No.

1074. I mean either by Skerrett or by Miss Kelly? Skerrett sold some cattle to Charley Turner.

1075. At that time? No, afterwards.

1076. Are you aware of the circumstances? No.

1077. You merely heard it? I merely heard it.

1078. Do you know anything of a man named William Turner? Yes, I have seen him once or twice, but I have no acquaintance with him.

1079. There were two Turners, I believe? Yes, father and son.

1080. Were they long in the district? That I cannot say; not very long.

1081. Do you know when they left it? No, I do not.

1082. *By Mr. Morris*: Are you sure as to the date when you went to Miss Kelly's? It was in 1854, in June.

1083. Are you sure it was in June? Yes.

1084. How are you sure it was June—what fixes it upon your memory—did you make any note of it? From memory; I do all my things by memory, for I am not a very good scholar.

1085. Do you think the month of June has not suggested itself to you from having heard this sale so much talked about? That question I can answer very simply; I was ploughing for wheat at the time.

1086. Do you live close to Miss Kelly's? No; four or five miles from Brinbin, on the bank of the river, midway between Tarree and Wingham.

1087.

- Mr. T. Findley. 1087. Where did you see Miss Kelly? At her residence at Brimbin; I went there.
1088. Could you carry your memory back sufficiently to say whether it was at the end or the beginning of June? No, I cannot; but I think it was at the beginning of June; it was on a Saturday, I remember that perfectly, but the day of the month I do not know.
1089. *By Mr. Flett*: One of the questions put by Mr. Forster has suggested another to me;—he asked you what sort of character Skerrett bore on the river;—I will ask you now what sort of character Miss Kelly bore on the river? I cannot say anything about the lady, for or against. I have always received hospitality from her when I have called; if I went her way and called in I was entertained. I have been several times to her residence while at Brimbin and Mount George—only once at Mount George.
1090. *By Mr. Stewart*: Did anything occur to prevent your making the purchase of cattle from Skerrett? He was to come on a certain day, and he disappointed me. I went over to Brimbin, and he said all the cattle were sold, and I then went to Saville, on the Lansdowne.
1091. The failure was on his part? Yes, I never got a beast from him.
1092. *By the Chairman*: He said he had sold the cattle to Turner? To Charles Turner.
1093. That is no relation of William Turner? No, he is not of the same family.

Mr. Phillip Dew called in and examined:—

- Mr. P. Dew. 1094. *By the Chairman*: This is a Committee appointed by the Legislative Assembly, upon the petition of Isabella Mary Kelly, with reference to some matters connected with cattle selling, cattle stealing, forgery, perjury, and I do not know what;—do you know anything of these matters? Yes; I recollect the affair very well, at the time Miss Kelly sold the cattle to Skerrett in this affair.
1095. Were you present at the sale? I was not present at the sale.
1096. You know only that she sold them by report, by common repute? All I know of the affair as regards the sale of the cattle is, that I met Miss Kelly in 1854, about June, and she told me she had sold her cattle to Mr. Skerrett; I replied, "If I had known you had wanted to have sold your cattle, I should have liked to have bought them;" she said, "No doubt, if you go to Mr. Skerrett, and wish to purchase, he will sell them;" accordingly I did so.
1097. Did he sell you any? I purchased a number of cattle from Skerrett a short time after, and because she disputed his right to sell, although I paid for them I never had the cattle; rather than take them to get into trouble I had to be satisfied with the loss of my money.
1098. What price did you pay for them? I paid, I think, £3 10s. a head for bullocks, and £30 for one horse.
1099. Were they fat bullocks? No, they were bullocks for breaking-in. I was breaking-in two or three of them, and Miss Kelly saw them in the yokes.
1100. How many did you buy? I bought five bullocks at £3 10s., and one horse for £30, and as I was keeping a store at the time, I advanced £26 worth of goods on account of some more cattle. I think it was £26 worth, but it is so long ago that I cannot be quite certain; I have the receipt at home.
1101. You say you did not get either the horse or the bullocks? Neither of them—Miss Kelly had them.
1102. What breed of horse was it—a cart horse or a race horse? I considered him one of the pick of the horses of Miss Kelly. I bought him for Dr. Bowker, of Newcastle, who ordered me to get him a good unbroken colt, and I thought this the pick of Miss Kelly's.
1103. What age was he? I think five or six years old when I bought him.
1104. I suppose it was a coach horse? No, it was a very nice cob, fit for any gentleman to ride up and down Sydney on.
1105. You considered him the pick of Miss Kelly's horses? Yes, I did.
1106. It was a good price for an unbroken colt? Yes; but horses were selling well at that time. I was not particular, if I got one that pleased Dr. Bowker, to £5, and he was not particular.
1107. You never got this? No.
1108. Was it in consequence of hearing of this disturbance between Miss Kelly and Skerrett that you did not take possession? I did take possession, but hearing of the disturbance between Skerrett and Miss Kelly, I thought the first loss was the best, and I did not keep them.
1109. Of the purchase of the cattle from Miss Kelly by Skerrett you know no more than you heard from Miss Kelly? Nothing more than what I got from Miss Kelly; what I got from her own lips led me to lose what money I did lose.
1110. *By Mr. Flett*: Had you known Skerrett for some time before this? I met with Skerrett, and had some dealings with him, before I knew Miss Kelly.
1111. Are you aware of anything against Skerrett's character during the time you have known him? No; the first time I saw Skerrett was at Raymond Terrace. He had brought down seven horses, and I purchased three of them for Mr. Brown, of the coal works, at Newcastle. The next morning I made him another offer of £230 for the lot. They were a very good stamp of horses.
1112. That was before Skerrett had purchased Miss Kelly's? Yes, before I heard of the sale of these cattle.
1113. Are you aware that Skerrett was in the habit of bringing down valuable horses for sale? Yes; that was the first time I saw him. I afterwards saw him with two or three batches of horses, but I was not in want of them.

1114. Were you under the impression that he was a poor man, and had not the command of money? I am certain he was not, for when I paid him the cheque he pulled out his pocket-book, and I saw it contained notes; they might have been £5 notes, £10 notes, or £20 notes. Mr. P. Dew.
12 Nov., 1862.
1115. That was besides the money you paid him? Yes; he had £200 worth of horses the first time I saw him. At that time horses would fetch a good price, and if I saw a man with several good horses I knew he must have money to buy them with.
1116. You have seen him with several other batches, you say? Yes, before this dealing with Miss Kelly and Skerrett.
1117. Was it always your belief that Miss Kelly had made a *bonâ fide*—a real sale of cattle to Skerrett? Yes, certainly; if I had not believed so I should not have been so foolish as to buy them of him.
1118. Was that the opinion of the people on the river, so far as you know? Yes, they had no reason to doubt Miss Kelly's word at the time, or Skerrett's, when she said she had sold them and he said he had bought them.
1119. Many years having elapsed since then, what is your belief now? I have always believed that there was a bargain made between the two; in what way I know not.
1120. What is the general opinion of the people at the Manning respecting this sale? The general opinion is that Skerrett really bought this property. When I have said that, I believe that is all I could say respecting that affair. I am still under the impression that he never paid for them.
1121. You think he purchased them? I do.
1122. Do you know what object Miss Kelly and Skerrett might have in making a sale of this description? One reason, perhaps, that Miss Kelly might have for making this sort of bargain was, that Miss Kelly knew she could not get the cattle mustered as long as it was known they belonged to her; at least, that is the opinion of a number of respectable people on the Manning—more than 100 that I can name. They believe that Skerrett said they were his, and Miss Kelly told the same tale, in order that she might get them mustered. Another opinion is, that Miss Kelly was in some trouble at this time, about some cattle branding, and Skerrett was bondsman for her; and when he came out of Court, I remember he said he had been purchasing Miss Kelly's cattle. I had no reason to disbelieve it; and in a few days Miss Kelly told me herself that he had bought her cattle.
1123. *By Mr. Morris*: That was a few days after Miss Kelly was brought before the Bench at Bungay Bungay? Yes, it was after she was committed at Bungay Bungay she told me this. My family were at Raymond Terrace at the time.
1124. I want you to fix the time? It was after she was committed.
1125. How long after? I am not able to say how long; it may have been some weeks, but I am not certain as to that. I know it was after she was committed at Bungay Bungay.
1126. *By Mr. Flett*: Are you aware of any losses Miss Kelly has sustained through the sale of her cattle to Skerrett? Skerrett had taken one horse of Miss Kelly's, an unbroken colt, and I was at the steamer at Raymond Terrace when I saw him; I was going on to Sydney; and there were some cattle sold for Mr. Begby; he sent twenty from ——— to Maitland.
1127. Do you know of any more? Yes, there were some mustered and sold on the Manning River, some eight or nine, which realized only £8 or £9. Mr. Poole told me so only last Saturday, when he was at my house.
1128. You are not aware of any other losses? No, I do not think so; the cattle I bought myself Miss Kelly got the benefit of, and the same with Murray. Murray was like myself—he thought it was better to lose the cattle than to get into any trouble; so that Skerrett got the benefit of the money, and Miss Kelly got the benefit of the cattle.
1129. She could not have lost money on the Manning without your knowledge, as she is your next neighbour? No.
1130. After her imprisonment in Sydney, are you aware whether she sustained any loss? I think her property has never been so well looked after since I have been on the Manning as it was at that time—for Mr. Gerard looking after them, and Mr. Begby purchasing the cattle, there was a strict watch to see that Skerrett took none of them away.
1131. Are you aware of any loss she sustained in consequence of the sale of her cattle to Mr. Begby? I do not know what Mr. Begby paid for these cattle; I know something like what he collected; as, from knowing the herd, I assisted him in gathering them for the sake of getting my own, as some of them were with mine. What he paid Miss Kelly I know nothing about.
1132. Did you ever hear the number Miss Kelly sold to him? I believe from 500 to 700, but I believe he never found half that number.
1133. Did you ever hear that Mr. Begby never mustered more than 250? Yes.
1134. That Miss Kelly sold her cattle under false representations? No doubt. The poor fellow was picked up—he knew nothing about cattle, and was taken in. For cattle such as he bought, £400 would have been the outside value, according to what he mustered.
1135. You have been many years upon the Manning River, and are well acquainted with stock and the value of stock? Yes.
1136. At what do you value Miss Kelly's property at present, or some years hence, say five years hence? Do you mean her cattle, horses, and land?
1137. Everything she has got—Mount George, the fifty acres at the creek, her cattle, and horses? I know nothing about the fifty acres at the creek.
1138. Will you put a value upon her horses, cattle, Mount George, and other property? I think Miss Kelly would have made a good sale if she had sold all she has on the Manning River for £1,500.
1139. Have you ever told that to Miss Kelly herself? Yes, I told her so a few days before she left, when she was at my house. I saw a paper there where she had put down £15,000.
1140. Miss Kelly, you say, was at your house? Yes, she called on Sunday and left on Tuesday.
- 1141.

Mr. P. Dew. 1141. How long is that ago? About three weeks ago; I paid very little attention to what she said.

12 Nov., 1862. 1142. You say you saw a paper of hers? I saw a paper printed—some of the Members of Council, I believe, had a copy of it—and she had put down £15,000 as the value of her property, and I thought Miss Kelly must have made a great mistake, and have added a figure too many, as no man's stock on the Manning River is worth anything like the money; there are only one or two estates anything near it.

1143. *By the Chairman:* I suppose Mr. Flett's is? I dare say it is; but we little people put down our property by hundreds, not by thousands.

1144. *By Mr. Flett:* What conversation took place between yourself and Miss Kelly that day? There was not much conversation. Miss Kelly was stopping at the house, and said something about if I could do her a favour respecting anything—as this case was coming before the Committee in Sydney—if I could do anything for her she would be very glad. I did not wish to have anything to do with it, either for or against, for I had been loser enough.

1145. What did she want you to do? To take a letter from me that might be of some service, for it is generally known on the Manning River that I am as well acquainted with the value of live stock as anyone in that part of the country. I have been brought up to it from a child, and if I had represented to you that the cattle were worth some £5,000 or £10,000, you might have placed some reliance upon it.

1146. Did she positively ask you to value her property at £15,000? Yes. I told her I would scorn the very idea of seeing such a thing in print.

1147. You still value her property at £1,500? Yes; I say I would be sorry to give it. I have bought and sold a great deal for other parties, as well as on my own account, and if I had the money I should be sorry to invest it in that way.

1148. *By Mr. Stewart:* You say that Miss Kelly, about June, told you that she had sold her stock to Skerrett? Yes, she did.

1149. Then after that you purchased from Skerrett? Yes, I did.

1150. How long subsequent to this purchase was it that Miss Kelly again claimed the stock? I think I had it in my possession a month or six weeks. I had broken in some of the bullocks, and Miss Kelly saw them in the yokes. I was in Sydney at the time, and she told Mrs. Dew that she would bring an action against me, which frightened my wife, and she told the man to let the bullocks out of the yokes.

1151. You at once gave them up? I gave them up; I never touched a beast of them after that.

1152. *By Mr. Morrice:* You said that Miss Kelly told you that she had sold the cattle to Skerrett—did she say that she had sold them herself, or that her agent had sold them? She never named any agent; she said, "I have sold my cattle to Mr. Skerrett."

1153. Do you know how many cattle Miss Kelly had altogether? I would not think that Miss Kelly, while I have been on the Manning, has ever had over 400 head, if she has ever had that number.

1154. Do you know certainly that she had not? No; though Mr. Begby said it was hard work to collect the number he did, although he got bulls into the yard which were useless when he got them.

1155. *By Mr. Forster:* Under what circumstances was it you asked Miss Kelly to sell them to you—did you meet her, or did you go to her house? I met her on the road, when I was backwards and forwards at the Manning, and my family were at Raymond Terrace. I had been taken ill when I was at the Manning, and remained at Andrews' house; he kept an inn at the time, and I remained there some time before I could be removed to get advice. After I got strong enough I started for Maitland, and met Miss Kelly on my way. She complained of Mr. Andrews being an unkind neighbour, and said, "but it makes no difference to me, as I have sold my cattle to Mr. Skerrett."

1156. Did you first offer to buy her cattle of her? No.

1157. Under what circumstances, then, did she make this remark? I met Miss Kelly on the road, and she said she was very sorry to hear I had been ill, and had been placed where I was, where I could not get any good medical advice. She said she had always been sorry she had come into the neighbourhood where there were such bad neighbours; however, she should have nothing to do with them now—"I have sold my cattle to Skerrett."

1158. This was before you made any offer to buy? I never made any offer.

1159. She volunteered that information to you? She volunteered that information; she told me she had sold her cattle to Skerrett.

1160. Did she refer to the bad neighbourhood;—what did she mean by saying that she had such bad neighbours? I was a new man, and had been buying sheep and cattle, with a view of settling on the Manning River, and she said I had got among bad neighbours, and that she was sorry, having such a large family, that I should get among such people, but that it made no difference to her now, as she had sold her cattle to Skerrett.

1161. What led you to make this purchase afterwards of Skerrett? I was buying cattle about this time; I had taken a station, and I had bought, at Maitland, seventy cows of the Australian Agricultural Company, and as I had these bullocks of Miss Kelly's on my own place, I went to Skerrett to buy them.

1162. After hearing this you went to Skerrett to buy them? I did. I saw Skerrett —

1163. You went to his place? The first I saw of him was on board the steamer. I was coming to the steamer with some horses. I said, "Good day, Mr. Skerrett; I wanted to see you." "Very good," he said. "I believe you have been buying Miss Kelly's cattle." He replied, "Yes, I have, and I am coming up to muster them—have you a good saddle horse?" I said, "Yes, I have two," and I added, "I would like to buy some of the cattle of you, some that are on the Woolshed Run," that was the name of my place. I said, "I will buy five bullocks." We agreed there and then for the price, and I paid for them.

1164. That was not at his own place? No, on board the steamer.
1165. You went afterwards to get them? No, they were on my own run. As soon as I arrived home from Sydney we went out and yoked up four of the bullocks.
1166. In consequence of the arrangement previously made with Skerrett? Yes, when I went home.
1167. Was that transaction in writing? Yes, I produced the receipt in Court.
1168. Did this writing take place on board the steamer? No, the writing took place in my own house.
1169. I think you are, to some extent, confusing the circumstances—you say first of all with regard to Skerrett, that you met him on board the steamer, and made this bargain there? Yes.
1170. Where did the writing take place? I never saw Skerrett after he left the wharf that night when we came into Sydney. When I parted with him I said, "When will you be up?" and asked him to call at my place. I was then living at the crossing-place at the Manning River, and he called when he came up, and gave me a receipt for the money.
1171. You were without any money up to that time? Yes, till he returned from Sydney.
1172. Can you mention the date when this arrangement took place between you and Skerrett, on board the steamer? I have the receipt for the cattle at home, and produced it in Court in Sydney three or four different times; I will not be certain whether it was not somewhere at the commencement of July.
1173. July, 1854? I think it was.
1174. That is to the best of your belief? Yes; it is nine years ago, and I cannot speak positively.
1175. Did you take possession of these bullocks without any further writing? I did not take possession of them till Skerrett came up and gave me the receipt.
1176. You waited till Skerrett came from Sydney? Yes, before I touched the bullocks.
1177. When he came back from Sydney you completed the bargain by writing? Yes.
1178. In your own house? Yes.
1179. You got a receipt from him? Yes.
1180. And paid the money? Yes.
1181. What was the amount for the bullocks? I think £15.
1182. After this how soon did you get possession? I suppose in a day or two.
1183. Did you take possession without any further reference to Skerrett—did he deliver them? They were on my run.
1184. You took possession of them on your run? Yes.
1185. Without any personal delivery by Skerrett? There was no delivery by Skerrett.
1186. Did you buy any other cattle from Skerrett? I bought only these cattle, and the one horse I mentioned.
1187. Was the horse delivered by Skerrett? No, I never had the horse in my possession, for I did not want to take this horse to Mr. Bowker for some time. I never tried to get possession of the horse. Miss Kelly, when she came from Sydney, stated that she had never sold the cattle at all. I was not at home at the time —
1188. I do not wish you to enter into these particulars;—you say you never got possession of the horse? I do.
1189. Was that transaction in writing also—was there a receipt? I had a receipt.
1190. You say Miss Kelly assented in this way: that she stated she had sold her cattle to Skerrett—and you considered that sufficient? Yes.
1191. Did you ever see Miss Kelly and Skerrett after this, at any time? I do not think I did.
1192. Then you cannot say whether Miss Kelly admitted this sale to have been a correct one afterwards? When she came up from Sydney she said the cattle were not sold at all.
1193. How long after was that? About a month. Mrs. Dew said to her, when she spoke about the bullocks, "You told my husband that you had sold your cattle to Mr. Skerrett." She said, "It is not so; they are not sold."
1194. She said it was a mistake? I do not know about a mistake.
1195. You were aware before this that the cattle were Miss Kelly's property? I knew they were Miss Kelly's property when I went on to the Manning River.
1196. When the transaction was afterwards broken off, did you get your money back? Never, not a penny.
1197. Are you aware whether Miss Kelly ever got the money from Skerrett, or any part of it? I have not the least doubt that Miss Kelly sold the property; as to whether she got the money I could not state.
1198. Did you hear the particulars of what she was to get? Something like £400 or £500, and I saw a receipt, which I considered genuine, for £400.
1199. Would you know the receipt again if you saw it? I do not know; it is a long time since I purchased the cattle.
1200. Is that the receipt? (*Handing a paper to the witness.*) I think that is the same.
1201. Look at that beneath it (*referring to the documents before the Committee*)—is that the same? Yes, I saw the bill.
1202. To the best of your belief you saw these two documents at that time? Yes.
1203. Who showed them to you? Mr. Skerrett.
1204. Was Miss Kelly present? No.
1205. Do you know anything of her writing? No; that (*referring to the signature to the bill of sale*) very much resembles her writing.
1206. Have you seen her writing? Yes.
1207. That is like her writing, is it? I am not a sufficient judge to give my opinion.

Mr. P. Dew.

12 Nov., 1862.

- Mr. P. Dew. 1208. Do you know anything of Skerrett's handwriting? I have had his writing.
1209. Is any writing there like Skerrett's? Yes, I would fancy this is his writing—the body of the paper.
- 12 Nov., 1862. 1210. Would you say that the body of the other was Skerrett's writing? Yes, I would think it was.
1211. Are you sufficiently acquainted with Skerrett's writing to say you think it is like it? All I know of Skerrett's handwriting is from the receipts I have of his for £105 for horses, and for what I bought of him at Miss Kelly's.
1212. Are these in your possession? Yes, I believe Mrs. Dew is in possession of them; she takes care of all my papers.
1213. Would you be able to show these to the Committee? I have not brought them with me.
1214. You say you never got your money from Skerrett? No, I wish I could.
1215. Did you ever ask him for it? No.
1216. How was that? I thought I should be just as forward if I asked him for it as I should if I did not.
1217. Skerrett never offered it? No fear. I consider that I lost more by the transaction between Skerrett and Miss Kelly than Miss Kelly lost by the cattle that Skerrett took away.
1218. You consider yourself an injured person? Yes, more than Miss Kelly.
1219. Do you consider Miss Kelly to blame for that? Yes, because she told me she had sold her cattle to Skerrett. With my large family I could not afford to lose £60 or £70, and not get a penny back for it.
1220. When you stated the total value of Miss Kelly's property, did you include all the property on the Manning? Mount George and all the cattle and horses. I think the landed property may be worth £500.
1221. In addition? No; I know the estate as well as my own house.
1222. Do you know much of Skerrett? What I have stated. I saw him the first time at Raymond Terrace, as I have said, and the man was honorable enough for me; he acted in a straightforward way at that time, and when I purchased these cattle, I considered that he was acting in the same straightforward way, and should have trusted him if it had been for 500.
1223. Did he bear a pretty good character down there among other people? I do not think he does.
1224. Do you think he is wrong in his wits at all? I observed that more after I had lost my money than I did before.
1225. *By Mr. Flett*: Did you find him straightforward in making a bargain—that there was no quibbling about him? Yes.
1226. *By Mr. Cunneen*: You did not consider him a fool? No, I would not consider him a fool, either; I think Skerrett far from being a fool.
1227. *By Mr. Forster*: Do you know anything of Miss Kelly's character? I never had any transactions with Miss Kelly in my life, and I never wish to have. I did not wish to have any interference in this matter at all, for I know I am an injured man by both.
1228. Did you ever hear anything on the Manning against Miss Kelly's character from other people? I do not think anyone could hardly do Miss Kelly a kindness but she would think they had some motive in view, and would turn round directly afterwards and do them an injury. That is my opinion of her.
1229. Are you aware of any other sales having been made to other people by Skerrett or Miss Kelly? A number of her horses have been sold at different times; they were generally put into the hands of an auctioneer.
1230. Did you know her or Skerrett to sell cattle or horses about this time? Skerrett sold a number.
1231. Were you present at the transaction? No, I merely heard about it.
1232. Did you ever hear of Skerrett riding her horses about? I never saw Skerrett riding more than one.
1233. Did he ride it about commonly? Yes, he was riding it before his conviction and after his conviction.
1234. Where was Miss Kelly at this time? The last part of the time she was in Sydney. I met him at Gloucester with the same horse, and it got away at Stroud and got back to the Manning River. After Skerrett left Cockatoo, he was at the Manning on the same horse.
1235. *By Mr. Flett*: You mean that Miss Kelly lost only one horse by Skerrett? Yes, he could not get them away—Gerrard and the other watched him too closely.
1236. *By Mr. Forster*: Do you know anything of Skerrett's family? Of the elder branches, three or four of his children.
1237. Do you know his daughters? Yes, three of his daughters.
1238. Did you ever see their handwriting? No.
1239. Were they pretty well educated? I would not think they were.
1240. *By Mr. Cunneen*: After you had purchased these bullocks of Skerrett, did Miss Kelly claim them? She did.
1241. How long after you had taken them? I think I had them somewhere about a month.
1242. Did she claim them directly? As soon as she came up from Sydney, when she saw them at my place in the yokes; and as soon as she claimed them Mrs. Dew ordered the man to let them out of the yokes.
1243. Did you think you could not establish your claim—had you a doubt of Skerrett? I might have established my claim, but it would have cost me more to have done it than the bullocks were worth.

1244. Then you abandoned your claim to £73 10s. without making any demur? Yes. Mr. P. Dew. When I found Skerrett was taken and convicted, what good was it for me to take the case into Court, where it was proved to the satisfaction of a jury that he had stolen the cattle? 12 Nov., 1862. I thought it was of no use to spend another £50 in endeavouring to establish a right in such a case.
1245. Was Skerrett apprehended at the time you gave up this property? No.
1246. Why did you doubt your right to hold these cattle under the sale of Skerrett? These bullocks were let go by Mrs. Dew, not by me; I was staying in Sydney at that time. Had I been there I should not have unyoked them; but when I found Skerrett was apprehended and convicted, I let the matter go; if he had been liberated I should have got them back again.
1247. Did you ever know of any other instance in which Skerrett sold property belonging to Miss Kelly, where she, being aware of it, recognized his right to sell? No, I do not.
1248. She repudiated your claim directly she was aware that you had purchased? She told plenty more besides me that she had sold her cattle to Skerrett.
1249. After she was aware that Skerrett actually sold her property, did she not deny his right to do so? Yes. Turner, the butcher, and the other _____, after they had taken away the bullocks and killed them, I believe she went and claimed them as her property.
1250. In the case of Turner—when she found that Turner had purchased cattle from Skerrett, she immediately asserted that he had no right to sell the property? Yes, I heard so.
1251. Then, in no case where she became aware of Skerrett having sold her property, did she fail to repudiate his right to do so? I think not; I am not aware of one case.
1252. *By Mr. Morris:* Were you examined in the Court, either with reference to Miss Kelly's case or the other? I was examined in Miss Kelly's case.
1253. In the Supreme Court? I was.
1254. Were you examined in both cases, Miss Kelly's and Skerrett's? Skerrett subpoenaed me at the time of his trial when he was convicted, but I did not attend.
1255. Why? I did not.
1256. What was running in your mind that induced you not to attend? I thought by his selling the cattle to me I had lost enough, without running about after his business any more. I think that was a very good reason.
1257. Had you any suspicion that he was not quite correct? I had a suspicion—when I heard how he said he had paid the money, in hundred pound notes—that he had never paid the money at all. I did not like the look of that.
1258. Was it subsequent to the time that Miss Kelly was brought up under the charge of branding calves that she told you she had sold her cattle to Skerrett, or was it previously? Miss Kelly then stood committed to take her trial at the time she met me, or else I am labouring under a great mistake.
1259. Then that could not have been in the month of June, as you at first said? I believe it was the month of June when I met Miss Kelly.
1260. Can you remember whether Miss Kelly said that she had sold the cattle to Skerrett, or that Skerrett had bought them? She said, "I have sold my cattle to Mr. Skerrett."
1261. How was it that the cattle were being branded by Miss Kelly after the sale of the cattle to Skerrett? I never knew that they were.
1262. Under what circumstances were these calves branded by Miss Kelly? There were some cattle which Miss Kelly branded in her yard, and two of George Macpherson's were with them, and branded, I believe, by mistake.
1263. That was subsequent to the supposed sale to Skerrett? That was before.
1264. *By Mr. Stewart:* It was after this inquiry as to the mistake in branding that you met her? Yes.
1265. *By Mr. Forster:* She was committed to take her trial at the time she was telling you all this? Yes.
1266. *By the Chairman:* The date at which you met Miss Kelly at Mr. Andrews' you cannot very well remember? I was coming from Andrews' to my own place when I met her; it was some time in June; what was the day of the month I do not know now.
1267. Did you fix a stirrup-iron on the road? No, I fixed no stirrup-iron. I had two window-sashes on my shoulder, for a house I was building at the time.
1268. You met Miss Kelly? Yes.
1269. Was anyone with her? A little boy, at some distance behind.
1270. Did you fix his stirrup-iron? I never touched his stirrup-iron or saddle.
1271. You then first became acquainted with Miss Kelly? Yes, it was the first time I saw Miss Kelly; but she had heard of me, from being backwards and forwards on the river, and from having property on the river. I had bought 3,000 or 4,000 sheep, and was about to remove my family from Raymond Terrace.
1272. Did you ever offer to buy 100 head of fat cattle of her? Never in my life; she never had a 100 head of fat cattle during the time I have known her.
1273. Or from her overseer? Never; I never knew she had an overseer.
1274. Did you ever get a letter from any Member of this Committee, with respect to the evidence you would be required to give? I never did; all I received was a formal summons to attend here, and I left with great difficulty, for Mrs. Dew has been ill the last fortnight.
1275. Do I understand you clearly to say that you got no letter? I swear that I never did.
1276. You did not mention to anyone that you got such a letter? No; all I had I have in my pocket; it is a summons to attend the Committee, from the Chairman.
1277. You say that you valued the whole of Miss Kelly's property at £1,500? Yes.
1278. At what date are you referring to? At any time that I have been on the Manning River—that is, during the last eight or nine years.

- Mr. P. Dew. 1279. How many head of horses had she? She might have had, perhaps, if all had been collected, 300 head—if they could have been collected.
- 12 Nov., 1862. 1280. What description of horses were they? The old stock, a few years back, were good, and there are a few old mares very good; but the whole of the stock, ever since I have been on the Manning River, have been neglected, and have gone back ever since.
1281. Do you know any of her entire horses and their characters? I know one entire—he is just opposite my place.
1282. Do you know a horse of the name of Toss? No.
1283. Do you know a horse of the name of Calendar? I know Calendar very well.
1284. What sort of horse is Calendar? I set him down as not worth anything.
1285. Is he broken down? He is not the stamp of horse—he is hip-down; in short, he is a horse that no one except Miss Kelly would allow to run with mares.
1286. Do you know a horse of the name of Fashion? No, I do not. I only know this Calendar by name, but there are plenty of wild ones in the bush.
1287. And some good old mares? Some very good bred old mares. No doubt when Miss Kelly commenced on the Manning she had some good stock.
1288. You do not appear to be well acquainted with Miss Kelly's stock? Not with these fine entires; they were before my day, I think.
1289. This must have been not a bad colt that you gave £30 for—this unbroken colt? It was a very good one; there are not many like it on the run.
1290. There was a sale of Miss Kelly's horses lately? There were some thirty-eight sold, I think.
1291. How many head of cattle has Miss Kelly? I suppose about 300.
1292. Would that include young and old? That includes all.
1293. Are you aware that she had 100 head of milch cows that she let to Skerrett along with Brimbin? I am not.

Mr. Joseph Andrews called in and examined:—

- Mr. J. Andrews. 1294. *By the Chairman:* This is a Committee of the Legislative Assembly, appointed to inquire into certain allegations contained in a petition from Miss Isabella Mary Kelly, with respect to some matters upon which you previously gave evidence before a Select Committee of this House appointed to inquire into the case of Joseph Skerrett, and also before the Police Bench at Bungy Hungy, and in the Supreme Court;—I have only to ask you this,—whether there is anything in the evidence you have previously given that you wish to explain? When I was examined I believe my evidence related chiefly to the forgery, or alleged forgery, by Skerrett of certain documents; if the Committee wish to examine me upon any other matter, I shall be happy to give such information as I possess.
- 12 Nov., 1862. 1295. *By Mr. Flett:* What are you? I am at present a farmer and grazier upon the Upper Manning.
1296. You knew Skerrett and Miss Kelly? Yes.
1297. You are aware that Skerrett purchased some cattle from Miss Kelly? Yes, I was informed by Skerrett himself that he had.
1298. Will you state what Skerrett said to you about the sale of the cattle to him at the time it took place? I was not in communication with Miss Kelly at the time the alleged sale took place, but I recollect, during the examination before the Police Bench at Bungy Hungy or thereabout, when I asked her why did she tell the people at the Manning that she had sold her cattle to Skerrett, that she said Skerrett could not muster her cattle unless she said she had sold them to him, for none of the neighbours would assist him so long as they knew the cattle belonged to her, and that she had allowed him to do so, and had said so herself.
1299. Did she after that again give you any reason for selling the cattle to Skerrett? I repeatedly heard her say, in addition to that, that Skerrett had told her that he had bought the cattle of her agents, Rich, Langley, and Butchart, in Sydney.
1300. Did Skerrett himself tell you that he had bought Miss Kelly's cattle? Yes, and I was very sceptical on the subject. I had no connection with Miss Kelly till October, and this alleged sale took place in June, I think, 1854.
1301. Miss Kelly has stated in her petition, that through the sale of her cattle to Mr. Begbie, and through Mr. Begbie's insolvency, she had lost a large sum of money, probably about £1,000;—do you know anything about this transaction with Begbie and Cooper? Yes; I know Mr. Begbie, and I heard him state upon oath that he and Mr. Cooper did purchase Miss Kelly's cattle for £1,200, that he spent fourteen months in mustering them, and he told me that he could not muster more than half the number represented to be on the run; that he had paid £200 cash to Miss Kelly, and that the balance was to be paid by bills; that he subsequently wished to make an arrangement with Miss Kelly and to be released from his engagement, as he wanted to go to India to some situation that his friends had for him there, and offered to give up all the cattle he had mustered, to forfeit the money he had paid, and to give her another £100 to be free of the transaction, and I know that when he went into the Insolvent Court, he paid through Mr. Morris, the Official Assignee, all the money he had got for the cattle, and some £300, to get away to his friends.
1302. Then you do not suppose that Miss Kelly lost anything by this transaction with Mr. Begbie? I know that Mr. Begbie lost, but Miss Kelly could only have lost the difference between what she received from Mr. Begbie, and what she would have had, if he had not failed to fulfil his engagement by going into Court.

1303. I have understood that Miss Kelly represented to Mr. Begbie the number of her cattle as between 600 and 700? As far as I can learn, she stated that there were about 600, but that she would guarantee 500; and the agreement read to me by Mr. Begbie was, that if there were not 500 she would forfeit the price of all under 500. There were also fifty acres at Waterview, which, with dairy utensils, he was to receive, and he alleged that he never got either the dairy or the utensils.

1304. How many head of cattle did they ever muster? Under 300—about 250.

1305. Then it is your opinion that Miss Kelly made a false representation to Mr. Begbie, and in consequence ruined him? I believe Miss Kelly was ignorant of the state of her cattle. It is known that in that part of the country cattle do not increase but decrease. I will not, therefore, say that Miss Kelly misled Mr. Begbie intentionally, but he was misled.

1306. Then at the time Mr. Begbie offered this money, if she had received it she would have been no loser at all? I know at the time Mr. Begbie bought these cattle, I purchased some at 30s. which was the value of mixed cattle at that time, so that what Mr. Begbie got would not have been worth above £450. What I bought were nearly as good as Miss Kelly's—they were purchased of Mr. Dee, of Stroud.

1307. If Miss Kelly lost by her transaction with Mr. Begbie, she brought it upon herself? If she had taken back her cattle she would have been £300 in pocket, and the cattle would have been mustered for her. They were fourteen months being mustered, there were three or four young men constantly after them, and a horse was killed in getting them in.

1308. What do you think was the value of Miss Kelly's stock when Skerrett was liberated from Cockatoo? It is a difficult thing to fix the value; but during the time of Miss Kelly's confinement, Mr. Gerrard was taking charge of them, and I believe her stock have never been better managed since I have been on the Manning, and he told me that he spent a good deal of time in collecting all the horses that were saleable, and sold them on Miss Kelly's behalf, and that the rest were hardly worth taking to market; so that I could not say what was the value of the horses, but I would not like to give £1,500 for all her stock, horses and cattle, because they had been very much neglected, and there was great difficulty in getting them in. Several other parties have been employed in collecting cattle for Miss Kelly, and horses, since that, and they have corroborated that statement.

1309. Did Miss Kelly lose any stock—or how much—through any sales made by Skerrett? Do you include the stock that was taken from Begbie as Miss Kelly's stock?

1310. No, but I will include that if you like? There were seven taken away of Begbie's.

1311. That is the stock I allude to? There were seven taken to Tinoona of Begbie's stock, and I think Mr. Wooller, of Sydney, took away about twenty that were sold at Maitland. These were Begbie's stock; horses he had none at all. Mr. Gerrard took care that Skerrett did not take any of the horses while he was in charge. He had one that he rode, but that was retaken.

1312. What was the loss sustained by Miss Kelly in consequence of Skerrett's liberation? Nothing more than the trouble she was put to at Darlinghurst. There was no stock taken away excepting Begbie's. The horses were well looked after. Skerrett got none away.

1313. How much did she lose through Mr. Begbie? I know that twenty head were sold in Maitland, and they realized about 15s. Mr. Wooller was so dissatisfied that he would take no more. I believe they sold for 25s. a head, but there was considerable expense in getting them to Maitland, as there were four or five horsemen to drive them in.

1314. Do you think the Committee would be able to find out what the stock sold for, by applying to the Official Assignee? Yes, what they got at Tinoona, by applying to Mr. Sempill, who was Skerrett's Official Assignee. They were sold by his order.

1315. *By Mr. Flett:* Miss Kelly has stated in her petition that it was in consequence of Skerrett's liberation that Begbie became insolvent;—did Begbie become insolvent in consequence of cattle having been taken away by Skerrett? No; when Mr. Begbie purchased these cattle he borrowed the money to pay the deposit, and he depended upon the sale of the cattle to pay all off. In this he was disappointed. That might have been one of the reasons he assigned for his insolvency, but it was not the whole cause of his insolvency. I think Mrs. Cooper has stated that in her letter.

1316. *By the Chairman:* Do you produce a letter from Mrs. Cooper? I do. (*The witness handed in the same.*)

1317. *By Mr. Flett:* You have presented a letter from Mrs. Cooper to this Committee? Yes.

1318. Does that contain evidence with reference to this matter? It is a statement of Begbie and Cooper's transaction with Miss Kelly, as far as Mrs. Cooper knew it.

1319. Could not Mrs. Cooper come down to attend this Committee? She is an elderly lady, and is unable to do so.

1320. She is Mr. Cooper's mother? Yes.

1321. And Mr. Begbie's mother-in-law? Yes.

1322. Did she tell you that she had written this letter? Yes.

1323. How were Miss Kelly's stock managed by Mr. Gerrard during her confinement? They were admirably managed—never better since I have been on the Manning.

1324. *By Mr. Forster:* At the time that Skerrett told you that Miss Kelly had sold the cattle to him, did you ever hear Miss Kelly admit that the cattle had been sold? No; at this time Miss Kelly was living twenty miles from my place, and Skerrett was going to and from Port Macquarie; I had no communication with Miss Kelly till the September following.

1325. Did she then admit that she had sold the cattle to Skerrett? No, she told me it was a forgery.

1326. What did she say was a forgery? A document he produced at my house. Mr. Easton

Mr.
J. Andrews.
12 Nov., 1862.

- Mr. J. Andrews. Easton and Mr. Cosgrove were present. Miss Kelly said she was going home, and that she intended to sell her cattle and all her property? I said, "Miss Kelly, sell your cattle! Mr. Skerrett has shown me a document wherein is contained a bill of sale of all your cattle, with twenty head of your horses, for £600, £400 of which is paid down in cash, and the remainder by bill." "My God!" she replied, "I never sold a beast to him!"
- 12 Nov., 1862. 1327. She denied it? Yes; she said, "He will never claim a beast." I said, "I believe he is making preparation to sell some of the cattle."
1328. Do you remember Miss Kelly being committed at Bungy Hungy for branding two calves? Yes, it was a short time previous to that.
1329. Was it a short time previous to Skerrett telling you that she had sold her cattle to him? I cannot recollect, but I know he told us as early as May that he had bought the cattle from Miss Kelly.
1330. Was that before this time I speak of? I would not say, but it was about the time, because I recollect well being at Bungy Hungy, at the office, and Skerrett becoming bondsman for Miss Kelly's appearance at Sydney.
1331. Did it ever strike you that there was any connection between the two transactions—the committal at the police office and the sale of the cattle? I do not think so; my impression was, that Miss Kelly's committal had nothing to do with the affair.
1332. You say that Skerrett showed you this document? Yes.
1333. Will you look at these (*handing to the witness the documents before the Committee*)? This document, purporting to be a bill of sale witnessed by his two daughters, is the one I saw, a long time before any action commenced.
1334. Was it Skerrett who showed this to you? Yes.
1335. Did you ever hear Miss Kelly say anything about these documents except when she said they were forgeries? No.
1336. Do you know anything of the witnesses? Yes; these are the two daughters.
1337. Do you know their handwriting well? No, I never saw it except as witnessing this document.
1338. Do you know William Turner's writing? No; I believe that is his.
1339. Was he at your house? Yes, he was at my house when this document was produced; he could write a little, but very poorly.
1340. Would that be the sort of signature you would expect from him? Yes; perhaps a little better.
1341. Is the body of this document in Skerrett's handwriting? I do not know any farther than what I heard from himself.
1342. Do you know Miss Kelly's signature? Yes; and I am of the same opinion.
1343. What is that? That it is a forgery.
1344. Did you swear that? At my first examination I was not so clear, but since then I have thought it over, and I would have no hesitation in swearing the signatures to be forgeries.
1345. Do you know anything of these girls? They were mere girls at the time.
1346. Do you mean by that, that they were so young that they would have been likely to do what their father told them? They would no doubt be influenced by him; still they were not so very young—they were very near women grown.
1347. They were old enough to know that they were doing wrong if they signed what they did not see? Yes.
1348. Did you ever hear them talking about it? The fact is, that the whole party going to Dungog upon this matter stopped at my house—Skerrett, his two daughters, and Miss Kelly.
1349. Did you hear the subject discussed? Of course Miss Kelly kept to herself. She declared these documents were forgeries; and I recollect Skerrett showing this document on his return from Dungog —
1350. Did you hear the girls talking of it? Yes.
1351. What did they say? They were finding fault with Miss Kelly for denying the fact, and stating that she had been paid £400, which they represented as having been paid in £100 notes. They spoke of the assurance of Miss Kelly in daring to say that the documents were forgeries.
1352. They spoke in corroboration of their statement that they had seen the transaction? Yes.
1353. You did not hear them make any statement that would contradict the circumstance of her having signed it? No, I do not recollect hearing anything to that effect.
1354. Were they pretty well educated? They could write very well; they were at school at Port Macquarie.
1355. Did you ever see their signature before? No.
1356. You do not know anything about the circumstances of the signature except from hearsay? I heard them examined at Darlinghurst by Mr. Plunkett, who was Attorney General at the time.
1357. *By Mr. Stewart*: Did you give evidence at that trial? Yes.
1358. At the conviction of Miss Kelly? At the conviction both of Miss Kelly and of Skerrett.
1359. *By Mr. Cunneen*: In the conversation between the Skerretts, when they stayed at your house, did you hear the daughters say they saw their father pay Miss Kelly? Yes, but I paid little attention to that—I did not believe it.
1360. You did not believe it, but they stated it? Yes.
1361. *By Mr. Morris*: Had you any conversation with Turner upon the subject of this sale receipt? Yes; it is singular, but he was present when Mr. Skerrett took the opportunity of

of presenting this receipt to me—he said, “ This is the receipt I got from Miss Kelly ; it was signed in the presence of Turner.”

Mr.
J. Andrews.
12 Nov., 1862,

1362. Did Skerrett or Turner tell you whether it was done at the same time as the bill of sale? Yes, I understood so, for I think you will find it bears the same date.

1363. Have you not yourself had some transactions with which Miss Kelly was connected which have not turned out much to your advantage? I cannot say that Miss Kelly was connected with it, excepting indirectly; but another person, who was in connection with Skerrett, of the name of Richards, and I believe the whole of it arose out of this case. I believe it was my evidence chiefly that led to the conviction of Skerrett, and that he did all he could with Richards to bring about my ruin. Richards said he held a lease of a portion of Miss Kelly's land, and Miss Kelly swore in the Court that she never gave a lease, that she never wrote the document; yet in the face of that, as she had just come out of Darlinghurst, where she had been imprisoned on a charge of perjury, the jury did not believe her.

1364. *By the Chairman*: Richards, you believe, wrote that? —

1365. *By Mr. Morris*: Do you know where that document is? No; I moved for a new trial, and they got the document out of Court and would never produce it. That, I conceive, was a forged lease.

1366. *By the Chairman*: Is that document out of Court? Yes, and cannot be got.

1367. *By Mr. Forster*: Is there any suspicion as to who forged this lease? It is only my own opinion; but Richards was competent to write it, as Miss Kelly's hand is very easily imitated, and Skerrett was living at the time at Richards' place. I believe it was a conspiracy to punish me for the the evidence I gave at Darlinghurst, when Skerrett was convicted. Miss Kelly swore that the document was a forgery, and subsequent circumstances convinced me that she could not have signed it. Mr. Mullen, the solicitor, of Maitland, told me that he had seen the lease, and he seemed to entertain great suspicion respecting, and asked me about Miss Kelly's signature.

1368. In what way did this forged lease, to which you have referred, interfere with your property? Miss Kelly had a paddock adjoining mine—she was living at a place five miles distant, and the paddock was lying idle—when she got into Darlinghurst, I had permission from Mr. Gerrard to put cattle there; Richards said he had a lease of the paddock, and commenced a series of actions of trespass against me.

1369. *By Mr. Cunneen*: Richards, when he found Miss Kelly was in gaol, and had allowed you to use this paddock, asserted that he had a lease? Yes, and was in exclusive possession. He produced a lease, and Miss Kelly alleged that she could not have given a lease.

1370. *By Mr. Forster*: To whom did you apply for the document? It was produced in evidence against me, and then was taken out of Court for fear it would ever be seen again. Miss Kelly pulled him up at the Police Office, but he would not produce it, as he could not be compelled to produce anything supposed to be detrimental to himself.

1371. *By the Chairman*: Was it not impounded in Court? Not in the first instance.

1372. *By Mr. Morris*: Has Richards retained the paddock in question? No, he has left the place altogether. He had a lease of Miss Kelly's premises, not of the paddock, and when she got into gaol he claimed the paddock as his right.

1373. *By the Chairman*: What style of horses did Miss Kelly generally rear? While she was in my neighbourhood she had some very good colts, but she removed in about 1851 to Brimbin, consequently I could not say much about them after that; and stock will degenerate if not looked after.

1374. *By Mr. Flett*: Mr. Morris asked you a question which you did not understand;—has ever Miss Kelly had a difference with you before this transaction between Miss Kelly and Skerrett took place? Yes, at one time there was an action for oral slander—a considerable time previous to this.

1375. You and her have always lived in hot water? Yes.

1376. Did she not generally live in hot water? Yes, she left my neighbourhood and went to Brimbin, about twenty miles away, in 1851 or 1852.

1377. You took in another subject which I think might have been left out;—you were speaking of a lease which you say was the ruin of you, and you believe that Miss Kelly was correct when she denied having signed it? I do.

1378. Did you ever in your life say at Maitland that you would not believe Miss Kelly on her oath? Yes, on my own trial, and against myself. I think that was as early as 1847.

1379. What was the reason you made that statement? Is it necessary that I should state? It is a long time back. My reason was that I thought she was not truthful.

1380. At the time Miss Kelly told you she had sold her cattle, when you put the question why she had circulated on the river that she had sold the cattle to Skerrett, she said that she could never muster her cattle if they were known to belong to her? Skerrett said he could not muster the cattle as long as they were known to be Miss Kelly's, and that unless she would say she had sold them to him he could not muster them.

1381. This was the reason she alleged at the time why she had made this statement? Yes, and I attribute all the mischief that befell Skerrett and others to that fact.

1382. I believe you are aware that when Miss Kelly returned from Sydney she denied that Skerrett had bought the cattle of Rich, Langley, and Butchart? Yes, that was her second statement, but she never gainsaid what she had said at first.

1383. As a sensible man and a man of business, would you not, if you had placed your cattle in the hands of an agent in Sydney to sell, and a person were to come to you and to say that he had purchased your cattle, ask him where was his authority for so saying? I should most naturally ask him for some voucher.

1384. You would not allow three or four months to elapse before you would take action in the

- Mr. J. Andrews. the matter, or allow the person professing to have purchased them to sell your cattle before your face without a letter from your agent? I must have some authority.
- 12 Nov., 1862. 1385. Are you aware of the time that elapsed from the purchase of the cattle till Miss Kelly took some action in the matter? Yes, but living at a distance from Miss Kelly at this time, I did not see her. Skerrett said all along that he had purchased her stock and was coming to be a neighbour, and I heard no contradiction of that till September from Miss Kelly, when she said she had not sold her cattle, and that Skerrett would not claim a single beast. In fact, she said he was not very right in his head.
1386. Are you aware whether at that time Rich, Langley, and Butchart had the cattle in their hands for sale? I do not know, but I understood she was going to put them into the hands of Mr. Dodds, of Maitland, for sale.
1387. When was that? In September she said so, in the presence of Mr. Robert Easton and Mr. Cosgrove.

WEDNESDAY, 19 NOVEMBER, 1862.

Present :—

| | |
|--------------|-----------------|
| MR. ALLEN, | MR. STEWART, |
| MR. FLETT. | MR. MORRIS, |
| MR. MORRICE, | MR. W. FORSTER. |

WILLIAM BELL ALLEN, Esq., IN THE CHAIR.

Charles Edmond Langley, Esq., called in and examined :—

- C. E. Langley, Esq. 1388. *By the Chairman* : You are a surveyor? Yes.
1389. You were a partner, I understand, in the firm of Messrs. Rich, Langley, and Butchart? Yes.
- 19 Nov., 1862. 1390. In the year 1854? Yes.
1391. This Committee has been appointed by the Legislative Assembly to inquire into the allegations contained in a petition presented by Miss Kelly, in reference to some transactions between Charles Skerrett and her with respect to stealing or selling cattle, or something of that sort; and it is in evidence that the firm of which you were a partner—Messrs. Rich, Langley, and Butchart—had a lien on Miss Kelly's cattle in 1854? We had.
1392. Do you remember the amount of that lien? It was somewhere about £400—I cannot say the exact amount. Miss Kelly, if she has the documents, can show that.
1393. Was that lien upon all her cattle? It was a general lien; there was nothing enumerated. It was merely a lien on what she had at the time. We sold some of her cattle.
1394. Do you remember how much they realized? I do not.
1395. Where did they go to? They went to New Zealand, with a Mr. Wilson.
1396. Do you remember the date of the lien? I do not.
1397. Do you remember when it was paid off, or whether it was paid off? It was paid off; if I could obtain the book (I have looked for it, but I cannot find it) I could tell you. If I do not greatly mistake, the lien was paid off by Mr. A'Beckett.
1398. Or Mr. Dodds, of Maitland—which? Oh yes—Mr. Dodds, of Maitland—so it was. Miss Kelly put such a price upon her cattle that we could not dispose of them, and I recommended her to place them in the hands of Mr. Dodds, as being more convenient, and perhaps he could dispose of them when we could not. Mr. Dodds took up the liability of Miss Kelly to us, and took the cattle for sale. I do not exactly recollect the date. (*Documents handed to witness by Miss Kelly.*)
1399. After looking at that document, can you give the Committee any information as to the time when the lien was paid off? I find that it was November 10th, 1854.
1400. It was paid off on November 10th, 1854? Yes.
1401. Can you tell us when it was contracted, by that account—can you tell us when you advanced the loan? I cannot tell from this; it was some time in 1853.
1402. The 9th August, 1853, Miss Kelly put them into your hands for sale? I could not tell the date exactly.
1403. In June, 1854, they were in your hands, at any rate? Yes.
1404. And previous to that, for some time, they were in your hands? They were.
1405. In consequence of the existence of this lien, Miss Kelly was prevented from selling the cattle to anyone else—she could not legally dispose of them? Not without paying us back our money.
1406. She could not sell them so long as the lien remained? No.
1407. She might have sold the equity of redemption? Certainly, but she could not sell the cattle without our consent—until we relinquished our claim on them.
1408. Here is a paper purporting to be a sale of these cattle to a man of the name of Charles Skerrett;—it is dated the 6th June, 1854, and this is what it states :—“Sold this day, to Mr. Charles Skerrett, my cattle and brand, with my interest in Brimbin Station, and twenty unbroken horses, for the sum of £600—£400 paid in cash, and £200 by a bill at twelve months—the horses to be selected by Mr. Charles Skerrett, either at Manning Flats or Brimbin Station. The above £400 I now receive cash; and possession of the above-named cattle I this day give the said Mr. Charles Skerrett. ISABELLA MARY KELLY.” Had she power to dispose of those cattle legally according to the terms of this alleged agreement? Certainly not.

1409. Or the equity of redemption? She could have sold the equity of redemption, but she had no power to sell the cattle at all until she had taken them out of our hands. C. E. Langley, Esq.
1410. She could not have delivered the cattle? She could not have delivered the cattle unless we had given an order, and we should not have given an order unless we had obtained our money, as a matter of course. 19 Nov., 1862.
1411. Can you remember the number of cattle supposed to belong to Miss Kelly at the time? I could not tell you, without reference, what was the number, but there must have been a good many cattle to have lent £400 or £500 on them. She gave us a return, but I cannot find it. I cannot call to memory what number there were.
1412. Do you remember writing a letter to Miss Kelly, demanding payment of this loan? Yes.
1413. Do you know anything of a letter being written by your firm demanding payment of this claim, about 1854? I do.
1414. Can you give the Committee any idea as to the date? I cannot.
1415. It was in 1854, at any rate? Yes, in the latter end of 1854.
1416. Did Miss Kelly come down to Sydney? I think she did.
1417. You think it was when she came down that you advised her to remove the cattle out of your hands and place them in the hands of Mr. Dodds? It was.
1418. That would have been towards the end of August or September? It was at the latter end of the year, at all events. I cannot exactly recollect the date. I advised her to take her cattle out of our hands and put them into the hands of Mr. Dodds. We could not sell them at the price she put upon them, and we told her that if she put them into the hands of Mr. Dodds he might be able to find a purchaser when we could not. We sold some for her to Mr. Wilson, who took them to New Zealand, and for which we were paid, and we gave Miss Kelly credit for them as a matter of course.
1419. You have been examined on some trials of Miss Kelly's with respect to these cattle, I think at the Police Court on summons, have you not? I do not recollect.
1420. You were examined before a former Committee of this House, at any rate? I believe I was; I should like to see the evidence if I was—I do not recollect it. I am only speaking from memory; I have no record of it. I believe Skerrett reported that he bought the cattle from us.
1421. Skerrett reported that he bought the cattle from you? Yes.
1422. Had he ever any communication with you about the cattle at all? Never; we never saw him.
1423. You never saw him? We never saw him at all; we never knew him; he never bought any cattle from us. I told Miss Kelly, when she came down and said we had sold them to Skerrett, that we had never seen the man; I had never seen the man in my life.
1424. She told you that you had sold them to Skerrett? Yes, and we told her that we never knew him. I had never seen the man in my life; I never saw him until I saw him in Court.
1425. *By Mr. Stewart*: The liability was taken out of your hands about the latter part of the year 1854? Yes.
1426. And previous to that no one would have a right to sell those cattle without your concurrence? Certainly not.
1427. There could have been no delivery of the cattle? No one could have got delivery of the cattle unless we had been paid off by somebody.
1428. And no person did purchase any portion of the cattle, except those that you allowed to go to New Zealand? Those were the only cattle we sold; Mr. Dodds sent us a cheque. When we sent an account of Miss Kelly's, he sent us an account of the balance due to us.
1429. Then any statement that the cattle were purchased from you was not a truthful statement? No, it is a mis-statement.
1430. *By Mr. W. Forster*: Was it from Miss Kelly that you first heard anything about Skerrett? I think it was. She wanted to know if we had sold him the cattle. I do not exactly recollect the circumstances but I think that was it.
1431. Can you state about the time? It was about the latter end of the year 1854, but I cannot exactly state the date. I could do so if I had the day-book, but I cannot get it.
1432. *By Mr. Flett*: Where is it? It is in the Court.
1433. In the Supreme Court? In the Insolvent Court.
1434. *By Mr. W. Forster*: Miss Kelly was disposed to find fault with you, under the supposition that you had sold to Skerrett? She wanted to know the reason. She wanted to know the price. We told her that we had not sold them to anybody. Before that I had recommended her to send them to Mr. Dodds.
1435. Her affairs then were in Mr. Dodds hands at that time? Yes, I believe they were. This man went up in the meantime and made a statement to the effect that he had bought the cattle.
1436. This Skerrett? Yes.
1437. To whom did he make the statement? I do not know. I heard it.
1438. Oh! it is mere hearsay? I know nothing at all about it. Miss Kelly wrote to us letters about it, but I cannot get hold of them; I cannot find them.
1439. Were these transactions between you and Miss Kelly, settled afterwards? They were settled by Mr. Dodds, of Maitland, on the part of Miss Kelly.
1440. Did you know to whom Mr. Dodds sold? No.
1441. Do you know if Mr. Dodds sold to Skerrett? No.
1442. Do you know Skerrett at all? I did not know him at that time. I have seen him since. I never saw him until I saw him in Sydney a long time afterwards.
1443. Have you any idea of what the value of Miss Kelly's property was on the Manning, altogether? Which do you mean—Brimbin or Mount George?

- C.E. Langley, Esq.
19 Nov., 1862.
1444. I should like to know the value of all—if you know anything of the value of both—or of each, separately? One was a leasehold and the other was a freehold estate.
1445. What was the value of each? I could not say exactly, but we considered at the time we lent the money that it was a general kind of lien.
1446. You could not state, in round numbers, what you thought the value of her property would be? All that I can state is this, that a man of the name of Turnbull, who managed the horses on the Agricultural Company's land, told me that Miss Kelly had better horses than they had, and that they had shipped a lot of them to India, through their vessels, and that they had fetched more than their own horses. He also said that her cattle was superior.
1447. *By Mr. Flett*: This person's name was Turnbull? Yes.
1448. *By Mr. W. Forster*: You considered Miss Kelly a person of property at that time—a wealthy person? Yes, I thought she was a wealthy woman.
1449. Would you have lent her a much larger sum of money? We would have lent her £1,000 if she had asked it.
1450. Without any hesitation? Without any hesitation.
1451. I suppose you would have exacted a security? We did not think it necessary that she should give anything but a lien upon her stock.
1452. You do not know what Skerrett's circumstances were at that time? I do not know him at all.
1453. Have you had transactions with Miss Kelly which would enable you to judge of her signature? I have; I have some letters signed by her.
1454. Do you think you could swear to her writing, positively? I could if I had some of the letters with me.
1455. I suppose you consider yourself a good judge of signatures? I think so.
1456. Will you state whose writing you consider the body of these documents (*No. 4 and No. 2*) to be in, and whose are the signatures? The body is not her handwriting, as a matter of course.
1457. Is the signature? That is not her writing.
1458. Would you state that it is a forged signature? I cannot say; it is not her writing; she signs her name in a kind of angular hand. If you will look here you will see that the termination of "Isabella" is the same writing as this.
1459. You think it is the same writing as the body, do you? Yes; look at that "a." That is my opinion.
1460. To the best of your belief, would you say that that signature is written by the same person who wrote the body? Yes.
1461. What would you say with regard to the other document (*No. 2*)? It is just similar.
1462. Do you think the signature of the second document is Miss Kelly's? No.
1463. Do you think it is the same as the body? I do.
1464. Do you think the two papers were written by the same party? I do; that is my impression. Miss Kelly writes in an angular kind of a hand—a kind of scratchy hand. That was never written by Miss Kelly.
1465. *By Mr. Flett*: What is the number of those documents? They are numbered "4" and "2."
1466. *By Mr. Forster*: No. 4 is the first document I referred to, and No. 2 is the second? Miss Kelly writes an angular hand—they are not her writing.
1467. Has your evidence ever been taken in a Court of Justice in proof of signatures? Yes.
1468. The business you have been engaged in would lead you to be a tolerable judge? Yes, to prove letters.
1469. You consider yourself, from the business you have conducted, to be a tolerable judge of signatures? Certainly; I can almost copy any signature myself that I can see.
1470. Were you acquainted with any other transactions of Miss Kelly's in the disposition of her property, either with regard to leases or sales? No.
1471. You had nothing to do with them? No.
1472. *By Mr. Flett*: The first question I have got here, Mr. Langley, is—do you recollect when you sold the cattle to Mr. Wilson? Well, I cannot tell you the exact date; I cannot tell you the date.
1473. You spoke just now of June, 1854—can you tell us how long before June, 1854, that transaction took place? June, 1854—it was about that time. I think it was in the month previous to that.
1474. That you sold them to Mr. Wilson? Yes.
1475. In the month previous to June? It was either May or June—I cannot tell you which, without referring to the books. He took them away to New Zealand.
1476. I know all about that;—you say that in May or June you sold them to Mr. Wilson? Yes, I think it was; I cannot tell the date exactly.
1477. You say that you advised Miss Kelly to take the cattle out of your hands about the latter end of 1854? In August or November—I forget the exact date.
1478. It was about November, 1854? It was somewhere about that date—August or November; Miss Kelly can tell you.
1479. I am not asking Miss Kelly any questions at all? It was about that date.
1480. Did anyone ever tell you that Skerrett said he had purchased the cattle from you, or did ever you hear Skerrett say so himself—I think you said you never saw Skerrett before? No.
1481. You said in your evidence just now (which rather astonished me) that Skerrett reported that he had purchased the cattle from you;—did you ever hear any person say that Skerrett said so, or—? I heard that he said so.

1482. You do not say that Skerrett said so? No, not of my own knowledge.
1483. It is in your evidence that Skerrett had led you to believe that Skerrett said so? No.
1484. It would appear from your evidence that Skerrett had told other parties that he had purchased from you? So he did, I believe, but I could not tell you exactly who told me. Miss Kelly, when she came down, said, "You have sold my cattle to Skerrett?"
1485. We have all that? I recollect hearing it from other parties, but who they were I do not know now; I never knew Skerrett, and never sold him anything.
1486. Where is Mr. Rich or Mr. Butchart now? Mr. Rich is at Castlemaine, Victoria.
1487. And Mr. Butchart? Mr. Butchart is at Lambing Flat or the Lachlan, I not know which. The man who could give you information all about this is Mr. Munse; he is one of the partners of Christopher Newton, Brothers. He is in Brisbane, Queensland.
1488. We shall not follow him there;—were you ever subpoenaed to appear at the Supreme Court, when Skerrett was tried, in the first instance, for cattle-stealing? I do not think I was.
1489. You were not? No.
1490. Were you subpoenaed at the Supreme Court when Miss Kelly was tried? I do not think so.
1491. Were you subpoenaed ever before the Police Court when Skerrett was before it at the instance of Miss Kelly? No, I do not recollect it; I do not think I was; I do not recollect being at any of those places.
1492. You say that Miss Kelly took those cattle out of your hands in November, as near as you can recollect? In August or November—I cannot recollect the exact date; it is impossible to recollect matters distinctly for eight or nine years.
1493. Do you recollect writing a letter to Skerrett, dated 22nd November, stating that, to the best of your belief, Miss Kelly had taken the cattle out of your hands for sale about April or May in the same year? I never did.
1494. You never wrote such a letter? I never wrote such a letter.
1495. You had better say you do not recollect? It may have been written by some one else in the office—I never wrote it.
1496. Did ever you make an affidavit before Mr. Mort, as a Magistrate, that you never had all her cattle in your hands with the right of brand, but that all the cattle in your hands were 200 head, and that she took them out of your hands; that they were in your hands about February, 1854, but that they were taken again out of your hands previous to the sale she made to Skerrett;—you never made such an affidavit before Mr. Mort? I could not swear whether I did or did not. I recollect making an affidavit before Mr. Mort.
1497. What I have read to you now is the substance of it? Read it again.
1498. You swore in that affidavit that you never had Miss Kelly's whole cattle or brand for sale, or her station? I have stated that in evidence now—it was a general lien.
1499. From your statement you led us to believe—at least you led me to believe—that the lien was given upon the property as a whole, upon the cattle and upon the land? It was a general lien upon what she possessed.
1500. You swear in that affidavit that she never put anything in your hands but 200 head of cattle, which were in your hands in February, 1854, but which were withdrawn out of your hands months previous to the sale made to Skerrett? The date of Mr. Dodd's account will show.
1501. I am speaking of the affidavit? Here is the account where Dodds paid us. We might have had that 200 head of cattle at that time, and she might have placed other cattle in our hands afterwards, but I do not recollect it. It is hard to recollect for eight or nine years what occurs in business, where a man is up to his ears in different affairs. I think it was the 200 head of cattle that we sold to Mr. Wilson.
1502. It was the 200 head of cattle you sold to Wilson? I expect so. These account sales will tell you when Mr. Dodds paid us off.
1503. I am not referring to the account sales, but to your affidavit? It might lead to confusion—I cannot recollect it.
1504. I am putting the question now, knowing that the affidavit is in existence, and you say positively that you were paid off in the month of November, 1854;—this affidavit, then, is at variance with the circumstances as they occurred? She might have put some cattle into our hands at one time and some at another; I cannot exactly recollect how the matter was.
1505. Miss Kelly has never stated that she put cattle twice into your hands, in the course of her examinations? I think she did put them twice into our hands, but if I had the day book I could tell you in a second. She came down one time and withdrew them, and put them in again. If Mr. Munse were here he could tell you exactly how the matter was, because he kept a minute of everything of this kind as well as myself.
1506. It appears that Skerrett purchased those cattle from Miss Kelly, according to his own statement;—now, under all these circumstances, supposing you were Miss Kelly, and you had authorized your agents to sell your cattle, and that some person were to present himself and say that he had bought your cattle from your agents, without saying the sum he had given for them, or bringing you a letter from your agents, would you be likely to allow him to remain five months in possession of your cattle without interfering with him? If I were Miss Kelly under such circumstances, if he did not bring any documents, I would not take any notice of him.
1507. Nor allow him to sell your cattle? No.
1508. From your knowledge of Miss Kelly, do you think, judging by her antecedents, that she is a woman likely to allow any man to do such a thing with her stock? Suppose you were Miss Kelly (excuse my impertinence for making the remark), and a man came and represented to you that he had made arrangements with your agents, and came up as an accredited purchaser, would you not take notice of him?

C. E. Langley,
Esq.

19 Nov., 1862.

C. E. Langley, Esq. 1509. Not unless he brought a document from my agents, I would not allow him to sell a beast? He might sell them on her account, until she saw her agents and arranged the matter.

19 Nov., 1862. 1510. Five months is a long time? Yes.

1511. *By the Chairman*: You said you had 200 head of cattle—do you remember anything of having additional eighty head put into your hands? There were some put into our hands afterwards. I cannot exactly recollect it. It is eight or nine years ago.

1512. Your evidence formerly is—"we had 200 head of cattle at first, and then she wrote again that she would have eighty more"? What is the date of that?

1513. "Then she came down herself, and said we were not to advertise them any more if they would not sell"? If you go a little further, you will find that I advised her to put them in Mr. Dodd's hands for sale.

John Dawson, Esq., called in and examined:—

J. Dawson, Esq. 1514. *By the Chairman*: You are an attorney at law? Yes.

1515. This Committee has been appointed to inquire into the allegations of a petition of Miss Isabella Mary Kelly, with respect to certain trials in which you were engaged some years ago, between her and a man of the name of Skerrett. I think you were attorney for Skerrett? I was some years ago, when he was tried for cattle-stealing.

19 Nov., 1862. 1516. Mr. Holroyd was counsel? He was for Skerrett.

1517. Were you satisfied that the trial was a fair one, and that the conviction was just;—I may state that we have your evidence before a former Committee, when a similar question was put? I think I am entitled to reply to that question. I am not quite certain what transpired before, and I am not aware that in answering the question I shall be divulging anything communicated to me by Skerrett. Of course I could not give any evidence by which his confidence would be at all betrayed. I have no hesitation in saying that I think the conviction was just. Up to a certain point I believed the contrary, but at the close of the trial I regret to say that I conceived that the conviction was just. I speak of Skerrett's conviction.

1518. Have you any statement to make which would throw any light upon this matter? No. I came in obedience to the summons of the Committee. I have nothing to volunteer, but I am ready, so far as I can, consistently with my position to Skerrett, to give any information. I have nothing to volunteer. I am not supposed to have any thoughts one way or the other, unless they are elicited by the Committee. There is, however, one thought I have—if the original receipts are in the custody of the Committee I should be glad to see them. I have not seen them, I think, since the trial.

1519. The documents that are alleged to be forgeries? Yes.

1520. *By Mr. W. Forster*: Have you seen them before? I had them in my custody up to the time of the trial.

1521. Are those documents the two principal ones, marked respectively "4" and "2"? My belief is that these are the two. I think I have not seen them since they were put in evidence on the trial.

1522. You would not like to speak more positively than that? I think I may safely say that these are the two. It is a long time ago.

1523. Were those the documents which were the main evidence against Skerrett, do you know? No, these are the documents which were put in afterwards by Skerrett as evidence of the purchase.

1524. But they were the main evidence on which he relied in his defence? Yes.

1525. *By Mr. Flett*: There were other documents also; probably they were in your possession, acknowledged to be Miss Kelly's signature—Nos. 1, 3, and 5, and letters A and B—I regret they are not with these, because we could compare the signature also;—have you seen them? At this distance of time I cannot recollect.

1526. There was a lease of some milch cows and a lease of a house which she acknowledged to be in her handwriting;—letters A and B were signed by her? I remember something about a lease, but I do not recollect distinctly.

1527. *By Mr. W. Forster*: Have you any impression with regard to the authenticity of these documents which you could fairly mention to the Committee? I think I am entitled to say what my impressions are, first prefacing my remarks by stating that, up to a certain period, I believed these to be the signatures of Miss Kelly, but I do not believe them to be so now.

1528. Do you come to your conclusion from an inspection of them? Not so much from that (to be very honest with you), as from what transpired on the trial itself. I am prepared to state, with respect to the signatures, that they are not hers—that they are not like her usual signature.

1529. Are you well acquainted with her signature? Yes, for twenty years I have had experience of her signature.

1530. Do you consider yourself a tolerable good judge of writing? Yes, I think I ought to be, after an experience of about thirty years.

1531. Would you say that the signatures are not Miss Kelly's. My firm conviction is that these signatures are not those of Miss Kelly.

1532. Can you form any opinion as to the similarity between the signatures and the body of the writing—do you think they were written by the same person? My leaning would be, that the body of the documents and the signatures were not written by the same hand; but I am not prepared to give an opinion on that.

1533.

1533. Do you know anything of Skerrett's handwriting? Yes, I think so. My impression is, that the first one, at all events, is his.
1534. And the other—would you say that that was his? It is of the same character; I should say it was his too.
1535. Do you think the signatures are Skerrett's writing too? I am not prepared to say that; I cannot say that. If I had any leaning at all, I should say that they were not written in the same hand. I could not state that I fancied that the signatures were written by anyone in particular.
1536. Has Miss Kelly done a good deal of business with you? Yes, on divers occasions.
1537. Do you know anything of any other transactions in which Miss Kelly was engaged, in relation to the sale or leasing of her property, about which you could give any information to the Committee? Well, I have only a shadowy recollection of some instructions, I think to Messrs. Rich, Langley, and Butchart, to sell; but I do not know sufficient to state anything about it.
1538. It was at that time her business was in your hands, was it, generally? Yes, at that time she was transacting business with us.
1539. You have nothing that you could state to the Committee as to the circumstances under which they were signed or drawn up? I know nothing about them, other than the statements of Skerrett and his instructions to me, which, of course, I could give no evidence on.
1540. Did you ever see the writing of Skerrett's daughters, so as to know anything about it? No.
1541. You could not tell whether those two documents were written by them? No.

J. Dawson,
Esq.
19 Nov., 1862.

William Henry Mullens, Esq., called in and examined:—

1542. *By the Chairman*: You are an attorney? Yes.
1543. You reside in Maitland, I believe? Yes.
1544. Are you aware of the object of this Committee? Yes, I believe it is appointed to inquire into certain matters relative to Miss Kelly and Skerrett.
1545. Were you engaged professionally for Miss Kelly in any of these trials? Yes, I was, at the commencement, and prosecuted Skerrett at Bungee Bungee, Manning River; I forget the date, but it was some time in 1854.
1546. He was committed from Bungee Bungee? Yes, he was committed for trial in Sydney, by Mr. Day.
1547. And he was tried here;—were you engaged on the trial? I was not.
1548. There were some documents alluded to in that trial? There were two or three documents produced at the trial at the time.
1549. Two were said to be forgeries, and two genuine? I cannot be certain as to the documents, but I know that there were two documents.
1550. Similar to those (*documents 4 and 2*)? Similar to those.
1551. It was upon the fact that the jury believed that these documents were forged that Skerrett was convicted? I believe so, but I know only from reports; I was not at the trial. When I prosecuted these documents were produced, and Miss Kelly swore that they were forgeries, and Mr. Day committed Skerrett to take his trial at Sydney.
1552. Miss Kelly was afterwards tried for swearing that they were forgeries, and the documents were not presented, and Miss Kelly was convicted? So I believe.
1553. The documents were held by some of the Government officials—they were not produced and Miss Kelly could not get them;—would it strike you that she could make a fair defence on a trial of that sort without the production of these documents? Certainly not, because anyone who knows Miss Kelly's handwriting, as I have done for years, would know at once that they do not bear the impression of her signature. I saw the documents about two years before, and I picked them out from among other documents which bore her signature. I have seen her sign her name to deeds and correspondence for seven or eight years, and anyone knowing her handwriting at the time could easily detect which was hers and which was not.
1554. Do I understand you to consider that Miss Kelly would be greatly damaged in her trial by not having the documents produced? Undoubtedly. No reasonable man can have a doubt about it.
1555. Have you known Skerrett for many years? I have known him for seven or eight years.
1556. Did you ever do business for him professionally? I never did.
1557. There was a lease between a man named Richards and Miss Kelly—an alleged lease? Yes, I saw it.
1558. Was that after Miss Kelly was said to have signed it or before? There seemed to be something very extraordinary connected with that.
1559. That is the lease to Reuben Richards? I was asked by Richards, on one occasion, to look at a lease for him. I looked at this lease and there was something in it particularly wanting; I forget now what it was. I pointed this out to him, and he immediately brought me in another lease, purporting to be in Miss Kelly's handwriting, and I found that the particular point I had mentioned as being required, was in it. After that I saw another lease, the same evening.
1560. That was three leases? Yes, all bearing the same date. I said, "Is it not extraordinary that Miss Kelly would sign three leases on the same day for the same property?" He said, "Which do you think is the best?" I said, "I can offer no opinion about it; I

W. H.
Mullens, Esq.
19 Nov., 1862.

W. H. Mullens, Esq. see the matter clearly." When I made the suggestion as to what was required in the first lease, I saw another one not long afterwards purporting to bear Miss Kelly's signature.

1561. Did he ask you a question of this sort—"If that was not like Miss Kelly's signature?" He asked me if it was not Miss Kelly's signature. I told him it appeared to me to be not hers.

1562. Had Miss Kelly employed you to draw a lease of the same property at any time, do you remember? I am not certain.

1563. A lease of a paddock? My clerk told me something about it. It was done in the office, but it is not in my own hand. There were instructions given, I believe, for a lease to Richards. It struck me as most remarkable, seeing these three documents. I saw these as I was coming from Port Macquarie. I was at the District Court. Richards' is an accommodation-house on that line of road. I got there about 5 in the evening, and I stopped there that night, and it was then that this affair took place.

1564. *By Mr. Morris*: Were you examined in a case, Richards against Abbott, in which this matter of the forged lease came up, and in which Miss Kelly swore she had not signed the document? I wrote to Richards, telling him what evidence I could give, but before it could be furnished the case fell through.

1565. The case was what? The case was over and finished.

1566. And you did not give your evidence? No. I thought I would mention the matter to Andrews, and so I wrote and told him of it.

1567. *By the Chairman*: That was the time Andrews was convicted for declaring that if Reuben Richards had a lease from Miss Kelly, the lease must be a forgery? No, that was a civil action brought for calling him a perjurer.

1568. Have you seen Reuben Richards' writing? I defy any man in the world to know his writing. I have seen him write twelve different signatures.

1569. Do you know his wife, Ann Andrews? I do.

1570. Have you seen her write? I have not.

1571. You would not, then, be able to give an opinion about it? I have not seen her writing.

1572. *By Mr. Morris*: Do I understand you to say that you could not swear to his signature or to his general handwriting? I have seen twelve different signatures written by him.

1573. But would you be able to distinguish his handwriting if you saw it in a letter? I might. This evening when I saw these signatures, Richards said to me, "It is an extraordinary thing—I have such trouble to get money for the mails from the Postmaster General. I send so many signatures to Major Christie, that he had to send them to a Magistrate before he gets the money to the vouchers."

1574. *By Mr. Flett*: He said the Postmaster General returned them? No, he said he had great difficulty in getting the money, on account of the different signatures; that he often had to get them vouched by a Magistrate, or some one else, before he could get the money.

1575. He was telling you a falsehood? He told me that. I assert what I say, and I say it is true, no matter what your opinion may be on the matter. If I had thought of it I could have brought down three or four letters.

1576. *By Mr. Stewart*: You stated that you found something defective in one of the leases you saw at Richards';—was that defect in the signature or in the body of the lease? In the body, as to some power of underletting.

1577. There was something defective in the lease? Yes, but it was remedied in the second; and I saw a third.

1578. *By Mr. Morris*: Did you look at the contents? I glanced at them.

1579. Did the lease include the paddock about which the action between Richards and Andrews arose—can you remember that? To the best of my recollection the second lease did.

1580. The second lease did? The second lease did—the paddock contiguous to Andrews'.

1581. Did you remark upon Miss Kelly's signature as appended to that lease? I did.

1582. What was your impression? My impression is that it was not her signature.

1583. You told Richards so? I did.

1584. *By Mr. Morrice*: Can you say in whose handwriting those leases were written, and whose signature was attached? I believe they were all in Richards' handwriting—the leases.

1585. Can you say anything as to the signatures? The signatures had to me all the appearance of having been written with the same pen and ink. The writing had the same gloss and colour. I did not think much of the particulars at first, until I saw three leases of the same property bearing the same date, and also the signatures of the same parties.

1586. Can you say whose writing it was? I believe the body of the documents was in Richards' handwriting.

1587. *By Mr. Flett*: The bodies of the whole three? The bodies of all three.

1588. *By the Chairman*: Where was Miss Kelly at the time these leases were shown to you—was she in Darlinghurst or at liberty? She was in Darlinghurst Gaol at the time, to the best of my recollection. She was not on the Manning.

1589. *By Mr. Morrice*: Did you say that these signatures resembled the body of the leases? No; the signatures were more pointed, but they had the appearance of being written with the same coloured ink, and they appeared to have been written at the same time.

1590. You could not say that they were written by the same person? I would not like to say that.

1591. *By Mr. Morris*: Will you look at some letters here, which purport to be written by Reuben Richards? (*Letters handed to witness.*) Do you think they were so written, judging by the handwriting? Whoever wrote these wrote the leases. The leases were just the

the same sort of writing as that. They were written upon foolscap paper. It was the same style of writing as that—the lines as wide apart.

1592. Do you know anything of this man Richards of late—do you know anything affecting his character which you could tell the Committee? I was present when he was tried at Maitland, and was called as a witness.

1593. When, and on what charge? It was some time this year.

1594. What was the charge? Perjury.

1595. What was the result? He was found guilty. Then a special case was prepared by his attorney, and he was acquitted upon a point of law. He was in gaol two months.

1596. On the substantial merits of the case he was found guilty? By the jury he was found guilty, and got twelve months.

1597. *By the Chairman*: Do you know anything of the character of Skerrett? From the reputation of the man I believe him to be the greatest blackguard in the country—from what I know of him from people on the Manning, and up and down.

1598. By common repute? By common reputation.

1599. *By Mr. Flett*: Where did you hear that, sir—was it on the Manning? Yes, and at Port Macquarie. The fact of the matter is, there was hardly anything else talked about for twelve months.

1600. You never knew anything of him of your own knowledge? No.

1601. You never heard that he was before the Court at the Manning or at Port Macquarie? No.

1602. Who were the inhabitants on the Manning that mentioned this to you? I cannot say; I stopped at many places on the road, and heard it.

1603. *By Mr. Morris*: What was the special matter that was reserved in Richards' case? It was relative to some point of law, which the Judge did not leave to the jury.

1604. Was it a point of law which, if left to the jury, the jury would have been in a position to have declared that he had not committed perjury? My opinion is, that it was not; it was a point they were bound to have before them.

1605. The jury had the facts before them? Yes.

1606. *By Mr. Flett*: Did it not come to your knowledge afterwards that the evidence then given against Richards was not believed by Andrews' family? Certainly not.

1607. And that it was on that ground he was liberated? Certainly not. I could not have heard that which was not the fact; I heard the evidence in Court.

1608. I knew the whole case before it went to Maitland? You knew more than I did; I only know what I heard in Court. I was unexpectedly called as a witness.

W. H.
Mullens, Esq.
19 Nov., 1862.

WEDNESDAY, 26 NOVEMBER, 1862.

Present:—

MR. CUNNEEN,
MR. FLETT,

MR. MORRICE,
MR. STEWART.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Laurence Joseph Spyer, Esq., called in and examined:—

1609. *By the Chairman*: You are a merchant in Sydney? Yes.

1610. This is a Committee appointed to inquire into the allegations of a certain petition of Isabella Mary Kelly, in which she states that she considers she has been unjustly treated in certain matters connected with a man named Skerrett, who was tried for cattle-stealing;—do you know anything of the case? I know nothing of the case as respects Skerrett, but I was on a jury when we tried a case in which the name was brought up, and in which Miss Kelly was a witness to prove the defendant's case. It was an action for slander and malicious defamation, in which Miss Kelly was a witness.

1611. Do you know anything of the purchase of cattle by Skerrett of Miss Kelly? That did not come before us at all; we did not inquire into anything connected with Skerrett and Miss Kelly; it merely came casually before us that Richards' wife, who was the plaintiff, had been subpoenaed to go to the trial of Miss Kelly.

1612. Do you know anything of your own knowledge of the transaction between Skerrett and Miss Kelly? Not about that transaction decidedly; all I know is, that we were called upon to try a case of slander and malicious defamation, in which Miss Kelly was the witness, and we were about five days in trying it.

1613. *By Mr. Cunneen*: Where was this tried? In Sydney, about two years ago, before Judge Dickinson.

1614. *By the Chairman*: Were you on the jury that convicted Miss Kelly? No, but I was on the jury that found against Miss Kelly's evidence. You will find that Mr. Smithers will give you the same sort of evidence as myself.

1615. Any farther statement you may have to make touching this case the Committee will be glad to hear. Mr. Flett, who requested that you might be summoned, is not present, and I do not know what questions he desired to ask you? I know nothing more; Mr. Flett who got me summoned should have been here to ask me what questions he required. The

case

L. J. Spyer,
Esq.
26 Nov., 1862.

- L. J. Spyer, Esq.
26 Nov., 1862.
- case was Richards *v.* Andrews, in which a lease was in dispute. Miss Kelly gave evidence in that case, and we believed Richards in preference to Miss Kelly.
1616. *By Mr. Cunneen*: Miss Kelly was neither plaintiff nor defendant in that case? No, she was the witness upon whom the whole gist of the case fell.
1617. *By the Chairman*: This was with respect to a lease that Reuben Richards said had been given to him by Miss Kelly? Yes.
1618. Which Miss Kelly denied having given? Yes.

FRIDAY, 28 NOVEMBER, 1862.

Present:—

MR. CUNNEEN,

MR. MORRIS.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

John Baker Smithers, Esq., called in and examined:—

- J. B. Smithers, Esq.
28 Nov., 1862.
1619. *By the Chairman*: You are a merchant tailor here? No, I have retired from business.
1620. You are aware of the object of this Committee? I am not quite aware of it. I presume, from the purport of your summons, your object is to examine with reference to a trial in the Banco Court, when I was on the jury in 1860, when Miss Kelly was examined as a witness.
1621. What was the case? It was a case of slander before Mr. Justice Dickinson—Richards *versus* Andrews. The trial lasted some six days.
1622. Was it about a lease? Yes.
1623. Which Miss Kelly was said to have given to Richards of some property on the Manning River? Yes.
1624. And Miss Kelly was examined on that occasion? She was examined on that occasion.
1625. And she declared that the lease was a forgery—that she never signed such a lease? Yes, she did.
1626. And you did not believe her? After a very long trial, and a very careful consideration of the matter, we believed the lease was a genuine one;—after the examination of very voluminous documents, letters, and various papers bearing her signature, all of which she admitted to be hers, and comparing the lease with them, especially the capital letters and orthography of the lease, and after four hours consideration, the jury believed the lease to be a genuine one, and gave a verdict to Richards.
1627. Did they believe that the body of the lease was in Miss Kelly's handwriting? Yes. It is singular that although the trial is so long back as 1860, I have saved the paper which was written by the Judge's clerk, containing the several counts, and the decision of the jury upon each. There were seven issues, and upon all of these we found for Richards. (*The witness handed in the same. Vide Appendix.*) I find in my notes that I wrote eighty pages on this very case.
1628. Had you any evidence that Miss Kelly signed this, farther than your own judgment by comparing the handwriting? Several witnesses were examined, and they one and all swore that it was her handwriting. Among the witnesses was Mr. Flett, a Police Magistrate of the name of Rowley, and I think there were others; and upon their evidence, together with our own opinion, after a strict investigation into correspondence—some of it dating six years back—we came to the conclusion, one and all, not only that it was her signature, but that the whole of the lease was in her handwriting.
1629. Supposing a similar thing were to occur to yourself—that some person chose to forge your handwriting to a letter or lease—that you knew it to be a forgery, but that the forgery were so well done that everybody believed it to be your handwriting? I never saw in my experience of handwriting so strict an imitation but I could distinguish between a genuine signature and a forged one. I do not believe any man could forge my name so that I would not know it not to be my own signature.
1630. Suppose you were not believed on your oath, that the whole of the writing was so similar, and that circumstances gave an appearance in favour of your having written it, how would you justify yourself—how prove that you had not written it? I could only clear myself by asserting that it was not my handwriting.
1631. Supposing you were not believed? I could not help it, my evidence would go for what it was worth. Miss Kelly swore that she had not written it, but we could not believe her. I did not know Miss Kelly—I did not even know before that such a person existed, therefore I could not have been prejudiced.
1632. I do not allude to prejudice but to error, for you are aware that the value of a forgery consists in its apparent genuineness? I acknowledge, without fear of contradiction, that if that was a forgery it was the best I ever saw.
1633. Did you ever see any other forgery? Yes; I have been for some years engaged as a schoolmaster, and I have been six times subpoenaed, in six cases of forgery, as a judge of handwriting, and in five out of six of those cases I was proved to be correct.
1634. Was Mr. Mullens, the attorney of Maitland, examined before you? No, he was not.
1635. Do you know Mr. Mullens? I do; I have known him from his boyhood.
1636. Would you consider his declaration on oath of value? I should.
1637. If Mr. Mullens said that he was instructed by Miss Kelly to prepare a lease of this kind

kind would you give him credit? Yes, I would. Mr. Richards swore that too in his evidence. J. B. Smithers, Esq.

1638. If Mr. Mullens had been examined in Court, and had declared that Richards showed him a lease purporting to be a lease of this paddock, and asked him if it was like Miss Kelly's writing, or if it was all right, and that he had pointed out something that was wrong in the lease, that afterwards Richards had shown him another lease of the same property, and also a third lease, all purporting to be drawn by Miss Kelly, all dated on the same day, and relating to the same property, would you have believed the evidence he gave you? Certainly; I should have given all possible weight to his evidence. 28 Nov., 1862.

1639. Believing that, do you think that would have altered your opinion? Why was not Mr. Mullens produced in Court?

1640. That is not my question;—would that probably have altered the view the jury would have taken of Miss Kelly's action in the matter? Very probably it would.

1641. *By Mr. Morris*: Supposing further that Mr. Mullens had told Richards that he did not believe it was Miss Kelly's handwriting, and had sworn that before the Court, would you have believed that? It would have had a serious effect upon the trial, no doubt; it would have had very great weight with the jury.

1642. Remembering too that Mr. Mullens was Miss Kelly's solicitor and knew her handwriting, her signature, and everything with regard to the matter? It would no doubt have had a great effect.

1643. How many leases were produced to you? Only one; I cannot tell you the date of that lease now.

1644. *By the Chairman*: Have you anything else to say with regard to this case? Nothing; I am quite a disinterested witness.

APPENDIX.

RICHARDS *v.* ANDREWS.

(On the Count in Trespass.)

Issue 1st.—Did the defendant break into, or cause other people to break into, the Mount George paddock? Yes.

Issue 2nd.—Had the plaintiff *exclusive possession* of the Mount George paddock at the time it is said to have been trespassed on? Yes.

Issue 3rd.—Had the plaintiff a lease of the paddock from Miss Kelly? Yes.

If you find *all* these three issues for the plaintiff he will be entitled to damages for the trespass,—how much? £30.

(As to the Count in Slander.)

Issue 4th.—Did the defendant *maliciously* speak such words as those in the Count for Slander? Yes.

Issue 5th.—If so, were the words true, and was it for the public benefit that they should be spoken? No.

If you find *both* the 4th and 5th issues for the plaintiff, he is entitled to damages for the slander,—how much? £50.

(As to the Count for Malicious Prosecution.)

Issue 6th.—Did the defendant prefer the accusation—1st, maliciously; and, 2nd, also without reasonable cause? Yes.

Issue 7th.—Was the prosecution determined?

If you find *both* the 6th and 7th issues for the plaintiff, he will be entitled to damages on the 3rd count,—how much? £20.

Laurence Joseph Spyer, Esq., called in and examined:—

1645. *By the Chairman*: Do you know Mr. Mullens, the attorney, of Maitland? I do not.

1646. Supposing a gentleman of high standing and reputation, against whom there never was any suspicion as to his veracity or integrity, were to give evidence of this description—that he was lawyer for Miss Kelly—that she had instructed him to prepare a lease of this purport to Reuben Richards—that that lease was never perfected—that Reuben Richards came to him with a lease purporting to be a lease of this property signed by Miss Kelly, and asked him if this was all right, if it was not like Miss Kelly's writing—that he said it was not all right, pointing out something wrong in the body of the lease, stating that he did not think the writing was Miss Kelly's, and inquiring why it was he asked if it was Miss Kelly's handwriting, if he knew it was genuine, and telling him to take care what he was doing—showing him, as clearly as language could show, his suspicion of the forgery he was about committing or had committed—that Richards took this lease away with him and afterwards produced another lease in which the deficiency was corrected that had been pointed out—that he afterwards came with another lease, and that all these leases bore the same date, purported to have been drawn up on the same date, to have been signed by Miss Kelly, and to relate to the same property;—taking all these circumstances together, had this evidence been placed before the jury of which you were one, would that have affected their decision with regard to this forgery? I think it would, but we examined the lease and other papers and letters written by Miss Kelly, and even with these we were three

L. J. Spyer,
Esq.

28 Nov., 1862.

L. J. Spyer, Esq. or four hours in the jury room before we came to the decision, not in deciding as to whether it was *a forgery or not, for I believe we came to that in a few minutes, but in discussing the amount of damages.

28 Nov., 1862.

1647. Are you not aware that in order to make a forged document of any value it is necessary to have it as nearly like a genuine one as possible? That is a truism—of course.

1648. Did you know Kinnear? I remember something of the circumstances of his case.

1649. It was a very large note he forged upon the Bank of England, and the difficulty of detecting the forged note was so great that it was discovered only by some circumstance connected with the paper or ink? There is a case now in which the Bank of England are concerned, where they can only tell whether a note is a forgery by examining it with a lens, or by some private mark.

1650. It is possible that if the evidence I have now referred to had been brought before the jury they would have come to a different decision? Very possible.

1651. *By Mr. Morris:* Would you not have looked upon it as a very suspicious case, that when Richards showed a lease to Mr. Mullens, the solicitor, and when the solicitor had pointed out to him that there was not stated in the lease what he imagined there was, that Richards should have said, "Oh! I have got another lease at home which makes this all right," and should afterwards have produced a lease having that omission filled up? Decidedly, unless it could be accounted for why the second lease had been filled up properly.

1652. Would you not think it a suspicious circumstance that two or three leases should be made on the same day relating to the same property, and signed by the same party? One would suppose so, but there is great laxity in carrying on business in this Colony.

1653. If Mr. Mullen, who was well acquainted with Miss Kelly's handwriting in every way, had positively sworn that he did not believe this was Miss Kelly's handwriting, would that, with the other circumstances which have been mentioned, have weighed with you, and have induced you to give a verdict quite different to that you returned? In all probability it would.

WEDNESDAY, 10 DECEMBER, 1862.

Present:—

MR. CUNNEEN,
MR. FLETT,

MR. W. FORSTER,
MR. STEWART.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Robert Hamilton Sempill, Esq., called in and examined:—

R. H. Sempill, Esq. 1654. *By the Chairman:* You are one of the Official Assignees of the Insolvent Court? I am.

10 Dec., 1862. 1655. This is a Committee of the Assembly, appointed to inquire into the allegations of a petition from Miss Isabella Mary Kelly, presented to the House on the 17th July, 1862, relative to certain transactions that have occurred between her and one Charles Skerrett, respecting the sale of some cattle and horses, and certain convictions of either of them arising out of these transactions;—have you any information to give the Committee on the subject? I have heard a good deal of these matters for some years past, particularly during the time that I was clerk to one of the Judges; but I am not aware that there is any information I can lay before the Committee, nor do I know why I have been summoned before the Committee—that is to say, I do not know the particular point on which I am required to give evidence.

1656. Do you know anything of the purchase or sale of these cattle? No; I only became acquainted with Skerrett and Miss Kelly officially. I first became acquainted with Skerrett in the way of business, and I know Miss Kelly from her having called upon me on various subjects connected with that business. I was the Official Assignee to Skerrett's estate when he became insolvent. He asserted that he was the owner of certain cattle which Miss Kelly claimed as her property, and that, I imagine, is the reason why she called upon me. I became conversant with the matter through the conversations I have had respecting it with Skerrett and Miss Kelly, and from having seen something of the different trials in the Supreme Court.

1657. Were you associated with Judge Dickinson at the time of Skerrett's conviction? Yes, I was his clerk at that time.

1658. Do you remember anything of some papers connected with this case being found in one of the drawers at the Supreme Court used by Sir Alfred Stephen, and supposed to have been left there by him? No, I know nothing of it personally, but I recollect hearing something about these papers being found.

1659. It is asserted that certain documents of great importance to this petitioner were not forthcoming at the time of her trial, when they were required, and that they were found afterwards in this drawer of the Chief Justice? Yes, I have heard so, but I know nothing of my own knowledge. 1660.

* NOTE (on revision):—This is incorrect; our time was occupied in examining signatures, letters, &c., before coming to the decision that the lease was Miss Kelly's signature; when we arrived at the conclusion that it was, we were not long in assessing damages.

1660. *By Mr. Flett:* You have answered some questions about these papers? I have said that I know nothing of them; I only heard that they had been found in a particular drawer. R. H. Sempill,
Esq.
1661. Do you think it possible that these papers could have lain in this drawer for the time they were said to have been there without the knowledge of some of the parties connected with the Court? I forget the period during which they were supposed to have been lost. 10 Dec., 1862.
1662. A period of several months? The thing is impossible.
1663. In what room of the Court was this drawer? It is a drawer in the Banco Court, and well known to me, because I had occasion to make use of one of them. There is a drawer for each of the Judges, and I had occasion to go to the one set apart for Judge Dickinson two or three times a day during the time the Court was sitting, and I suppose it would be the same with the other Judges' associates.
1664. Then you think it would have been impossible for them to have lain there undiscovered during so long a time? Quite impossible, without the knowledge of some person. If they were put there and ordered to be left there, they would have remained as a matter of course; but it was quite impossible that they should remain there in the ordinary course, for it was usual to clear out the drawers every week.
1665. Do you recollect who was Crown Solicitor at the time of Miss Kelly's trial? Mr. Moore Dillon, I think.
1666. Do you know if he was Crown Solicitor at the time these papers were found? No; I do not know when they were found, and if I did, I do not know the date when Mr. Dillon ceased to hold office.
1667. It has been supposed that he knew something of these papers, and that he was the most likely man to have been the custodier of them? I do not know what the course of business was in his office at that time, but if a registry of papers were kept, the absence of any particular document would be at once known and accounted for, and it would be seen to whom it had been delivered.
1668. You have known Skerrett for some time? Yes.
1669. I believe you have employed him? Yes. I have known him personally since the trial and since 1860.
1670. During that time have you ever known anything disreputable of him—anything affecting his character? No.
1671. Have you, in your capacity of Official Assignee, employed him during that time? I have.
1672. In cases of trust? Yes.
1673. And have entrusted him with large sums of money? No, not with large sums of money, but in situations of trust.
1674. You have entrusted important matters to him? Yes, in this way—I employed him twice. I engaged him upon one occasion and sent him down to Wollongong in an estate to which I was Official Assignee. He had to take stock of a storekeeper's goods, and to receive the debts and assets of the estate, and to account to me for the money as soon as he received it. He did take the stock and manage the winding up of the estate in such a way as to give every satisfaction, and the creditors commended him highly. In a previous case he was engaged by an agent of mine, who reported to me that his services had been very valuable, and that he had been exceedingly active and faithful in what he had to do.
1675. And is that your own opinion? It is.
1676. As well as the opinion of others who had an opportunity of judging of him? Yes. I should have continued to employ him, but that he became unfit and it was impossible to employ him. I found him very active and trustworthy in the business for which I required him, which demands all the quickness, intelligence, and fidelity of a good detective officer, and I found that he was very active, energetic, and trustworthy. I only knew from these matters, as I had no previous knowledge of him.
1677. Do you know Reuben Richards? I do.
1678. Do you recollect that he had an action against Andrews? I recollect something about it, but I only know Richards as the principal creditor in an estate of which I was Official Assignee.
1679. You employed Richards, I believe? Yes, because he was principal creditor in the estate on which I employed him.
1680. Were there not other causes for his employment? There were several reasons. The first was that he was the principal creditor in the estate, and had therefore, as I conceive, a great interest in its successful realization. The next was that he was a resident within a quarter of a mile of the insolvent's property, being the nearest neighbour of insolvent; and next, because he was conversant with most of the property of the estate, and more especially with the cattle and horses that formed a large item of it.
1681. You found him very active? Yes, he appeared to me to be very zealous; but he had a great interest in the successful management of the estate, and, as far as I know, he acquitted himself honestly of the trust reposed in him.
1682. You are aware that in carrying out that trust he gained the ill-will of Andrews and his whole family? So I heard.
1683. Were you aware that he and Andrews had been on bad terms for some years past? I did not know it when I appointed him, but I heard so afterwards. I was told that they were great enemies, and was reproached for having employed as agent of the estate a personal enemy of insolvent's. I need not say that I knew nothing of that when I employed him, as I only knew him then as principal creditor in the estate. When I found that he and Andrews were on such bad terms, I ceased to employ him.
1684. Do you know William Andrews, the brother of insolvent Joseph? Yes.
1685. He ranked as a creditor on his brother's estate? He did.

R. H. Sempill, Esq. 1686. For wages, as his brother's servant, at the rate of £40 a year? I do not recollect the particulars.

10 Dec., 1862. 1687. However, he ranked as a creditor? Not only that, but he proved also; his claim was for wages, and for a large amount. I have Andrews' schedule with me here, and on referring to it I find him entered on the schedule as a creditor for wages, £120. Andrews himself told me that his brother was a creditor, that he had been in his service, but that being his brother he did not demand his wages when due, but left them in his hands. When he proved before the Commissioner, he proved for a much larger amount than was entered on the schedule—for £300 or something of that sort.

1688. Have you any recollection of the circumstance of his having been sent to Maitland with cattle by his brother, and of his getting drunk there and being picked up by the police, when a letter was found upon him? Yes.

1689. A letter from Joseph Andrews to his brother, giving him instructions to do some improper thing with the cattle entrusted to him? Yes.

1690. He was arrested afterwards in consequence of a horse being found in his possession, the property of his brother's estate, and that he was about to make away with? No, he was arrested not because of a horse being found in his possession, but because he rescued a horse that was under attachment, having been seized by the messenger of the Court.

1691. Reuben Richards then arrested a horse which William Andrews claimed as his property? No. The messenger I employed in the first instance was Mr. Kingsmill, of Maitland. He attached this horse with others belonging to Andrews' estate; but having done this he did not keep to his instructions, for having arrested them and taken possession he let them run again out into the bush, whereas my directions were that he should keep possession of everything which he had once attached. Mr. Kingsmill finding that he had to go to another part of the country on other business, wrote me to appoint another messenger. I consequently represented the case to Mr. Puffoy, who was then Commissioner, and he issued his warrant, directed to Richards, by which he was ordered to attach all the property of Andrews not previously attached by Kingsmill, and to take possession of whatever Kingsmill had previously attached. William Andrews seized and took possession of one of the horses that had been previously attached by Kingsmill and afterwards turned out. It was for that that he was taken to the Police Court and committed for trial.

1692. He afterwards got clear? A bill was not found against him.

1693. And then William Andrews turned round and took Richards up for perjury? Yes.

1694. He took his trial for the offence at Maitland? Yes.

1695. And was found guilty, but was almost immediately liberated? The case was brought before the Supreme Court on appeal, and Richards was discharged.

1696. *By the Chairman:* On some technical point, I presume? I forget now the point taken, but I believe it was one reserved at the trial.

1697. *By Mr. Flett:* Have you ever heard that Richards was twice before then summoned by Andrews before the Bench, at Wingham? I have heard of several transactions between him and Andrews before the Police Court at the Manning and at Sydney.

1698. In consequence of his having acted as your agent? Yes.

1699. *By Mr. W. Forster:* Do you remember in the month of October, 1859, at the time when Miss Kelly was found guilty of perjury, who was the clerk in whose custody these documents to which you have made allusion would be? Do you mean at the Court?

1700. I mean before they were produced—from whose hands would they come to the Court? From the Crown Solicitor.

1701. Then how could they get from his hands into the Chief Justice's drawer? I cannot say, without they were put there in order to be found.

1702. They could not get there in the course of business? Not in the ordinary course, certainly.

1703. Nor could they have got there accidentally? No; unless they may have chanced to have fallen into the hands of some ignorant person, who, not knowing where to put them thrust them into the drawer. In the course of the business of the Court, where a matter is in the hands of a Judge, if he requires a document connected with the case from the Crown Solicitor, he always sends for it, and it is forwarded to him. At the same time I do not know if they keep in the Crown Solicitor's Office any registry of the loan and return of papers sent out of their office. But the Judges having the favour of using these documents are exceedingly careful with them, and are accustomed to return them very regularly.

1704. And supposing the Judge to have had them, in whose custody would they be during the time he required to make use of them—where would they be? In the Judge's chambers.

1705. Who would have custody of them? The Judge's clerk.

1706. Who was clerk to the Chief Justice at that time? Mr. Lee.

1707. At the time these papers would have been used in Court? Yes, I think so; I am almost sure he was.

1708. Who was clerk to the Chief Justice in the next year, 1860—did Mr. Lee remain clerk? No, he went Home in February, in the same vessel with the Chief Justice, Sir Alfred Stephen.

1709. And who was Judge's clerk in his absence? Sir John Dickinson was appointed Chief Justice during Sir Alfred Stephen's absence, and Mr. Rowley was his clerk.

1710. Mr. Rowley the attorney? No, a gentleman who is now Registrar under the District Courts Act, at Berrima.

1711. Would not one of these gentlemen be able to give us some information as to these documents, and the way in which documents were ordinarily kept? I do not think so, because the papers must have passed out of the Judge's chambers before the Chief Justice went to England.

1712. But at the time the documents were discovered in 1860, would not the gentlemen who were Judges' clerks at that time be able to give us some information in regard to how they had been mislaid, or how they had been found? I do not think so, because the Judges, and the then Chief Justice especially, was very particular in matters of this sort. Having acted as his clerk for some time, I am aware how very particular he was in taking care of papers entrusted to him.

R. H. Sempill,
Esq.
10 Dec., 1862.

1713. Then is it your impression that the document not being forthcoming in 1859, and being found the next year amongst the papers of the Chief Justice—that circumstance could not have been accidental, but that they must have been conveyed there in a fraudulent or improper manner? I think so.

1714. What person could have access to the papers or chambers of the Judges who, by any possibility, could place the papers where they were found? The drawer in which they were said to be found is one of three situated in the Banco Court. Each of the Judges have one drawer. They are in the public Court, and anyone could put the papers there.

1715. Are they not kept locked? No, they are not locked; they are used for the temporary deposit of papers only.

1716. In that case, if the papers were put there, it must have been by some person well acquainted with these circumstances? Yes, by some one who knew this to be the Judge's drawer; and it must have been put there to be found, if placed there by a person not connected with the Court.

1717. At what period was it that you employed Skerrett under yourself as Official Assignee? I have said that my first acquaintance with him was when he became insolvent, in April, 1860. He then proceeded to the Manning under my direction in this way—his schedule shows that he is the owner of 500 head of cattle at the Manning River, and he informed me that these cattle could be easily collected if the Commissioner would send down his warrant authorizing their seizure. I represented this to the Commissioner, and he issued his warrant for their attachment.

1718. He represented himself to be the owner of these cattle? Yes.

1719. Did he declare himself to be the owner of any landed property? No freehold land, but only some leasehold land at the Manning, which he had taken from Mr. Croasdaile at a yearly rent of £30. I found this statement to be correct, that there was a lease of this land on the terms stated, but as it was of no value to me I surrendered it to the lessor—Mr. Croasdaile.

1720. Miss Kelly's name was not connected with this lease? No. It was granted to Skerrett by Mr. Croasdaile, of Newcastle.

1721. And besides this he stated himself to be the possessor of 500 head of cattle? Yes. He described them in his schedule as a mixed herd of horned cattle, amounting to 500 head, running at the Manning River.

1722. Does it not specify more particularly the locality where they are running? No. It further states also twenty head of horses running at the Manning. There is a note to the entry of these cattle, stating that these are not in the possession of insolvent, but are running at the Manning Flats.

1723. Was there any mention of Miss Kelly's name in connection with these cattle? No; but in questioning him he informed me that they were cattle he had bought from Miss Kelly.

1724. Did you take possession of them afterwards? I did not act at all in the matter until I had made inquiries respecting it, because I had heard a great deal against Skerrett; but I made inquiries from people who knew him, and upon whose word I could rely. The question, as it seemed to me, was this—"Had Skerrett money at the date when he represented that he had bought the cattle?" It was upon this point that I wished to satisfy myself, because if he had no money then he could not have bought the cattle, and they did not belong to him. However, I was informed by several persons that he had money at that time; amongst these was Mr. Blake, and some other persons on whose word I could rely. Having this reliable information, and thinking I was entitled to the cattle, I applied to the Commissioner, who issued his warrant for their attachment. This warrant Skerrett conveyed to the Manning, to the person to whom it was directed, and then assisted that person in getting the cattle in, pointing them out and helping to collect them. In this, however, he was resisted by the persons in whose charge the cattle were, and the result was that they were not got.

1725. Then you, as representing the estate, did not get them? No.

1726. Although you believed that you were entitled to them? I believed so then, though I did not renew the attempt to get possession of them. A few were got on that occasion, and a great many of them came to me afterwards in another estate to which I was Official Assignee.

1727. Not as assets in Skerrett's estate? No; though a few head were got by the person to whom the warrant was issued.

1728. Then a few were got, but in consequence of the resistance your agents met with, you did not get the remainder? No. As I was informed, they in fact collected a large number of them, and were about to drive them off, when these other persons came up and whipped them away. They said that my agent was taking some of their cattle, and then whipped them off.

1729. In a case of this kind is it the custom for the Official Assignee to submit to any claim that may be made? We are very often obliged to submit when we have no other course open to us.

1730. And did you think that you had right on your side? I did.

1731. Do you think so now? I am doubtful about it now.

1732. Was not the surrender of the cattle caused by this feeling of doubt? No. I had no doubt

R. H. Sempill, Esq. doubt then as to my right; but it was caused entirely by my not being strong enough to contest the point—law is very expensive.

1733. Would not the law have supported you? Yes, if I had had a great deal of money it would, but not otherwise.

1734. Then it was because the expense of maintaining your right would be so great that you relinquished it? Yes.

1735. And that is a case which frequently happens? Yes, very frequently.

1736. Were there any assets at all in this estate of Skerrett's? No, nothing.

1737. What became of the few head of cattle which you say your agent secured? They were sold by him, and the proceeds were retained by him to pay him his expenses. Besides this he sent me in a bill for his services and expenses, and afterwards threatened me with an action.

1738. Did not this result generate any doubt in your mind as to the *bonâ fides* of Skerrett's claim? No; I had no doubt until afterwards, when I heard the further particulars of the case.

1739. Have you had any reason since then to doubt the correctness of your first impression? I cannot say precisely that I have. I knew that Skerrett had been convicted of cattle-stealing in connection with this very herd of cattle, and then that he had received a complete pardon on account of that conviction. Then again, Miss Kelly was convicted of perjury in connection with this matter, and after a time she was pardoned and liberated. Thus I did not really know what to think.

1740. Did anything occur during your intercourse with Skerrett that led you to doubt his sanity? No.

1741. How long have you been acquainted with him? It was in April, 1860, that he first came to me.

1742. Until what time afterwards, speaking generally, did your intercourse continue? About a year.

1743. And during that period of twelve months, you had frequent business intercourse with him? Not frequent, but occasional. As I say, he was employed twice by me—once when he was engaged by an agent of mine, and once in another case. In both cases his services were very valuable.

1744. When Skerrett gave you an account of his cattle, and you thought it your duty to take possession of them, did you act upon any documentary evidence placed in your hands? No.

1745. Was Skerrett's claim then made out to your satisfaction, entirely on his own word of mouth testimony? No, I acted upon his oath.

1746. He made an affidavit on the matter? Yes, he made an affidavit to the correctness of his schedule.

1747. Was that the only evidence upon which you acted? The only documentary evidence.

1748. He did not produce any bill of sale or receipt for the purchase? He did not; but one strong point was, that in connection with the cattle I found his lease of land, and I regarded the one as being quite consistent with the other.

1749. I do not understand how you connect the one with the other? In this way, that the holding a lease of land was quite consistent with the possession of stock.

1750. That it was likely that as he had land that he would also have stock to put on it? Yes.

1751. Did he mention to you at this time that he held any document or receipt that would be available as evidence of his ownership? I think he did; I think he referred to some document of a somewhat similar nature to that which has been since found.

1752. Did you ask to see these documents? No. He did not have them, but only referred to them, if I remember right.

1753. What did he tell you about them, if you can tax your memory to recollect the conversation? I really do not recollect. There are so many different things that have come under my notice, and claimed my attention since then, that it is impossible I should recollect.

1754. Is it not a common rule of law that where documentary evidence is referred to, every endeavour should be made to have that evidence produced? I am almost afraid to speak positively, but I think he referred to these documents as not being accessible. At all events, had he referred to them, and they had been accessible, I should have endeavoured to get them.

1755. You speak of it, then, only as an impression on your mind? Yes; rather as a precaution that I should have taken had they been procurable.

1756. Then you scarcely think it likely that he could have referred to these documents as being accessible, as in that case you would have insisted upon their production? I should certainly have wanted to see them, if they were in any custody in which they could be seen.

1757. So that your not having seen them shows that they were not accessible? Yes.

1758. Are these documents mentioned in the affidavit you have referred to? I think so, but I am not certain.

1759. In the affidavit made by Skerrett at the time of his insolvency, is there any mention made of the documents which might be produced as evidence of his property in the different items mentioned in his schedule? There is not.

1760. Is there any mention of it in the affidavit? No. By the affidavit I mean the oath the insolvent takes to the correctness of his schedule. I may also explain, that when an insolvent files his schedule, and the surrender of his estate is accepted, he is supposed to go directly to his Official Assignee to give him such information as he may require. When they come to me it is a regular demand that I make for all papers and documents connected with the estate,

1761.

1761. That being your regular custom, you assume that you made it in this case? Yes, I R.H. Sempill, Esq.
1762. And he did not produce any? He did not.
1763. Had you any knowledge at all of Miss Kelly's property, in your capacity as Official Assignee? No, none. 10 Dec., 1862.
1764. Do you know anything of Miss Kelly in any other way? In what respect?
1765. With respect to the value of her property? No.
1766. But I think you stated that the 500 head of cattle which Skerrett gave in to you, as part of his assets, were at one time the property of Miss Kelly, or were obtained from her in some way by Skerrett? Yes; according to his statement, they were the same cattle that he declared he had purchased from Miss Kelly.
1767. *By Mr. Stewart:* The cattle that Skerrett represented as his, as having been bought from Miss Kelly, were those cattle of which the ownership was contested? Yes.
1768. And they were not at the time of his insolvency in his possession? Not in his actual possession, because they were represented as running in the bush.
1769. And when you wished to attach them you found they were the property of some one else, and that the ownership of them was disputed? Yes. It was this—other parties, not the owners, but persons having a right to take the cattle, came in and drove them off.
1770. And to prevent trouble and expense you would not interfere further in the matter? I found, upon receiving a report from my agent, that I could not proceed further without applying to the Supreme Court for an attachment against those parties who had rescued the cattle. This would have cost at least £100, and as I had no funds in hand on account of the estate, I could not move in the matter.
1771. *By Mr. Cunneen:* Are you aware who the persons were who took these cattle from the possession of those who had collected them? Yes, I was aware that some of them had been taken by Mr. Begbie, and some of them by Mr. Andrews.
1772. Did they represent or allege by what right they prevented your agent from taking the cattle—did they themselves set up any right to them? Yes; some weeks after the rescue Joseph Andrews called on me, in Sydney, and said that he had understood that I had authorized the seizure in Skerrett's estate of some of his cattle, and that he would not permit such a thing to be done.
1773. Did he say they were his? He said some of them were. The expression he used was, that we were attempting to take some of his cattle. He did not speak of the lot as his, but complained that my agent had taken some of his.
1774. Was there any other party who claimed the ownership of the cattle besides Joseph Andrews? Yes, Begbie also claimed them. I think he claimed the herd as his—there was a further claim made on them in right of rent.
1775. Was there any particular brand on the cattle of which Skerrett gave you the list—how did he represent them to be branded? With a circle K, I think. I could have given the Committee much better information if I had known the subjects upon which I should be questioned. For instance, on the present point it is possible that I may have by me some notes of the statement that Skerrett made to me in the first instance, immediately after his insolvency, and by referring to that I could have answered without hesitation. However, I am certain that he represented some of them to be branded K in a circle, if not the whole of them.
1776. In your instructions to your agent you would, I presume, be very particular in giving him the brands and description of the cattle he was to collect? Yes.
1777. In order to identify, without mistake, the cattle which Skerrett said were his? Yes. But Skerrett professed to know them well, without reference to the brands, and he went up with the warrant to place in the hands of my agent, and with instructions from me to accompany the agent, so as to point out the cattle, that they might be attached. I afterwards got a large number of cattle in Joseph Andrews' estate, branded circle K, and I was informed that they were some of the cattle claimed by Skerrett, and that they were branded with Miss Kelly's brand. These cattle I afterwards sold as an asset of Andrews' estate, so that not only were they claimed by Andrews, but they were given up by himself, on his insolvency, as his own.
1778. *By the Chairman:* Were you Official Assignee to Begbie and Cooper's estate? No; but I was connected with some of their affairs, though not as Official Assignee. They were large creditors in Andrews' estate, for which I was Assignee, and Mr. Begbie was the leader of a party who endeavoured to stop me in the plan I was pursuing for the realization of the estate. Being a person of some influence in the district, he represented to the creditors there that the estate was a very poor one, and that if it remained in my hands the assets would all be swallowed up in expenses through the steps I was taking. In this way he got them to agree to accept from the insolvent a composition of 2s. 6d. in the pound.
1779. Did Andrews agree to that? No; Begbie endeavoured to make the creditors accept it, but I resisted, and going on with the course that I had marked out for myself from the beginning, I ultimately succeeded in realizing 20s. in the pound for the creditors.
1780. Then you were not Official Assignee to Begbie and Cooper's estate? No.
1781. Who was? Mr. Morris, I think.
1782. You stated, I think, that the proper custodier of these papers was Mr. Moore Dillon? Yes, the Crown Solicitor whoever he may have been.
1783. He was the person who should have had them in charge? Yes.
1784. And in the Judge's department, suppose the Judge to have borrowed them, who would have charge of them—not the Crown Solicitor? No; he would only have charge on their being returned from the Judge to his office.
1785. So that after he had parted with them to the Judge, he would have nothing more to do with them until they were returned to his office? No.
- 1786.

- R. H. Sempill, 1786. Do you remember who was clerk to the Chief Justice before Mr. Lee? Yes, Mr. Elliott.
1787. Are you aware what time he left? I should say fully a year before.
- 10 Dec., 1862. 1788. I will read you a question put to Sir Alfred Stephen by Mr. Hart, and His Honor's answer, on the occasion of his being examined before a former Committee of the Assembly, which was appointed to inquire into certain complaints of Charles Skerrett:—"Do you think that great blame is attachable to some one for losing these documents, and that Miss Kelly might not have been convicted of perjury if these documents had been produced at her trial? The latter portion of this question I cannot answer; as to the first portion, my answer is as follows: My clerk, in July, 1857, was a Mr. Elliott, and I am perfectly confident that I directed him, as I always do after similar investigations, which are very numerous, to return the documents to the person from whom I got them. It is perfectly certain that he did not do so; but as these investigations are usually in the evening (the day-time being generally occupied in Court), and sometimes continued to a late hour in the night, he might not have taken the documents with him, or he may have taken them with other documents, and by mistake have mixed them with the Banco papers. I have no knowledge whatever how they became mislaid. A few weeks ago, my present clerk and I searched every drawer in which it was at all probable that they might have been placed. But it appears that the Banco drawer was not searched, nor should I have thought of searching it. Finding, however, some weeks ago, that the drawer was extremely full, upwards of forty or fifty papers being there, some of old date, I directed it to be emptied and re-arranged; and, in arranging the drawer, these papers were found at the bottom. So at the least I was informed by Mr. Lee, for personally I have no knowledge of the subject. He brought the papers to me." I would now ask you if, in your opinion, it is at all likely that such a mistake should be made—that the papers should have got into the wrong drawer without any of the clerks knowing anything of it? I think it more likely that they would remain for a long period undiscovered in the drawer of the Chief Justice than in that of either of the Puisne Judges, because he, being Chief Justice, has all the correspondence of the Court devolving on him, and his drawer is, consequently, more full of papers than that of either of the other Judges. At the time I was clerk to Judge Dickinson, he was one of the Puisne Judges, and his drawer was not so full of papers as that of the Chief Justice, and I used to clear it out regularly once a week. The drawer of the Chief Justice, besides the ordinary papers of the Court, contained the current correspondence of the Court.
1789. Then it is possible that they may have been there without its being known? Yes, I think it is possible. They may have been left behind on his leaving the Colony, and then may not have been interfered with.
1790. And being in that drawer, Miss Kelly would, of course, have been precluded from using them on the trial? Of course she would.
1791. And then as to the latter part of the question—as to the influence these documents would have had on her defence;—from your knowledge of proceedings in Courts of law, and from your long experience of trials in the Supreme Court, are you of opinion that in a case where a prisoner is charged with perjury of this description, and when a jury have convicted another person of cattle-stealing, based upon forgery of a document which the prisoner is reported to have signed and has denied the signature, and has been brought before the Court for such denial on a charge of perjury,—do you think that the want of the documents on the trial would be likely to influence the decision of the jury? I should think that the jury would go by the evidence that was before them.
1792. I think I understood you to say that these papers being in the drawer of the Banco Court, it would be out of the power of Miss Kelly to avail herself of them as evidence on her trial? Of course. It was unknown in whose custody these papers were at the time of the trial—they could not be produced.
1793. *By Mr. Flett*: Amongst the cattle that came into your hands in Andrews' estate there were a number having Miss Kelly's brand? Yes.
1794. Have you any knowledge of what they realized? No, I cannot say from memory.
1795. Are you aware of what amount of money was paid by Andrews' estate to Begbie and Cooper's estate? Yes, I can tell by referring to the schedule.
1796. Will you state, as near as you can, what amount was paid? Do you mean the amount of proof?
1797. Yes? The amount proved is £390, promissory notes given for cattle purchased, to Cooper and Begbie.
1798. *By the Chairman*: You said that a person was sent down by the Court to take charge of the property in Skerrett's estate? Yes.
1799. Who was it? A man named Dennis.
1800. Do you remember who recommended him to the Court? The course is not to recommend to the Court but to the Assignee.
1801. Who recommended him to the Assignee? I made inquiries as to who he was, and whether he was a respectable man. I was told that he was, and that he was a responsible man with property of his own. I mentioned his name to Mr. Purefoy, the Commissioner, who recommended him for appointment to the Court.
1802. Who recommended him to you? Not anybody in particular.
1803. How then did you come to know of him? I asked Skerrett who there was up there that I could get to act, and he mentioned two or three persons to me. I made inquiries respecting the persons he had mentioned, and finding Dennis to be a responsible man I sent him the warrant.
1804. Who were the other parties mentioned to you? I forget now, but I think one was Mr. Chapman.

1805. Then your first knowledge of this man Dennis came from Skerrett? No, not my knowledge of him; Skerrett merely mentioned his name to me amongst others, as a party who would act if a warrant were sent to him, and then I made inquiries from other persons whom I knew, in order to satisfy myself as to his respectability and responsibility. The usual course is to send the warrant to the constable of the district, but on my asking if there was a constable in the neighbourhood I was told that there was not. I asked Skerrett then who there was there that I could find to act in the matter, and he then mentioned the names of two or three persons, amongst whom was Dennis.
1806. And from whom did you make inquiries respecting him? From several persons—from Mr. Flett for one.
1807. Did he recommend him to you? No. On my asking him about Dennis, he told me that he was a man who had some property of his own, and was therefore a responsible party to employ.
1808. How did it happen that you went to Mr. Flett? I knew that Mr. Rowley, the solicitor, was well acquainted with that district, and I, being a complete stranger to it, went to him to see if he knew Dennis. He said he believed him to be a respectable man, and I then asked if he could tell me any person to whom I could go to make further inquiry, and his reply was, "Why not go to Mr. Flett, he knows the district?" I then met Mr. Flett and asked him about Dennis, and he said that he was an honest, respectable man, who had some property of his own, and that I could therefore rely on him.
1809. Did Mr. Chapman act? No warrant was sent to him.
1810. Was he not a creditor of Andrews' estate? No, you are alluding to Mr. Cooper. Mr. Cooper was the chairman of the meeting of Andrews' creditors at which it was proposed and agreed to take 2s. 6d. in the pound. But as I knew from Miss Kelly that she was a creditor of Begbie and Cooper for these very cattle for which they claimed against Andrews, I would not consent to the arrangement; and I ultimately, by carrying out my own ideas, got 20s. in the pound for the creditors.
1811. Did Miss Kelly make good her claim? Her claim was against Begbie and Cooper and not against Andrews, and this was one of the things that operated on me not to assent to the arrangement, for there seemed to me something so manifestly corrupt in their selling cattle that they had not paid for, and then agreeing to take 2s. 6d. in the pound for their claim, that I opposed it.

R. H. Sempill,
Esq.
10 Dec., 1862.

John Morris, Esq., called in and examined:—

1812. *By the Chairman:* You are an official assignee? I am.
1813. Do you know anything of the matters between Miss Kelly and Skerrett? No, I know nothing at all about either of the parties, any more than that I was official assignee to Begbie and Cooper's estate.
1814. And Miss Kelly was a creditor in that estate? Yes. A couple of bills of exchange to her were proved from the hands of Lennon and Cape; they proved in the Insolvent Court for these bills as their property, and received the dividend upon them.
1815. What was the amount? The amount of the two bills was £1,090.
1816. And what dividend did they receive? They received £190 17s. 10d.
1817. When Begbie and Cooper were insolvent, their estate was placed in your hands? Yes.
1818. How did they account for their insolvency? I cannot recollect that.
1819. Did they say anything of a man named Skerrett interfering to prevent them from collecting their cattle, purchased from Miss Kelly? I have heard the name of Skerrett in connection with this matter, but I cannot speak as to the particulars.
1820. Can you recollect what it was stated these bills to Miss Kelly were given for? I cannot tell now; the bills were proved by Lennon and Cape as their property, and as they are very respectable people, and as there was no allegation of anything being wrong about the bills, their proof was accepted without question.
1821. It struck me, however, that you must have become acquainted with the reasons they gave for their insolvency? No doubt, but I do not recollect now. Had I been aware that such a question would be asked, I would have taken a minute of the examination before the Commissioner.
1822. Will you append to your evidence the reasons given by these insolvents for their insolvency? I will do so.
1823. *By Mr. Flett:* How much do you say that Lennon and Cape received? The amount was £190 17s. 10d. I have here a statement of the estate in which everything is explained.
1824. Was there not some landed property in this estate? I cannot recollect, but everything that belonged to the estate was realized.
1825. *By Mr. Stewart:* There were no assets beyond those mentioned in this statement? No.
1826. And if there is no land mentioned there, none came into your hands as assignee? No.
1827. And of course none was sold? No.

John Morris,
Esq.
10 Dec., 1862.

Mr. Henry Selby called in and examined:—

- Mr. H. Selby. 1828. *By the Chairman*: What are you? A draper.
 1829. Residing in Sydney? Yes, in George-street.
 10 Dec., 1862. 1830. Are you aware of the nature of the inquiry in which this Committee is engaged? I am aware that it is something in connection with the case of Miss Kelly.
 1831. Can you give the Committee any information on the subject of this petition, that being the matter to which our inquiry is confined? (*Petition handed to witness.*) I do not know anything about this business of Skerrett's.
 1832. Or of the proceedings about these cattle? No; I have not the slightest knowledge of anything about Mr. Charles Skerrett.
 1833. *By Mr. Flett*: You have been called at my request, and I have a few questions to put to you. You were on the jury in a case that was tried in 1860, and pending between Richards and Andrews, two well-known characters on the Manning, in which a decision was given on all points in Richards' favour against Andrews? Yes, I was. We gave our verdict on all points in his favour.
 1834. You are aware, I suppose, that the particular point on which the action turned was as to the validity of a lease? I am.
 1835. A lease granted by Miss Kelly to Richards? Yes.
 1836. Mr. Andrews had impeached Richards with having forged that lease? Yes, he made a charge against him before the Magistrates to that effect.
 1837. Richards then entered an action against Andrews for slander and defamation of character? That was the action we tried. It was an action of trespass, for slander and malicious prosecution.
 1838. And the lease in question was put in as evidence? Yes, amongst other documents.
 1839. And it proved to be a genuine lease? Decidedly so.
 1840. Drawn by Miss Kelly? It was proved to our satisfaction to be drawn from beginning to ending by her, and in her handwriting, and to be signed by her also.
 1841. That was your opinion at the trial? Yes, that was the opinion I formed at that time, and nothing has occurred since then to shake that opinion.
 1842. The trial lasted a considerable time, I believe? Yes, six or seven days.
 1843. Miss Kelly was examined as a witness? She was.
 1844. And you heard her say that she never gave such a lease to Richards? Yes; and in opposition to this, it was proved to our satisfaction that she had promised him the lease and that she had given it to him.
 1845. In your opinion did she perjure herself on that occasion? I think so, certainly.
 1846. And that was the opinion of your brother jurors? Yes, of all. We were unanimous in our conclusion. We compared the lease with every other lease brought before the Court, and with various documents produced, and we could come to no other conclusion than that she wrote it from beginning to ending with her own hand, and that she signed it afterwards.
 1847. I do not know if you recollect the charge of the Judge, and the remark he made about its not being a very difficult thing to forge a signature, but that it was a very difficult thing indeed to forge a whole document? I cannot recollect the whole of what the Judge said; but I know that we formed our opinion on the documentary evidence before us.
 1848. And is that still your opinion,—is it the same now as it was then? Most decidedly it is.
 1849. *By Mr. Stewart*: Do you recollect what evidence was given in addition to the documentary evidence? The main evidence consisted of an immense mass of letters, all in Miss Kelly's handwriting, which were sworn to, and all marked and numbered.
 1850. Were there any witnesses called besides those necessary to prove the handwriting of the documents? I cannot call to mind now, at this distance of time, but to the best of my belief there was no witness.
 1851. And the jury came to their conclusion on the documents before them? Yes, on them principally.
 1852. If you had had before you in evidence the fact that three leases, all purporting to be drawn and signed by Miss Kelly on one day, would that have shaken you? No, it would not in the least have shaken my opinion in regard to this particular lease.
 1853. But suppose two other documents of a similar character, purporting to be drawn on the same day, and leasing the property to other persons? Well, I am not now prepared to give an opinion upon what did not take place; I can only say what my opinion was of what I actually saw in proof before me, and that opinion I hold still.
 1854. Comparing that lease with other writing proved to be Miss Kelly's, you had no reason to doubt its genuineness? No; we believed that it was written, from one end to the other, by Miss Kelly. We compared every letter that was produced with the writing of the lease, and not only that, but we compared every letter of the alphabet taken separately. Then the spelling and the formation of the words were precisely the same; and also, where we could get words or parts of words with two or three consecutive letters the same in both, we examined them closely, and found that the mode of joining the letters was the same in both.
 1855. The other documents were proved to be in her handwriting? Yes; many of them were admitted to be so.
 1856. *By the Chairman*: You have stated that, from the mass of documentary evidence produced, you were satisfied that the lease had been written by Miss Kelly from beginning to ending, and that when she denied having done so, you were induced not to believe her,—what was this evidence? Letters upon different subjects, proved or admitted to be in her handwriting.
 1857. You have told the Committee that you examined every letter in the lease, taking the letters

- letters of the alphabet, and also such letters as were connected with each other, and that you found that the lease exactly corresponded with the documents submitted to it? Yes. Mr. H. Selby.
1858. In these letters that were admitted to be hers, was there any difference in the formation of the letters at different times—does Miss Kelly always form the same letter in the same way? No, I believe she does not. To the best of my belief it was adduced in evidence that she did at times change her handwriting. 10 Dec., 1862.
1859. In looping the y, for instance? I forget the letters in which she made a change.
1860. Did not that very fact leave some doubt in your mind as to the correctness of the lease? Not at all.
1861. The letters in the lease being the same as those in the documents, and she forming the letters differently at times, ought to have led to some suspicion? I do not say that I observed that she formed her letters differently, but only that I had heard it stated that she did so.
1862. Were the letters in this document uniformly written in the same way? I could not answer that question at this distance of time.
1863. Had you the lease in your hand when you were comparing the other documents? I had.
1864. Was there any endorsement on it? That I cannot say.
1865. What did it purport to lease? It was a lease of a certain portion of land with a big paddock, from Miss Kelly to Richards.
1866. For what rent? I cannot call to mind.
1867. Had you a magnifying glass to examine the documents? Yes.
1868. And they were so examined? Yes.
1869. What for? To compare the paper on which the lease was written with the other paper on which her letters were written.
1870. And was it the same description of paper as that on which the letters were written? I cannot call to mind now what the magnifying glass was brought in for, but I know that we used it to examine the quality of the different papers, and to make comparisons.
1871. I would wish you to understand that I do not desire to impeach the verdict of the jury—no doubt they formed a conscientious opinion upon the evidence before them,—still their verdict may have been incorrect? It may have been, but I do not think so.
1872. What, in your opinion, constitutes a perfect forgery—what state of perfection in imitation is required? I think a perfect forgery consists in writing somebody else's name precisely the same as they do themselves.
1873. A name, or a letter, or a document, in such a way as not to be known from the writing of the person forged upon? Yes.
1874. You have heard of forgeries being committed on banks? I have read of such things.
1875. Where the bankers themselves have been deceived, and have taken forged drafts upon other banks? There may have been such cases, but they have never come under my own notice.
1876. You have heard of cases in which the forgeries have been such perfect imitations that it has been difficult for the banks themselves to discern the difference? I have read of such things in the newspapers, but have never known of them personally.
1877. Do you not think that this forgery has been of a similar character to those? I do not know what you mean by this forgery.
1878. This lease that you took for a genuine document? I do not admit that it was a forgery; we accepted it for a genuine document; I was satisfied that it was so on the trial, and I am so now.
1879. So am I satisfied that you gave a conscientious verdict, and really believed the document to be genuine—but is it not a fact, that documents which have been considered to be forgeries, have afterwards turned out to be genuine? I cannot speak as to other documents having turned out forgeries or otherwise, I only speak of the document that was before me on the trial, and I say that we all agreed that it was a genuine document. It is impossible for me to give an opinion from what I have not seen or had no evidence on.
1880. *By Mr. Cunneen*: Was there any verbal evidence taken in this case? You mean any witnesses?
1881. Yes? Yes, numbers of them.
1882. Both for one side and the other? Yes, the greater portion of them were for the defence; but we had a number of them on both sides.
1883. Did any of these witnesses swear that this lease was a forgery? The witness Andrews swore that it was—though, now I come to think, I cannot call to mind whether he said positively that it was a forgery, or whether he said he believed it to be one.
1884. Are you aware, or can you state, whether any of the witnesses on the trial swore positively that it was a forgery? No, I could not say at this distance of time.
1885. *By Mr. Flett*: Did anyone swear that it was not a forgery, but that it was a genuine document? Yes, Miss Kelly swore that it was not a genuine document.
1886. But that it was a genuine document—did anyone swear that it was not a forgery, but that it was from beginning to ending in Miss Kelly's handwriting? Yes, I believe they did.
1887. *By the Chairman*: Were the jury aware at the time that Miss Kelly was then undergoing sentence on a conviction for perjury? They were.
1888. They knew she had been convicted of perjury? Yes.
1889. Were they also aware that Skerrett had been pardoned, after having served four or five years, at the instance of the Chief Justice? I do not know that I was ever acquainted with the man, but I knew from official reports that he had been convicted of cattle-stealing, and had been afterwards pardoned.
- 1890.

- Mr. H. Selby. 1890. The jury had these facts before them in evidence? They had.
 1891. Was there any person on the trial who swore that this lease was a genuine document, except the man Richards? I cannot speak with certainty at this distance of time, but to the best of my belief I think there were two other witnesses to that fact.
 1892. Do you remember their names? I do not, but I believe that Mr. Flett was one.
 1893. *By Mr. Stewart*: Did he swear to it as being a genuine document, or as a witness to its execution? Solely to its general character.
 1894. *By the Chairman*: He was the only witness, besides Richards, who, as far as you recollect, swore to the genuineness of the lease? There may have been others, but it is not to be expected that I should remember. It is not likely that I should keep these things in my head for five or six years, especially as I had no interest in them whatever.

THURSDAY, 11 DECEMBER, 1862.

Present:—

MR. CUNNEEN, | MR. FLETT,
 MR. MORRICE.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Miss Isabella Mary Kelly called in and examined:—

- Miss I. M. Kelly. 1895. *By the Chairman*: Where were you when you were first arrested on this warrant? I was living in Hunter-street, at Mrs. Price's boarding-house.
 1896. And you were brought at once to the Police Court? No, I was taken to the lock-up in Erskine-street.
 1897. How long did you remain there? From Saturday afternoon until the following Monday. It was half-past four o'clock in the day when I was arrested, and it was too late then to have bail taken.
 1898. On Monday you were brought before the Court? Yes.
 1899. Were you then committed for trial? No; the case was dismissed the first day, in the absence of papers.
 1900. You mean that it was adjourned? No, it was dismissed. I was subsequently brought up on summons, and the case was gone into.
 1901. And you were committed for trial? Yes.
 1902. Bail was allowed? Yes.
 1903. And you were afterwards tried at the Central Criminal Court, convicted, and sentenced to be imprisoned in Darlinghurst Gaol? Yes.
 1904. In what way were you treated in Darlinghurst Gaol? The first three weeks or so I was allowed to walk in the garden—in the private garden of the gaoler; but afterwards some evil disposed persons spoke against me to Mr. Beverley, and I was prevented from enjoying this little relaxation. That being the case, I could not bring myself to walk in the footsteps of prisoners, and so I confined myself to my cell, until at last I lost my health.
 1905. In what way did you lose your health? I had a severe attack of bronchitis, and was so unwell that I have been subject to fits ever since.
 1906. What sort of a sleeping place had you? It was a cell.
 1907. Of stone? Yes, a stone cell, exceedingly cold and damp—so much so, that the very clothes under me on the bed were mouldy and damp.
 1908. And you had very bad health during the time you were there? After the first month I never had my health, and when I left I had to be carried out and lifted into the carriage that took me away. In fact, when my discharge came I was too ill to leave, and it was not till the following day that I could be got into a fit state to be moved. I then had to be carried out to the carriage, and one of the women went with me to assist me, for I was not able to sit upright of myself.
 1909. Did you subsequently feel the effects of this illness? Yes; I have never been properly well since, for I have been subject to fits ever since.
 1910. Was any distinction made between you and the other prisoners when you were in gaol? I did not mix with the other prisoners at all. I kept to my own place—to my own cell. It was written on the door of the place where I was confined, "solitary cell," and I had it to myself; no one was with me.
 1911. What did you do when you got clear of the gaol? I was a long time ill, confined to my bed, whilst I lodged with Mrs. Hoare.
 1912. You were living in Sydney? Yes, for a long time.
 1913. And what became of your property? I found myself everything whilst I was in gaol—I paid for my washing and everything.
 1914. But after you got liberated, did you do anything with regard to your property? I was not able, through illness, to attend to it for a long time afterwards.
 1915. Did you hear anything about it? Yes, I heard that Skerrett and Richards were doing away with a great quantity of my property at that time when Andrews became insolvent. Skerrett and Richards were placed in possession of my house at Mount George, and they thus had every facility for robbing me in everything.
 1916. Had you this information from anyone residing on the Manning? Yes. I have here the letters I received on the subject. I produce a letter of 7th January, 1860, signed Joseph Andrews; one of 14th April, 1860, signed Joseph Andrews; one of 20th April, signed

- signed Joseph Andrews; and one of 2nd June, 1860, signed Ann Andrews. (*Vide Appendix.*)
1917. *By Mr. Flett*: For what purpose do you produce those letters? To show how I have been robbed.
1918. *By the Chairman*: What did you do when you got better? I went up to the Manning.
1919. What did you find going on when you arrived there? I found that all my property was destroyed. I found that everyone who had had a chance to do so had robbed me. My house of beautiful furniture, that had cost me a large sum, was either destroyed or taken away. All my own wearing apparel was gone. They had broken into my place on every side, and had taken away everything.
1920. You had some account books there? I had my stock and stud books, and some papers. They were carried off by some person, and I afterwards saw one of them produced by Reuben Richards at the trial of Andrews.
1921. What was the nature of the paper you there saw produced? It was the copy of a lease to a man named Purl, which had been copied by me from the original. That I had left in my house amongst my papers, and I saw it afterwards in his possession.
1922. Where? In the Supreme Court.
1923. Or the Police Court? No, I wanted to go to the Police Court in order to get it back.
1924. Which Court was it that you saw this partially drawn lease in—be sure of your answer? It was in the Supreme Court.
1925. At the trial of Andrews? Yes. I saw it in the Prothonotary's office. I saw it there with some other papers, and I immediately pointed it out to Mr. Brennan as the copy of a lease that I had left locked up in my desk when I last left the Manning.
1926. Is that the only paper of those you left in your house that you have since seen? The only one.
1927. Had Skerrett sold any of your cattle when you got back? Both cattle and horses. You will see by one of these letters that he took away fourteen head of horses.
1928. Did you bring him up in any way for his illegal conduct? I wished to do so, but I could not get a summons granted either for Skerrett or Richards. I could not get a Magistrate to issue one.
1929. Why not? Because they said it would be no use to bring them up, as, if they were committed, the Attorney General would not file a bill against either of them. I had an information and a summons prepared against Richards, and I applied to Mr. Hill, to Mr. Flett, and to Mr. Croker to swear me to the information and to issue the summons; but one of them declined to do so.
1930. *By Mr. Flett*: What did the summons relate to? To the lease which Richards represented I had given him.
1931. That lease was impounded by the Court, and could not be given up to you? It was produced in Andrews' case, and I summoned Richards for perjury for the evidence he gave on it.
1932. *By the Chairman*: Was not Skerrett committed from the Dungog Bench? The case was heard at Dungog, and Skerrett was very ably defended on the occasion. The Magistrates referred to the Manning Bench on the subject, and asked me why I had not taken the case there. I told them that it was because I did not think that I could get justice done me there.
1933. When Skerrett was committed by the Dungog Bench, who were the committing Magistrates? Mr. Day, Mr. Hawthorne, and Mr. ———.
1934. Anyone else? I think Mr. Flett, but I am not sure.
1935. Did Mr. Day make any remark respecting your case from the Bench? He cautioned the public against buying any cattle with my brand from Skerrett; yet, even after this caution, Skerrett sold them.
1936. Do you know a man named Avery? Only by name.
1937. Did he kill any of your cattle? He did; and after the caution had been given in open Court, and he present at the time.
1938. Where were these cattle killed? In Mr. Flett's yard—at least so I was informed. I know they were in his yard, and I believe they were killed there.
1939. After Skerrett's trial, and during the time he was serving his sentence did you sell your cattle to Begbie and Cooper? I did, previous to his being liberated from Cockatoo.
1940. What were you to get for the whole of the cattle? £1,200; and they were to muster them all for themselves. Besides this, they were to have for the £1,200 forty-three acres of land, but I told them that I should not give up the deeds of the land until I had received the whole of the money. I never gave up those deeds because I never got payment.
1941. Did you get any money in hand on concluding the bargain? Yes, I received £200 cash down, and two bills, one for £600 and the other for £400.
1942. Had Begbie and Cooper opportunities for becoming acquainted with your stock? Yes, they were employed for three months in collecting my cattle that were running on the Manning Flats. They were employed by me for three months in riding amongst my cattle, and helping me to brand them.
1943. So that they were well acquainted with them? Thoroughly.
1944. And how many head do you believe they got? My calculation of the number of cattle I had was, that there were between 600 and 700 head; but I never guaranteed any number to Begbie and Cooper when I sold, but I mentioned 500 head, more or less. I said you see the cattle, you know them as well as I do, so judge for yourselves whether the price will

Miss
I. M. Kelly.
11 Dec., 1862.

Miss
I. M. Kelly.
11 Dec., 1862.

will suit you. It was they who were anxious to purchase the cattle from me, and it was a long while before I would consent to sell them, and it was not until Mr. Cooper endorsed the bills that I would do so.

1945. How many did they get in the first muster? They took from Brinbin 380 head, and on the Manning Flats they themselves thought that there were about 200 head more.

1946. And was that all? They did not muster them all at the one time; they were in several lots. They were afterwards sold to different parties, and one lot of 100 head was sold for a few shillings a head.

1947. What I wish to get at is the actual number of cattle you then possessed—you say that there were 380 head from Brinbin and 200 head from the Manning Flats, actually collected? No, they supposed there was that number there; they only took two or three days' muster from Waterview.

1948. Is that the same place as the Manning Flats? No, they are twenty-five miles apart.

1949. But to get to the particular number of cattle—you say that 380 were collected at Brinbin—how many were there besides? I believe I had between 600 and 700 head at the two places, and as such I sold them to Begbie and Cooper as 500 head, more or less, and they to muster for themselves. All I know of as having been actually collected were the 380 head from Brinbin.

1950. And what do I understand about those at Waterview? I should say that there were 100 or 150 head there—between there and Brinbin, at the Dawson.

1951. And you thought that altogether you had how many cattle? I am quite certain that, without any mistake, I had at least 600 head; and in saying this I say less rather than more than the actual number.

1952. And Begbie and Cooper were to give you £1,200 for these 600 head of cattle and the 43 acres of land? Yes, but as regards the land I was not to hand over the deeds until the money was paid.

1953. Had you a treaty with any person for the purchase of your horse stock? Yes; a Mr. Peter came to me, accompanied by Ben Sullivan and Jack Davis. They had bought some horses of me, and they brought Peter up with them to look at my stock. He asked me if I was inclined to sell, and I said, "Yes, if I could get my price." He then asked me what figure I wanted for the whole lot. I said I would take £4,500 for them, and after some talk he offered me £4,000 for them as they stood. I told him that I would not let them go for less than what I had said, for that I was under a contract to deliver a certain number to Captain Corbell, to go to Madras.

1954. He did not take them? No.

1955. He offered you £4,000, but would not give £4,500? Exactly.

1956. Did you send any of the horses to Madras that you had agreed to ship? No, I spoke about a vessel going to Madras, in order to secure freight for them, and made arrangements with Mr. Macamara about their shipment, but I was taken into custody at the time I was getting the stabling up in order to handle them for the voyage.

1957. And what did you afterwards do with these horses you were about to send? They are all gone.

1958. Did you sell any of them? Never one since I left Darlinghurst. I have here an account of some that were sold whilst I was in gaol, or I should rather say sacrificed.

1959. Then during the time you were in prison these horses were taken possession of by some one else? Yes, by Lennon and Cape.

1960. How did you become acquainted with them in so far as this transaction is concerned? I borrowed some money from them.

1961. For what purpose? For the law expenses, and to employ counsel for my defence.

1962. How much? I borrowed £320.

1963. And when you were convicted they took charge of your property as a lien for the amount lent? Yes.

1964. And they sent up a superintendent—Mr. Gerrard—on a salary, to take charge of your property? Yes.

1965. How much was his salary? He had £250 a year, and 2½ per cent. on all that he sold.

1966. Had you any stock besides cattle and horses? Yes, there were sheep.

1967. How many? They cost me £1,000. I sent to New England for them, so as to have fresh sheep to stock the run; and I have here an account of the proceeds of the wool for the first year.

1968. As far as these sheep were concerned, you had only a share in them? Yes.

1969. You were in partnership with Mr. Cosgrove? Yes. We bought, in the first instance, 3,000 ewes at 11s. each, and we sent to New England for others, for which I myself paid £1,000.

1970. Then, if Mr. Cosgrove gave the same for his half as you gave for yours, the sheep cost you altogether £2,000? Yes, and more than that.

1971. And the proceeds of the wool for the first year were £455 3s. 7d.? Yes; I had the half of that.

1972. And Mr. Cosgrove the other? Yes. After that we dissolved partnership.

1973. When Mr. Gerrard went up as superintendent for Lennon and Cape, did he do anything with these sheep? When I was taken up, the sheep were very much neglected, and the shepherds allowed the native dogs to rush them, so that many were killed and scattered; there was no one to look after the men, and they let the sheep go where they liked, or fed them over the old folding grounds, and in this way a good many died, so that there were not more than 1,200 of them left when I went back.

1974. What did he do with them? He ordered all the lambs of that year's lambing to be killed, and there was a very fine lambing that season.

1975. What was that for? In order that the mothers might get fat, for sale to the butchers. Miss
I. M. Kelly.
1976. Did he sell any of your horses? He did, some of them.
1977. Did he sell for Lennon and Cape more than sufficient to cover their expenses of management and sale, and to pay the money you had borrowed? I borrowed £320 from them, and here is their account, by which they shew that they have received £968 16s. 10d. 11 Dec., 1862.
1978. I see by this account that there is a balance coming to you of £58 16s. 2d.—did you get that? No, I did not.
1979. So that these £320 you borrowed cost you £968 16s. 10d., less the £58 16s. 2d. which they hold for you? Yes.
1980. Do you know how long Mr. Gerrard had charge of your place? Twelve months.
1981. What did he do with the sheep? They were taken to Maitland and sold.
1982. The lambs having been previously killed? Yes, the whole of them.
1983. And these sheep you say cost you £1,000? Yes.
1984. And that was all lost? Yes, all.
1985. And the horses, for which you were offered £4,000, have all disappeared? Yes, all.
1986. Had you any property—any land in Maitland? Yes; I have an account here of the land sold for me by Mr. Dodds and Mr. Yeomans, and the amount it realized.
1987. You sold that land? Yes.
1988. And what became of the money? It was all spent in law and expenses.
1989. It appears from this that since 1853 the following amounts have been realized:—For wool and sheep sold in 1859 and 1860, £2,351 7s. 6d.; for allotments of land sold in 1860, £2,622 7s. 4d., and for horse stock and colts sold by auction, £227 9s. 11d.? Yes.
1990. What became of this money? My house and premises at Mount George were set on fire, and the house and all that it contained—furniture and wearing apparel—were consumed. It was a large eight-roomed house, and had been newly furnished throughout, and this entailed a very great expense upon me.
1991. In what year was this? In 1853.
1992. That could have nothing to do with this case? No, but I had to procure new furniture and wearing apparel, and to reconstruct the house and premises.
1993. A great deal of this money was also expended in your stock and stations, and in carrying on your necessary business that you had to the fore at the time Skerrett commenced his last action against you? Yes, when Skerrett first commenced to give me trouble it cost me a great deal of money to get him convicted.
1994. I wish to know from you the full value of your property of every kind at the time Skerrett was convicted? At that time I considered myself that I was worth £15,000; my estate in land still remains, but in my stock, &c., I have lost about £10,000 since then, as these papers will show.
1995. In what way can you explain this loss? Because when my house was burnt down I had to buy everything—furniture and wearing apparel—and to replace the building that was destroyed.
1996. This Committee have nothing to do with that matter, but I wish to know what amount of property you considered you were worth at the time when Skerrett had you convicted? I am certain of this that I was worth fully £15,000. I am quite sure that I could have realized that amount if I had shipped the horses to Madras in the terms of the contract I had entered into.
1997. How did you lay out the money you received? I had wages to pay, and the ordinary expenses of my establishment. Then I paid large sums for the sheep and for land purchased.
1998. Had you to pay the expenses of the witnesses brought down on your trial? Yes, and not only once, but three several times, and there were very many of them.
1999. You had to pay their whole expenses? Yes.
2000. And to give them remuneration for their services? No, only to pay their expenses.
2001. Then you had to engage lawyers? Yes, and to pay large fees.
2002. How many days were you engaged in your trial at the Police Court? Several days.
2003. And were these witnesses there at that time? No, there were none of them at the Police Office; they were brought down afterwards.
2004. You had to bring all your evidence from the Manning? Yes, a distance of over 200 miles.
2005. Then a vast portion of your losses have been incurred through witnesses and law expenses? Yes; and not only that, but by the mismanagement of my property as well. It is that which has cost me the most.
2006. If you had been in charge of the property instead of Mr. Gerrard, you would, in your opinion, have realized a better price for what was sold than he did? I am sure that I could have made £15,000 by my property as it stood then, if it had been in my own hands.
2007. Did Begbie and Cooper pay their bills when they became due? No, they did not.
2008. Did they give any reason for not doing so? They said that in consequence of Skerrett having taken the cattle they were unable to pay me, but they had no doubt that if I would give them time they would be able to do so in the end; and that if Skerrett had not attacked them, they would have met their bills.
2009. They were afterwards insolvent? Yes.
2010. In whose possession were these bills at that time? In the possession of Lennon and Cape.
2011. How did they get there? I handed the bills to them as collateral security for the money they advanced to me.
2012. Was there not a seizure of your horses under legal process? Yes, there were two seizures.
- The

Miss
I. M. Kelly.
11 Dec., 1862.

The first was by Managan, who seized for £50,—the expense of mustering; the second was by the Australian Agricultural Company for the Gang Gat station at the Manning Flat. There was another seizure by a man, a shepherd up there, who seized for the sum of £4, which he said was due to him for wages, although I did not owe him a penny. He got a verdict in my absence, and took my furniture and sold it. I was not there, and it only realized £13—all my beautiful furniture that had cost me so much. There was no one there to buy it.

2013. How much had it cost you? A great deal of money, several hundred pounds. It fetched nothing, because there was nobody there to buy.

2014. Can you state the particulars of the articles sold? I have not got the particulars of the last seizure. I have sent up to get a copy of it, for they would not give me the original.

2015. About the 7th June some of your horses were seized and sold for rent at Andrews' Yes; there were forty seized, and thirty-eight were sold.

2016. And how much did they realize? About £46 for the thirty-eight head.

2017. Some of them I believe were superior animals, of great value? Yes, of very superior value. There was one splendid foal that I would not have sold for £20; but they managed to smuggle the horses about from one place to another, not giving notice of the sale, and in this way no price was obtained for them.

2018. Did you get any account of the parties who had purchased them? Yes.

2019. Who were they? Andrews purchased some, and Mr. Richardson, and a servant of Andrews', and by the neighbours just round about. The sale was not published as it ought to have been.

2020. It was, in fact, just a kind of division of your property amongst the neighbours? Just so. They were sold, and the Sheriff never served me with any notice of the sale.

2021. And the people round about bought the horses amongst them at their own price? Yes.

2022. What could you have made of these forty head of horses if you had had them at your own disposal, and had been put to no inconvenience by Skerrett? I have not made any calculation of that, because I did not expect to be asked about it.

2023. Confining yourself to these cattle, can you not give an idea of what they would have realized? I have not made a calculation, but you may guess how they were sacrificed when a colt that I was offered £20 for was sold for 12s. 6d.

2024. Do you know who bought that colt? He was kindly bought in for me by a man named Pass; he bought two for me, and gave them to me afterwards. One he bought for 12s. 6d. and the other for £1.

2025. Some neighbour of yours who did not like to see you robbed in this wholesale manner? Yes.

2026. I would now tell you that this is your final examination, and the Committee are desirous of obtaining from you the true statement of your case. I now ask you whether, if you had had the management of your own business at the time your property was sold, and had not been placed in a position in which you could give it no attention, you could not have made a great deal more money of it than was made? Yes, I could. I was always considered to be a rich woman, and I am satisfied that at that time I could have made £15,000 at the least of my property. I ought to have that now if my property had not been taken from me, and I had not been robbed in the way I have been.

2027. Your Mount George property was mortgaged? Yes.

2028. About what year? The money was raised for a particular purpose for which I required it.

2029. Was it to go into your business? Yes.

2030. And you expended it in the extension of your business? Yes.

2031. Were you in the habit of keeping money by you to pay current expenses of your station? Yes, because of the difficulty there was of getting cheques cashed in the country. I did not pretend that I kept any cash in the house, but I always did so. I would say that I would go down to the store and get cash. People, however, were not willing to cash cheques, so I always kept ready money by me; at the same time I had accounts open in the bank at Maitland, and also in the bank at Sydney.

2032. Did you make any bad debts? Not one, except that of Begbie and Cooper's; that is the only one.

2033. So that whatever money you had invested in your business must have remained in it since you made no loss? I had no loss except in the one case I have mentioned.

2034. Did you ever find yourself distressed for ready money? No, I always had plenty of money; I was never distressed for cash; and you will see this by a reference to my bank accounts, both in Sydney and Maitland. I always had an account at Maitland as well as at Sydney, as it was handy for me as I had to send there often for supplies.

2035. So that the expenses arising out of these proceedings between Skerrett and you, which terminated in your conviction and imprisonment, caused your freehold property in Maitland to be sold, your cattle, your horses, and your other stock to be sold, and your estate to be mortgaged, the whole of the money raised from this sacrifice being spent in law in defending yourself, together with the loss you suffered from the destruction of your property? Yes; and permit me to say also, that in closing up my affairs I had had a farm of rich land cut up into allotments, in order that they might be sold before free selection came into operation. I should have made a large sum by that land at that time. Besides this, I had the contract for shipping the horses to India, and had all my preparations made for doing so. It had been my intention to have sold off my whole stock and to have gone Home, which I could have done with £15,000, if I had not been prevented by this affair of Skerrett's.

2036. Is there any way in which the Committee could get a verified copy of the value of your property at the time when you were first troubled with these proceedings of Skerrett? Miss
I. M. Kelly.
The only thing I have is this account, which I would wish to hand in.
2037. But these bills could not give us any idea of what you were worth at any particular time, because you sold off some portion of your stock at different times;—but have you any account book from which you could authenticate your statement as to the amount of property you possessed? I had an account book and a journal, but they were taken away from my house with my other papers. My stud book and my account books and everything were carried off, and I am not now in a position to show you what you require. 11 Dec., 1862.
2038. You must leave that part of your case then to the consideration of the Assembly? Yes; but I have papers and bills here to show all that I have saved, and what it has realized.
2039. Have you got any further statement to make to this Committee? I would say this, that I have been living at very great expense for the last four years, travelling up and down the country from the Manning River to Sydney. I have been obliged in this way to spend a great deal of money, whilst I have never been able to look after my business, and everything has gone to ruin; and all the time I have had to live at a very heavy expense in Sydney.
2040. Do you know a person named Turner on the Manning? Yes, which one?
2041. There was one of them who was building a house for you? Yes; there are two Turners, William and Samuel.
2042. William is a young man? Yes.
2043. He witnessed one of these documents that are in dispute? Yes, but he is not the same man who absconded, and who was building my cottage.
2044. You owed him some money about this time? I owed him nothing, because he drew everything that was due to him in rations. There was a little balance due to him when he left off work, and he took it out in rations.
2045. He asked you for some money upon one occasion? He did, and I gave it to him.
2046. Did you tell him that you had nothing but large notes, and that you could not give him any money on that day? No, but it may have happened in this way:—He was present when a man named Alexander Clarke paid me £35 for a chesnut foal; Clarke gave me £40 in four £10 notes, and I gave him a £5 note back; he was standing there and saw, and very probably he may have thought, that all the notes I had were too large, and that it would be difficult to cash them there. I never spoke to him, however, about anything of the kind.
2047. *By Mr. Cunneen*: You say that Mr. Peter made you an offer for your horse stock? He did.
2048. What did he offer you? £4,000.
2049. In what year was that? In 1855.
2050. How long was this before you were imprisoned? Four years—I was imprisoned in 1859.
2051. Then was that their value in 1859? They were more valuable then, for there was their increase during four years.
2052. What was their value in 1859, when you were imprisoned? The value I set upon them then was £6,000, that is allowing an increased value for the increase of the stock.
2053. Did not horse stock fall off in value between the time Mr. Peter made you the offer and the time when you were imprisoned? They were not so high in value, certainly; but I have here an account sale of a number of unbroken colts sold in Maitland for me, and this will show you the price that my stock fetched in the market.
2054. Between the time he offered you £4,000 and the 5th of October, when you were convicted, had you disposed of many of your horses? No, I had not.
2055. Had you at that last date as many horses as when Mr. Peter offered you £4,000 for the lot? Yes; I reckoned that I had 600 head of horses. When Skerrett was sent to Cockatoo, it was proved that I had 400 head.
2056. Was horse stock of as much value when you were convicted as when Peter offered you the £4,000 for your lot? That I cannot say.
2057. You were imprisoned for five months? Yes, five months and a fortnight.
2058. During how long a time after you were released from prison were you incapacitated by sickness from attending to your business? During four or five months.
2059. Can you prove that during the five months you were imprisoned you suffered any special loss? My losses all occurred during that time.
2060. What was your loss during that time—losses occasioned by your not being able to attend to your business? About £3,000, and since then I have been living upon what means I had by me; I had money in the bank, both at Maitland and in Sydney, and since then I have spent it all. Altogether my losses have amounted to quite £10,000.
2061. I wish you perfectly to understand my question;—what I require is, that you will take into consideration no losses that you have sustained before or after your imprisonment, but that you will confine yourself strictly to an estimate of the losses experienced during the time you were in gaol—during the five months and a fortnight;—you surely could not have lost £10,000 in that time? I am sure that, at the very least, I have lost £7,000.
2062. During the time you were imprisoned? I could not say that, but I know that all my losses either occurred during the time I was incarcerated, or were caused by that incarceration.
2063. Can you give the Committee any calculation to show how you make out that these losses were sustained during that time? I have nothing on which to make them. All my books were taken away.
2064. Have you made no such calculation? I have not done so.

Miss
I. M. Kelly.
11 Dec., 1862.

2065. How long does this account that you have laid before the Committee extend over? During 1860. I was for twelve months unable to attend to my business, what with the trial and the imprisonment, and my subsequent illness; and then when I recovered my health, I became subject to fits. I am sometimes for weeks after one of these fits unable to attend to business.
2066. At what date did you borrow the £320 from Lennon and Cape? In 1859.
2067. Before your conviction? Yes.
2068. What security did you give for the money? A lien on my property.
2069. On the whole of it? Yes.
2070. That must have been very heavy security for so small a sum? I thought that by giving them a lien on the whole of it, that they would take care of it for me.
2071. So for a loan of £320 you gave as security property that you estimated to be worth £15,000? Yes; but it was in order that it should be protected.
2072. You gave them a lien upon everything—horses, cattle, land? No, not on the cattle—they had been sold previously.
2073. How long after you gave the mortgage on your property was it that they foreclosed? They did not foreclose; they sold the property and paid themselves.
2074. But how long after lending you the money? They had charge of the place for twelve months.
2075. How long after you had mortgaged your property to them was it before they had satisfied their claim? I borrowed the money in 1860, and their account of the sale is dated in October, 1861.
2076. Let me call your attention to the sixth paragraph of your petition, in which you state "That during the time of your petitioner's imprisonment, the said Charles Skerrett, taking the sentence passed upon your petitioner as a proof of the validity of the forged bill of sale, seized and took away a number of cattle which had belonged to your petitioner, and had been sold by her to Messrs. Begbie and Cooper on the Manning River, in consequence of which Messrs. Begbie and Cooper became insolvent, and your petitioner lost £1,100, due to her from them for the said cattle, and interest." Now this is a loss which you distinctly state that you suffered whilst you were imprisoned? Yes.
2077. Is there any other special loss, occurring through the same cause, that you can point out to the Committee? Only these sales, which I would wish the Committee to look over.
2078. But without referring to papers, can you point out in the same way as you have done with respect to the cattle, any other special loss sustained in consequence of your imprisonment? I am not competent to make such a statement. I have brought up with me my accounts of everything that has been sold, and hoped that the Committee would look over them.
2079. It must be evident to you that the Committee cannot connect these accounts with any losses you have sustained, and it is for that reason that I would wish you to particularize any such loss beyond the cattle mentioned in your petition? I cannot do so in any other way than by putting these accounts before you.
2080. *By Mr. Flett*: Do you know where Skerrett is now? In Melbourne, I think.
2081. You spoke, in a former portion of your evidence, of a lease that you saw in the Supreme Court, that you had given to Purcell? No, only a copy of a lease to Purcell that I had made.
2082. What was it the lease of? A paddock at Mount George.
2083. Was that before Richards came into it? Yes, whilst I occupied it.
2084. You said that Newman seized your horses and sold them? Yes.
2085. Now did you not drive them into Maitland yourself, and have them sold on your own account? No, they were seized and sold by Thurlow, through his agent.
2086. I say that they were not seized? You are mistaken; they were ordered to be seized and sold by Mr. Thurlow.
2087. He could not do it? He did. He sued me in the Supreme Court and got judgment against me, and ordered them to be sold in execution. He wrote to Mr. Dodds in Maitland, and directed their sale.
2088. *By Mr. Cunneen*: Had you any sheep when you were imprisoned? Yes.
2089. Had you any loss on these by reason of your imprisonment? During that time they were all lost to me. They sold for £300 and I gave £1,000 for them.
2090. And this was caused through your prosecution by Skerrett? Yes, all through Skerrett.
2091. And with regard to your horse stock—can you state any special loss you suffered in regard to them through your confinement in gaol? They have all disappeared. I had about 600 head, and I suppose you will not see now twenty head of horses on the run. They have been neglected and got wild, and no one can get them in now, even what few there are.

APPENDIX.

Miss Kelly:

Dear Madam,

No doubt you will think it very strange of me in not writing you before this on the many subjects that you feel an interest in. The truth is I could write very unsatisfactorily, and even now I am afraid they will not be so pleasing as I could wish. No doubt you are informed of Skerrett's doings on the Manning. He has been successfully resisted by Mr. Gerard from taking any horses, but he has succeeded in taking some of Mr. Begbie's cattle, and for the last eight or ten days we have heard nothing of him. You will next wish to know something of Richards. My opinion of him is, that he is not a whit behind Skerrett, and I have no hesitation in saying, from my knowledge of the fellow

Woodside, Manning River,
7 January, 1860.

fellow lately, he is the cause of your incarceration. Immediately after he heard you were convicted, he asserted he had a lease of the Mount George paddock, and summoned me for trespass; he produced a lease which I challenged to be a forgery, and requested the Bench to impound the document for a time until I would produce evidence to prove it a forgery. It was retained in the office, and when my information was complete I took out a summons for Richards

Miss
I. M. Kelly.
11 Dec., 1862.

I have not been idle in making inquiries about your witnesses, and I am convinced from what I heard from Lewis and Giles that not a shadow of doubt would remain with the public that you are a victim to as base a conspiracy as was ever perpetrated in New South Wales. Lewis' statement confirms our opinion that the receipt was written at Mount George; this Turner confessed. I will get the whole statement of Lewis written and signed by himself, and send it to you. I have learned from the Rev. Mr. O'Quinlivan that the Sullivans are making all the inquiry they can, but I fear that the dates are what puzzles them. I should tell you that Tom Watson saw Wm. Turner, after he absconded from the Manning, at the Maitland races. I have not heard of the man Smith you speak about; he went to New England, and never returned to the Manning. I have just been given to understand that Skerrett did not buy those horses he and his witnesses alluded to at the trial—they were a Mr. Blair's. Mr. Blair is a nephew of Sir D. H. Blair, of Edinburgh, and is a squatter somewhere.

Can you not get a new trial? The missing documents having turned up, there is no doubt as to the result. Lewis', Giles', and Watson's evidence would clear up Turner's receipt, and, of course, the whole affair. If no new trial be granted you, and that the whole twelve months be served by you in Darlinghurst, I fear that both Skerrett and Richards will escape justice. Before I close this scribble I should give you an outline of Richards' lease:—It is dated the 19th September, 1859, and is for nine years from that date; four years rent free, on condition that he will put up a good fence round the paddock, stated to be fifteen acres, more or less; the remaining five years at £6 per annum. On the other side of the agreement is an authority given him to split what timber he requires, &c., &c. I was certain, before Mr. Girard told me, that this document was a forgery. Certainly some of the writing resembles yours, but your two signatures to the document differ, and I could point out the difference by comparing your real signature

I fear you will not be able to read this. I thought that when the missing documents were found there would be no occasion to write you at all; notwithstanding, I am sure all will come right yet. We are all well; hoping you are so, and under the consciousness of your innocency in this matter you will bear up against it,—

I am, &c.,
JOSEPH ANDREWS.

Miss I. M. Kelly

Manning River, 14 April, 1860.

Dear Madam,

We were glad to understand, by your last letter, that you were recovered from your late illness, and is now convalescent.

We hope you will not spare any one of the conspirators. Your friends expect this, and justice demands it. You say that you have heard that Richards has absconded—he has done nothing of the sort, but is far more impudent and daring, and has circulated all over the district that *you have bolted, and that you cannot be found* in all Sydney.

It was thought by all here that as soon as you were liberated you would pounce at once on this villain, and thereby have saved me from all this expense and trouble. It is sickening to think how I have been treated in defending your property. Such scheming is disgusting. It will prevent anyone for the future in interfering in your behalf. You will have heard no doubt by this time that the case is set down for trial on the 14th May next. I am glad to know that I will be able to justify my cause by one that Richards took into his confidence, even if you were dead, which event your enemies devoutly wish for. I think, somehow, that Richards will not appear; but evidently he is taking all the caution possible to put me to all the same expense as though he should appear—and at the last moment he will be off. The course he is pursuing convinces me of this. I fear therefore he will escape after all.

Why not take out a warrant for him at once, for perjury and forgery, and secure the villain before he makes his escape. Richards knows well, for he told Dew that his lawyer told him, unless he could prove the lease genuine, he might not expect to go back to the Manning, and that he would not take the case unless he would refer him to some respectable person

We are all well.

I remain, &c.,
JOSEPH ANDREWS.

Dear Madam,

Manning River, 20 April, 1860.

Since I wrote you last I hear that Skerrett has posted up notices everywhere, cautioning everyone against interfering with his cattle, horses, &c.

I have no doubt but that he will drive off what he can, when he finds that there is no one to protect your property.

What do you mean to do?

There is somebody at fault.

I would say to you: Act on your own judgment—common sense is the best lawyer. If you wait until the lawyer thinks it time to act, you may find that the whole of your horses are gone; and what redress will you have for that loss?

A warrant should have been issued at once to take him up for forgery and perjury.

If you think of coming up before Richards' case comes on, be quick; there are only two Magistrates now acting on river—Cross and myself. If Mr. Cross refuses you a warrant, I will grant you one, and try the case myself; you have plenty of evidence in the first instance without me. This course, I think, is the only one that will effectually stop Skerrett from plundering you while the lawyers are looking on. Skerrett I hear is determined to have a draft of your horses at all risks, and you know he has got plenty to assist him. He is making many believe that you can do nothing against him, and that the cattle are still his. At any rate, he will take what he can in the meantime, if not arrested at once.

Mr. Girard has left the Manning about a week ago with your sheep, and Skerrett is aware of that. T. Lane must be in Sydney by the 14th May, on this case of Richards', and if Skerrett is not secured before that, there will be nobody to see to your property at all. Decide therefore at once what you should do. I have given you all the information I can.

I am, &c.,
J. ANDREWS.

Miss I. M. Kelly.

Manning

Manning River, June 2, 1860.

Miss
I. M. Kelly.

My Dear Miss Kelly,

11 Dec., 1862.

We were much pleased last evening to hear that you had got Skerrett committed; I trust it is true, as there seems to be no end to his going on. A day or two before he and Dennis went to Sydney they took eight or ten horses off the Dingo Creek; no one would give them a yard. I am told they took them to Searl's paddock, but what they did with them after I have not heard. Mr. Begbie has summoned the parties that purchased the cattle. I fear they must have sold some of the horses, as I am told Skerrett had plenty of money going the line. I hear that young Searl was one of the party driving the horses. I hear the Campbells and blacksmith seen them driving them, but when you come up I dare say you will get all the information. Carn, your late shepherd, is still at the station; he would only take your order as part payment; I would not give it to him as such; he has the receipt for his sister's passage. It is a pity you could not have settled with him—it gives your enemies so much to say.

Dicky has left the station; he said his time was up; he said Mr. Girard had promised to send his discharge and he did not; he told Mr. Patent that he would come back if you wanted him. Patent, poor man, was quite delighted when he heard that Skerrett was taken, and wishing Richards would share the same fate. It will cause a great damp on your friends if it is not true. There is no word of Mr. Andrews yet; he is nearly a month from home now. Mrs. Connelly is very anxious about her husband, fearing the position he is in. I fear you will scarce be able to read this, I have such a bad pen.

Yours sincerely,
ANN ANDREWS.

FRIDAY, 12 DECEMBER, 1862.

Present:—

| | | |
|--------------|--|--------------|
| MR. FLETT, | \| | MR. STEWART, |
| MR. MORRICE, | \| | MR. CUNNEEN, |
| MR. HARPUR. | | |

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

Stephen Campbell Brown, Esq., called in and examined:—

S. C. Brown,
Esq.

12 Dec., 1862.

2092. *By the Chairman:* You are a solicitor in Sydney? Yes.

2093. You have been summoned here, at the instance of Mr. Flett, to give evidence in some case respecting Miss Kelly—do you know anything of the case we are inquiring into? No, I do not know what the object of the Committee is.

2094. The object is to inquire into certain allegations contained in the petition of Miss Kelly, relating to losses she sustained in consequence of a prosecution against her in the Supreme Court, at the instance of Charles Skerrett, for perjury? I do not know anything of that particular matter.

2095. *By Mr. Flett:* You were professionally employed by Mr. Burt some years ago—three probably? Yes, I was employed by Mr. Burt, I think in 1858, to defend an action brought by Miss Kelly against him.

2096. In that case Mr. Burt made certain statements, and swore to them, and so did his brother? Perhaps I had better shortly tell the Committee what the case was. It was an action brought by Miss Kelly against Mr. Burt to recover the value or proceeds of some horses sent by her through him to India for sale. The substantial question in dispute was whether or not Mr. Burt had a set-off for damages sustained by reason of Miss Kelly not having sent the number of horses she had agreed to send. On the trial Mr. Burt swore that the agreement was for twenty, and that in consequence he had twenty stalls engaged for those horses on board the ship that was to convey them to India. Miss Kelly swore that she did not agree to send any specified number, but only as many as she could. In support of Mr. Burt's case, his brother, Mr. Sydney Burt, was called, and so far as my recollection serves me, he swore to a conversation in Sydney with Miss Kelly, in which she told him that she had agreed to send that number by his brother. Miss Kelly denied both these statements, and the jury found a verdict against her.

2097. I think there was a letter of Miss Kelly's brought in proof also, where she admitted —? There was a letter of Miss Kelly's produced, in which some such expression as this was used, "I had intended to send twenty, but found I could not get them, through the carelessness of my servants,"—or something of that kind.

2098. Which she denied afterwards? I cannot charge my memory further.

2099. My object in bringing you here is really this, that in consequence of what took place at that trial the Chief Justice liberated Skerrett? The Chief Justice stated that he perfectly coincided with the verdict the jury had given, and my impression is—my belief is—that he did state also that, in consequence of what took place on this trial, he would look back again into Skerrett's. He did not state that to me personally. There were other slight matters in the trial, but that was the substantial point. I have the Judge's notes of the evidence given at the trial, if the Committee wish to see them. The ship was to load at Port Stephens, and Mr. Burt kept these stalls disengaged for Miss Kelly's horses, and they not coming he was obliged to go away without them, paying freight the same as if he had sent them.

2100. *By the Chairman:* Miss Kelly sent some horses? Yes, fifteen. I think four died on the passage, the ship having suffered very bad weather, and the gross proceeds of those landed came to about £599. From that had to be deducted freight, commission, and charges.

2101. Are you aware how much that was per head? Mr. Burt's set-off was £126, and we paid into Court £44 and some odd shillings, but whether he had made any previous payments I cannot charge my memory.

2102.

2102. The fact was, it was Mr. Burt's oath against Miss Kelly? No, Mr. William Burt was the defendant, with whom the arrangement was made, and Mr. Sydney Burt deposed to the conversation with Miss Kelly. They swore to two distinct conversations.

S. C. Brown,
Esq.

2103. At neither of which the two were present? No.

12 Dec., 1862.

2104. Then it was oath against oath? No, two oaths against one.

2105. There was no denying a signature or anything of that sort? I cannot charge my memory with anything of that sort. Miss Kelly swore that she never had made the arrangement for twenty horses with Mr. William Burt, and that she had never told Mr. Sydney Burt that she had made such an arrangement.

2106. *By Mr. Morrice*: Do you know what were the gross charges on these horses? I cannot tell you exactly, but the freight was £25 a head, commission five per cent., and there were some incidental charges for head-stalls, natives landing them, and living until they were sold. The meaning of the verdict was, that Mr. Burt had sustained loss to the amount of £126, that his other charges were correct, and that the £44 we paid into Court was enough to satisfy Miss Kelly's claim for the horses Mr. Burt had received.

William Frederick Cape, Esq., called in and examined:—

2107. *By Mr. Flett*: Miss Kelly stated here yesterday, that during the time that her stock was under the management of your superintendent they were completely destroyed and lost by mismanagement—that her sheep were sold at half their price—that the lambs were killed so that the ewes might be fattened, driven to market, and sold—that her horses were sold—and that, in fact, the whole estate was wracked and ruined during the time she was in gaol;—have you any knowledge of these things? None whatever, except from the fact of certain parties in the neighbourhood throwing every impediment in the way of our overseer, to prevent him from collecting her property and selling it. There is no doubt it did not realize so good a price as if she had been there to look after it herself. I never heard before of the lambs being killed.

W. F. Cape,
Esq.

12 Dec., 1862.

2108. *By the Chairman*: Miss Kelly borrowed £320 from your firm—Lennon and Cape? About that amount.

2109. And for that she gave you as security a lien upon her property? Upon the whole of her property of every description.

2110. After she was committed to take her trial you sent a superintendent named Girard to protect your interest, and to do the best he could with the property? Yes, about that time. The amount of stock that he realized was about £760.

2111. Did that cover your lien with the expenses of collection and all? No.

2112. How much was it deficient? About £140. There was also £190 realized in the insolvent estate of Begbie and Cooper, with which we had nothing to do, and some £20 from other sources.

2113. That left a balance in your hands and for other purposes of —? £58 16s. 2d.

2114. So that, in realizing this sum of £320, upwards of £900 worth of property had to be sold? Yes.

2115. If Miss Kelly had had the management of her business would that property have had to be sold in that way? No, I think not. I fancy it would not have been necessary to send up an overseer; she would have been able to realize it herself, and that expense would have been saved.

2116. *By Mr. Flett*: The expense of the overseer? The expense of the overseer, and probably some of the other expenses. I do not say positively it would have been.

2117. *By the Chairman*: Have you known Miss Kelly for some time? Since about August, 1859.

2118. Did you consider she was a person in depressed circumstances—in insolvent circumstances—I mean having more debts than she had property to realize? Certainly not.

2119. Was she a person in affluent circumstances, though at the time short of money? She was short of money at the time, but we thought, of course, that she was in good circumstances or we should not have lent the money.

2120. *By Mr. Flett*: You realized some money from Begbie's insolvency? Yes.

2121. Do you know whether there was any land sold of Begbie's? I think there was, but I will not speak positively. I think there was some land.

2122. Where situated? On the Manning River.

2123. Was it a large quantity, do you know? I think not. We never had anything to do with the matter but proving in Begbie's estate.

2124. Have you any land of Miss Kelly's in your hands now? We have all her property that is not realized yet; we have not yet handed the deeds over to Miss Kelly.

2125. Have you got fifty acres called Waterview? No, not that I know of.

2126. Do you know who that belongs to—it was sold to Mr. Begbie with Miss Kelly's cattle? I suspect it is still in the estate of Begbie. We have only had one dividend, and I know that was not from the proceeds of any land, so that it must be still in the estate.

PETITION OF MISS ISABELLA MARY KELLY.

SEPARATE APPENDIX.

A.

Evidence of Margaret Skerrett, from the Chief Justice's Notes, taken at the trial of Charles Skerrett, for cattle-stealing, 5th April, 1855.

Margaret Skerrett: Between sixteen and seventeen; have sister Jane, aged fifteen, who is at Brinden, having broken her leg; I saw the accident; after Christmas she was coming on horseback from the paddock, bare-backed, when Kelly stood at the gate, fourteen yards off, and fired a pistol, which caused the horse to throw my sister, and she broke her thigh; Kelly saw her fall; she can now only just crawl about; Kelly came into the bed-room where she was taken to * * * and remained only a short time; on 6th June last was called in to witness this document, in Kelly's front room; she called me and my sister in; the document was in her hand, and she read it aloud; had her spectacles on; I and my sister witnessed this immediately after Kelly signed it, and this is her signature; on the same day William Turner was there; he came for nails, and was in the kitchen; she told me that she had sold the station and cattle to my father for £600—£400 in cash; I saw a few notes in his hand, and he said that he had rather the payment of the money should be witnessed by some one else than by his own family.

Cross-examined: I was three years in Port Macquarie; been fifteen years in the Colony; my father was a partner with Major Innes in a farm there; believe that they parted on good terms; father went to the diggings; don't know that Major Innes was fined for father's distilling; have seen him distilling there; we lived in Port Phillip before Port Macquarie; can't say how long; don't remember being in Van Diemen's Land; can't say how long had been at Brinden when the paper was signed; it might have been weeks or days; can't say what month we left Port Macquarie; before we came up we heard that father was to rent the station; swear that it was 6th June, from recollection; I know it was the 6th; don't remember the day of the week; am sure that it was not 5th, or 7th, or 8th; don't know any day else that William Turner was there; he was two or three times before, once about the overseer being drowned; not sure whether that was before or after the 6th June; don't know how long Kelly remained after this—a month, or six weeks, or how long; did not take particular notice; was not always looking after Miss Kelly; did not speak much to her; did not like her; don't know if she took her key; you may depend she did not leave it behind her; she rented two rooms from my father; that was the agreement which Anne Andrews witnessed. [By me: Impossible; it is in the agreement of 26th July.] My tather parted good friends with her; won't swear that he did; Anne told me that she witnessed an agreement; did not see her witness it; father told me that Kelly rented two rooms of him; don't know when he told me; don't remember seeing the agreement witnessed by Anne Andrews; I was about somewhere when it was signed; a Chinaman was there; believe that he went with her, but returned in a day or two; he looked after a few mares of Kelly's; lived in a hut which father "lent him"; Kelly's things are not taken away yet; nothing of hers interfered with—no desk broken or drawers; don't know if the bill for the other money, £200, was paid; saw the notes, a few carelessly held in his hand; "if you would give me notes I can show you"; those which he had he brought from Port Phillip; he was at the Bendigo and M'Ivor diggings; he came from Sydney to Port Macquarie; I saw the notes; I can't say what was the amount, nor of what bank; I just signed the agreement, and father spoke a few words, and I went out again; did not notice if there was any other paper; my sister was only fourteen then; she signed first; can't say which of us writes best; a Mr. Pearce set her leg; can't say the exact day on which my sister broke her leg, nor whether it was this present year; never saw Kelly with a pistol before; she took it into the house with her again; did not much notice the kind of pistol; all I noticed was that she broke my sister's leg; "I suppose" my mother was in the room with my sister; don't know if any one spoke to Kelly about her conduct in firing the pistol; "I was not listening"; it was early in the morning; I bathed my sister's leg; I think that it was after Kelly's return from Sydney that they quarrelled; it was because she disputed the sale of the cattle; never saw father strike her; don't remember I ever heard the sale spoken of by anybody, except on 6th June; we have killed two or three bullocks at Brinden; I suppose that my father bought them with the rest of the cattle; remember the killing of the first bullock; it was after the 6th June, but can't say if it was a fortnight or a month. [Signs her sister's name and her own.] I knew at the time the pistol was fired that my father was under some charge at the Police Office; my elder sister (eleven months older) was about the farm, but can't say where; after the 6th June a box of papers of my father's was burned; my mother kept these papers of 6th June; the box which was burned was my father's; it had no lid; a spark fell among the papers; don't know when it was; it was before Kelly went to Sydney; a fortnight, or a month before.

B.

THURSDAY, 9 FEBRUARY, 1860.

Present:—

MR. JONES, MR. LODER,
MR. PARKES, MR. WISDOM,
MR. CLEMENTS, MR. HART,
MR. OXLEY.

WILLIAM MUNNINGS ARNOLD, Esq., in the Chair.

Sir Alfred Stephen, Chief Justice, called in and examined:—

- 1. By the Chairman: I think you were the Judge who tried Charles Skerrett on a charge of cattle-stealing, upon which he was convicted? I was.
2. That was in 1855, I think? On the 5th of April, 1855.
3. Was it the case on the trial that the conviction depended upon the truth of the allegation made by Miss Kelly, that certain documents produced by Skerrett, and bearing her name, were forgeries? The charge was for stealing seven head of horned cattle, the property of Isabella Mary Kelly, and on that charge he was convicted. The conviction mainly proceeded upon Miss Kelly's denial of the authenticity of

of these documents, some of which she swore were forgeries. On the faith of these last mentioned documents Skerrett had taken possession of and sold the cattle in question; and, as she alleged that the whole of the alleged purchase transaction was a fraud and pretence, he was of course guilty of cattle-stealing or not, according as the allegation on that head on the one or the other side was true or false. That was substantially the question before the jury.

4. Supposing the conviction to have rested upon that basis, did it not necessarily involve the crime of fraud against Skerrett, and of conspiracy against other parties? If the verdict of the jury was right, Skerrett was guilty of an abominable fraud and a conspiracy, in which his daughters must have participated; and he must have been guilty of forgery as well as of the crime of cattle-stealing; and, moreover, of the dreadful crime of inducing his own children to perjure themselves in his support; because one of his daughters was called as a witness to prove that she witnessed Miss Kelly's signature.

5. And that is a crime in law? It is so—of course.

6. Were any of these parties (Skerrett and his daughters) tried for any of these other offences? They were not. The principal offender—assuming Skerrett to have been such—having been convicted and severely sentenced, I presume that no further proceedings were thought necessary. At all events I know of no further proceedings.

7. Did it occur to you at that trial that there was any doubt as to the authenticity of these documents? I can scarcely now recollect whether at the time of the trial I had formed an opinion on that point or not; but I believe that I did. If not, I did form one, a very strong one, immediately afterwards, and before the sentence; and I thought the verdict right.

8. That the documents were forgeries? That he had been guilty of the crimes I have mentioned. The investigation was most carefully conducted; the prisoner was defended by counsel; the case lasted from ten o'clock in the morning until three o'clock the next morning; there were several intelligent men on the jury, and the jury were not long in deliberation. I perceive by my notes that my opinion was at the time entirely in accordance with the verdict the jury expressly found—namely, that the documents were forgeries.

9. But I presume it may be possible that Skerrett, relying upon these documents as evidence in his favour, when placed upon his trial for cattle-stealing, might not have come prepared to prove the genuineness of the documents? It is impossible; because the whole case from first to last depended solely upon the question of forgery or no forgery; and because that question was distinctly entered into before the Magistrates; and indeed the whole evidence taken before the Bench went to that point.

10. *By Mr. Jones:* The sale of the cattle by Skerrett was never disputed? No, not at all.

11. *By the Chairman:* I think I understand you to say, that so far as the cattle-stealing is concerned, the cattle were openly claimed and sold; and thus it would apparently be, independently of the question of forgery, a question of disputed ownership between these two parties; and, according to the evidence at the trial, he sold upon his claim? The cattle in question were, I believe, openly taken possession of by Skerrett, and upon that claim of right to them (real or pretended) he sold them.

12. The sale was never denied? These facts were never denied. But if Miss Kelly's story was true, the scheme of fraud was so clever, and she was so involved in the meshes of a net spread for her, that he had her completely in his power. The fact of the open sale was essential to his carrying out the fraud.

13. But, in point of fact, was not Skerrett charged with cattle-stealing, when the real charge was for forgery and conspiracy; as, unless forgery and conspiracy had previously existed, it would be impossible to sustain the charge of cattle-stealing? I can only answer that question by saying, that it was on Miss Kelly's testimony a clear case of cattle-stealing, neither more nor less, with fraud and forgery superadded. If a man steals my cattle, as most thieves do, secretly, it is no more and no less a case of cattle-stealing than the same abstraction of cattle from me would be if the result of a previous pretended sale, supported by forgery or other crimes. This was an aggravated case of cattle-stealing, on the assumption that Kelly was not perjured. And if she was perjured, her crime is quite as shocking as the crime imputed to Skerrett; because she deliberately took away the liberty of an innocent man, with the wicked motive of gain to herself, and that after pocketing his money.

14. *By Mr. Hart:* And under the former state of the law he might have been sentenced to death? He might have been so, under the old law; but of course that does not alter the quality of his crime.

15. *By the Chairman:* Would it not have been more proper, as putting Skerrett upon his guard as to the nature of the charge, if he had been put upon his trial for perjury and conspiracy? I do not think so. The act of taking the cattle and selling them was an assumption or act of ownership which was necessary to the carrying out of his fraud, if fraud it was.

16. Of which he was not accused? He was accused of it, and must have been cognizant of that charge, from the course the case took before the Magistrates; and that he did know it there could be no doubt. Nor was the case complicated in the least degree by the form which it assumed. Had he been charged with forgery or fraud, the evidence would have been exactly the same.

17. *By Mr. Hart:* Was it not trying a double issue—of cattle-stealing and forgery? It was in effect a double issue; but I do not see how that fact, in the slightest degree, complicated the case, since both parties knew what the real issue was. In form, two questions presented themselves; but, in reality, there was but one—forgery or no forgery. If the bill of sale was a forgery, the taking of the cattle under pretence of it was clearly a stealing of them.

18. Is it not a principle in law, that a man cannot be put upon his trial for more than one charge at a time? It is a principle in law that a man shall be called upon to answer only one case at a time; but it would be easy to give a great number of instances in which one issue unavoidably involves perhaps half-a-dozen others.

19. Facts or issues? Substantially, distinct issues; one or more being subordinate to the other.

20. Would you give some illustration? In form, there was but one issue here, but that issue depended upon others. A man, indicted for murder, may have accomplished the murder by accompanying with it house-burning and robbery; and it may be clear that he who robbed the house or burned it down committed the murder. The main issue for the jury in this case will be, whether the prisoner committed the murder; but the evidence will raise the issue whether he robbed the house and then set it on fire.

21. Does not the lesser crime merge into the greater—for instance, where a man guilty of robbery is charged with murder, the latter appearing collaterally in the evidence of the former? Well, these are abstract questions, and perhaps matters merely of opinion, but as a matter of law I deny the assumption, because one felony never does merge into another; it would rest entirely with the prosecutor which charge he would select.

22. In the case of arson that you alluded to, then, although it might be accompanied by murder, the prosecutor might charge the arson, and throw aside the other offence, which the statutes make a capital one? Just so. But the case is exactly an illustration. You try a man for murder, and offer no proof of the murder except by proof of robbery and arson. Therefore the case is precisely an illustration of the course pursued here. I beg to add, however, that if the course chosen in the prosecution was a mistaken one, I am not responsible for it; that was no fault of mine.

23. *By the Chairman:* Would you be good enough, Sir Alfred, being the first witness, to give us a general outline of the case as presented to yourself from the first to last? Skerrett's case was this:—That he came up from Melbourne, and saw an advertisement by Miss Kelly, offering her cattle for sale; that he went up to her station to buy them, or negotiate for them; that he entered into an arrangement with her for the renting of a portion of the property, including the land; that finally he made a bargain for the purchase of the whole, and that she was paid a certain sum by him for the purchase, leaving a certain sum payable at a future day; that she gave him a written receipt for the money, and a bill of sale acknowledging the purchase; and that she also acknowledged the fact of the sale to other persons verbally;

- bally; and that accordingly he took possession of the cattle, and sold some of them. Miss Kelly's story on the contrary, was: That Skerrett came up there, introducing himself as a Magistrate from Melbourne, and desirous of negotiating with her for her cattle; that she declined to negotiate with him for the sale until she had heard from her agents in Sydney (Messrs. Rich, Langley, and Butchart), from whom she never heard until some considerable time after. Or, rather, as I think, he told her that he had already negotiated with those persons for the purchase. She admitted having entered into some arrangements, however, with Skerrett, as to the purchase of part of her stock and as to a cottage, and executed (that is, signed) a paper on that occasion; that Skerrett thus became acquainted with her signature, and also obtained a footing on her property; that shortly afterwards a charge of cattle-stealing by some neighbour was preferred against herself, and that Skerrett attended at the Police Office with her and became bail for her on that occasion—the case terminating in her being held to bail. At or about that time Skerrett persuaded her to talk of his being the owner of the cattle, for certain reasons which she stated.
24. Were these reasons connected with her own position as being committed? Yes, certainly, in part.
25. Will you be kind enough to proceed with your statement? She acceded to his advice, and he one day brought a man (a butcher, I believe) to buy cattle, and before that person she made such admissions; that the Attorney General refused to prosecute her, and that she shortly afterwards received a letter from Messrs. Rich, Langley, and Butchart, stating that Skerrett's story was false; that then she became extremely alarmed, and determined to go to Sydney: Soon afterwards she found that Skerrett had taken and sold the cattle now in question, upon which she prosecuted him for cattle-stealing. She swore that the document acknowledging the sale of the cattle, and the receipt purporting to be signed by her (the former witnessed by Skerrett's two daughters, and the latter by one Turner) were forgeries; that she never got one farthing from him; and that the whole was a deliberately concerted scheme by Skerrett, from first to last, to get hold of her property. That, therefore, was the issue for the jury. She alleged, in proof of the forgery, that she had, by the advice of her banker at Maitland, altered a particular character in her signature; which alteration took place between the time of Skerrett getting her genuine signature and the date of the receipts; and she swore that the forgery contained her old signature; being a *fac simile* of the signature she had previously made in the agreement concerning the cottage; whilst if it had been genuine it would have been in the new and altered shape.
26. *By Mr. Clements*: At that date the alleged forged documents would not have been signed by her in the old style, but in the new? Yes. She says—my banker advised me to alter the turn of the letter *y*. This forgery had the old turn of the *y*; whereas, if it were a genuine document, the loop of the *y* would have been turned the other way. In corroboration of Miss Kelly's statement the evidence of a Mr. Andrews was taken, and was very strong against Skerrett.
27. *By the Chairman*: Do you remember the name of the banker who advised this? I believe that it was Mr. Boswell; I am not sure.
28. Was there any professional evidence given as to the character of her signature? No.
29. Were there any witnesses examined concerning the signature? Yes.
30. Will you please to proceed with the statement? The fact that the only witness to the signature called on the trial was one of his two daughters (who were attesting witnesses), instead of both; and the fact that he did not call the man Turner, who had disappeared, and concerning whose absence, together with that of his daughter, stories were told on his behalf that were almost incredible—occasioned great doubts of his story.
31. *By Mr. Wisdom*: But since then the absence of the daughter has been accounted for? Yes. (*Certain original documents were presented by witness.*)
32. *By the Chairman*: Will you be kind enough to state the nature of these documents? No. 2 is the document alleged to be a forgery; No. 3 is the document admitted to be genuine.
33. *By Mr. Hart*: Is that the document that Miss Kelly signed for Skerrett, with regard to the cottage and portion of the cattle? I cannot say; I believe so.
34. The document I allude to was signed before the forgery? But the forgery bears a date prior to that document.
35. *By the Chairman*: What is the next document? No. 4 is the receipt which Skerrett said that Miss Kelly signed in the presence of Turner; but which, according to Mr. Andrews, must have been the result of his conversation with Skerrett; which was perhaps the most suspicious circumstance in the case. The Committee will observe that the asserted forgery bears date prior to these other instruments which are admitted to be genuine.
36. *By the Chairman*: I observe that there are two of the same date—the one said to be a forgery, and the one said to be genuine—Nos. 2 and 4? Yes. No. 2 is the alleged forged agreement; No. 4, the alleged forged receipt; and both bear the same date; one being witnessed by Skerrett's two daughters, the other witnessed by William Turner; both are sworn to be forgeries. The evidence of Andrews went to show that Skerrett never got the receipt until a considerable time after the agreement, and only in consequence of a conversation between him and Skerrett; whereas the two bear date the same day; and one is witnessed by Skerrett's two daughters, the other by Turner.
37. *By Mr. Parkes*: Andrews' evidence went to show that Skerrett did get a receipt? It went to show that he meant to get one.
38. *By the Chairman*: He said that he would get a receipt? It shows (I do not say that he did not get a receipt) that, at the time of his conversation with Andrews, he had not got what he thought a proper one. He showed Andrews the agreement, when Andrews said that he did not think Miss Kelly would own the signature, and asked why Skerrett should get it signed by his daughters, as strangers would have been better. Skerrett said, "I will go and get a receipt." He afterwards produces this receipt, which also was said to be a forgery, witnessed by Turner; whereas the bill of sale (acknowledging also the payment of the money) was witnessed by Skerrett's daughters, and both bear the same date.
39. One appears to be a bill of sale, the other a receipt by Miss Kelly for the money? No doubt of it.
40. What are the others? No. 5 is signed by Miss Kelly, and admitted to be genuine.
41. *By Mr. Hart*: What connection had Andrews with the case? He was merely a witness.
42. To the signature? No; he swore to a conversation which took place between him and Skerrett, during which conversation Skerrett showed to him the alleged forgery (that is, No. 2); Andrews made some observations to him, impugning the genuineness of the document, and remarked upon the suspiciousness of two of Skerrett's daughters being witnesses to it.
43. When did that conversation take place—and secondly, did it appear that Skerrett had before set up that forged instrument? You will find this more correctly in the depositions; but I may state from my notes that Andrews asserted that in May, 1854, Skerrett told him of the purchase from Kelly, but did not show him any document; but on the 12th of July he came again and showed him the document No. 2, declaring that that was his proof of his former assertion. Then Andrews had a conversation with him, upon which Skerrett said he would get some other witness; and No. 4 is supposed to be the result of that conversation.
44. *By the Chairman*: That is the one witnessed by Turner? Yes.
45. What followed? Andrews added, that in October the prisoner Skerrett told him, in Turner's presence, that two of the £100 bank notes paid to Miss Kelly were notes of the Commercial Bank, whereas it was proved that the Commercial Bank never issued £100 notes. The agreement or bill of sale No. 2, said to be a forgery, acknowledges the receipt of £400 in cash, and of £200 by a bill.
46. *By Mr. Jones*: What is the date? It is dated the 6th of June, 1854, whereas the receipt No. 4, witnessed by Turner, and also said to be a forgery, and bearing the same date, does no more. Of course these circumstances, added to the testimony of Andrews, made the case against Skerrett highly suspicious.

47. *By Mr. Parkes*: Will you state whether it appeared on the trial what the position of Mr. Andrews was? He is now a Magistrate, as I understand; he was then a publican, or had recently been a publican.
48. Was Skerrett defended? Yes, by Mr. Holroyd.
49. Was Mr. Holroyd ever employed for the prosecution? No, I think not. The prisoner was most carefully and energetically defended by Mr. Holroyd.
50. *By the Chairman*: Will you continue the narrative of events subsequent to the trial? The conviction being in April, 1855, a petition was forwarded to me in June or July, 1857, recommended (among others) by the Rev. J. T. Carter and Mr. Hawthorne, J.P.
51. You had received no application in the interim? I believe not. On the receipt of this petition I wrote letters to Mr. Hawthorne and Mr. Carter, asking information. I wrote also to the Bench of Magistrates at Cundletown, also seeking information on various points, including the characters of several parties and witnesses. I believe that I never had a reply to any of these communications. I waited for replies; and on the 26th of November I reported fully to the Government on that petition. By that report I find that I had procured information from several other quarters, and that I had obtained all the documents and again examined them, in a view to a full reconsideration of the case. (*Witness handed in the petition and report referred to.*) In that report I expressed an opinion strongly adverse to the prisoner. The alleged forgeries and the genuine documents, I had supposed, were then returned by me to the Attorney General or Crown Solicitor, from whom I got them; and as recently they could not be found, I supposed that they had been lost in the Crown Law Officers' department; but a few weeks ago, on clearing out one of the drawers of the Banco Court, my tipstaff or my associate (I forget which) informed me that they had been found there. Mr. Lee produced them to me, and I then forwarded them to the Crown Solicitor, from whom I have this moment again received them for the purposes of this inquiry.
52. *By Mr. Hart*: Can you account for this place not having been before searched for the documents? It was a very unlikely place to find them. The drawer in question is, by my orders, appropriated exclusively to papers required for arguments in Banco.
53. *By the Chairman*: To whom do these receipts belong? Why, if they are forgeries, they belong to the Crown or to Miss Kelly; but if they are genuine they belong to Skerrett.
54. As the case stands at present, to whom do they belong? I cannot tell.
55. Has Skerrett been convicted of forgery? In effect, as already explained, he has. In fact, however, he has only been convicted of cattle-stealing.
56. Would that deprive him of the ownership of these papers? Yes; all the personal property of a felon belongs to the Crown; it is vested in the Crown on conviction.
57. His conviction, then, deprives him of his civil right to demand the cattle? Having now received a pardon there is a restitution to his rights.
58. *By Mr. Hart*: Where there is a doubt as to the authenticity of documents is it in the power of the Judge to retain them, or are they kept by you for safety? The Court usually impounds suspected documents, but I never retain any myself. Such documents as these usually remain with the Crown Solicitor; and, having obtained them for official purposes from him, I directed my then clerk to return them to the proper office—the Crown Solicitor's—and I concluded that that had been done.
59. Is not this drawer within ten feet of where you sit? Yes, when in the Banco Court.
60. *By the Chairman*: Everything belonging to a felon is forfeited? Yes. I suppose that these papers were kept as part of the documents in the criminal case; but with that I have nothing to do. The documents were sent back to me in 1857, and certainly I did not mislay them; my clerk did.
61. *By Mr. Hart*: Do you not think that great blame is attachable to some one for losing these documents, and that Miss Kelly might not have been convicted of perjury if these documents had been produced at her trial? The latter portion of this question I cannot answer. As to the first portion, my answer is as follows:—My clerk in July, 1857, was a Mr. Elliott, and I am perfectly confident that I directed him, as I always do after similar investigations, which are very numerous, to return the documents to the person from whom I got them. It is perfectly certain that he did not do so; but as these investigations are usually in the evening (the day time being generally occupied in Court), and sometimes continued to a late hour in the night, he might not have taken the documents with him, or he may have taken them with other documents, and by mistake mixed them with the Banco papers. I have no knowledge whatever how they became mislaid. A few weeks ago my present clerk and I searched every drawer in which it was at all probable that they might have been placed. But, it appears that the Banco drawer was not searched, nor should I have thought of searching it. Finding, however, some weeks ago, that the drawer was extremely full, upwards of forty or fifty papers being there, some of old date, I directed it to be emptied and re-arranged; and, in arranging the drawer, these papers were found at the bottom. So at least I was informed by Mr. Lee, for personally I have no knowledge of the subject; he brought the papers to me.
62. Did he state by whom the papers were found—were they discovered by Mr. Lee or another officer of the Court? Mr. Lee said, either that he found them or that the tipstaff found them in emptying the Banco drawer.
63. *By the Chairman*: Will you proceed with your statement as to the further applications made to you? The next application was in or about July, 1858, and it is now in my hand; recommended by Mr. Parkes, Mr. Thomas Whistler Smith, Mr. Tooth, Mr. Williamson, Mr. John Campbell, Mr. G. Thornton, and many other persons of station and character. The application is from the prisoner's wife for a remission. I reported on that petition on the 5th of August, 1858. I hold that report in my hand. It is much more favourably and doubtfully on the case,—principally on the ground that I had recently tried a civil cause, in which I strongly suspected that Miss Kelly had perjured herself. It is certain that the jury returned a verdict directly against her testimony.
64. *By Mr. Wisdom*: What case was that? The case of Kelly against Burt, for not accounting for the proceeds of horses taken by him to India. She alleged a particular contract with, and representations to him, which he solemnly denied. The jury found a verdict on his statement and against the truth of hers.
65. *By Mr. Hart*: Was her evidence material to the issue in that case? I think so. If not it would hardly have been received.
66. *By the Chairman*: You were referring to your reasons for thinking more favourably of Skerrett's case? My second ground for doubting was, that there seemed a general impression that Skerrett was innocent. On the other hand, it will be seen by my report that I did not feel justified on either ground in recommending a mitigation. I must state here that, additionally to these written applications to the Government, on which I at different times reported, I received many personal and written applications from Mrs. Skerrett, most of which in detail I have forgotten. I present one note, among the other papers, which shows that I must have received a written application from her in October, 1857; and I wish to add that, before writing the report of the 5th of August, 1858, I communicated at some length with Mr. Thornton, Mr. Williamson, and some other gentlemen, as to the grounds of their impression of the prisoner's innocence, so that I might be better informed on that point. I had also representations in favour of the prisoner from Mr. T. Barker, who brought one or both, I think, of the daughters for examination as to certain of the facts. But still I had not facts sufficient to set aside a carefully considered verdict; and it will be seen by the papers that I suggested further investigation. I perceive by one document now produced, that I addressed a further communication, demi-officially, to the Colonial Secretary, on the 6th of August, 1858, and that letter I hand in. After that letter the prisoner, it appears, obtained a ticket-of-leave, but whether in consequence of that letter and the previous one of the 5th of August I cannot tell. As will be perceived from the documents, I did not recommend any mitigation.

mitigation, although I expressed great doubt of the case generally. My next application was a personal one, from Skerrett himself, in May or June, 1859, when he told me that he had obtained a ticket-of-leave, and entreated me to allow him a hearing, as he was anxious to obtain a free pardon. As I had always reported against his case up to that date, but now entertained great doubts as to his guilt, and as he was liberated by the Crown on a ticket-of-leave, I thought it due to humanity and to truth to allow him the opportunity. He accordingly waited upon me several mornings before the sitting of the Court; and I investigated, in minute detail, all the facts as represented by him, and saw different witnesses to whom he referred; and the result was, that I thought the new testimony, added to the previous grounds of doubt, made the case a fit one for the extension of a full pardon. I recommended one accordingly, on the 25th of June, by the letter now produced. I recommended it, not because I had formed a distinct opinion that Skerrett was innocent, but simply because I hold it to be a great principle in our law that no man shall suffer punishment, or continue to endure it, when once doubts as to his guilt prevail and preponderate in his favour; and, in this case, in my mind, they finally did. I desire to express my opinion thus:—That the case still remains a doubtful one; but that I am more inclined to think Skerrett innocent than I am to think him guilty. Therefore, I think the pardon right. If I were a juror on Miss Kelly's trial for perjury, I should, on the self-same grounds of doubt, acquit her. I believe that the true solution of this great mystery rests alone with Omniscience. It is, from this hopelessness of knowing certainly the truth, the most painful case that I ever tried or had anything judicially to do with.

67. *By Mr. Oxley*: Is it your opinion, then, that this inquiry will not result in any good effect? I cannot tell that; because more and wiser heads than mine may arrive at a more distinct conclusion in the case than I have been able to do.

68. You say you believe the true solution of this great mystery rests only with Omniscience? I do think so. I have conscientiously done all I can to assist in the discovery of the truth. I have examined many witnesses—have listened to many statements; and having heard the whole of the case, I would say rather that the man is innocent than that he is guilty; but I decline to say, decidedly, that he is innocent.

69. *By Mr. Wisdom*: If you thought Skerrett innocent you would think Miss Kelly guilty? I could not find Skerrett innocent without finding Kelly guilty of most aggravated perjury, and Andrews guilty of perjury also.

70. *By Mr. Hart*: You say that if you were on Miss Kelly's trial for perjury you would acquit her? I should return a verdict of not guilty; that in the evidence the charge is not proved, and therefore that she is not guilty.

71. Do you think that she ought to receive a pardon now? It follows that I do think so, simply on the ground stated by me, that the case is too doubtful to justify punishment by any human tribunal.

72. *By the Chairman*: Did you not express an opinion that this document, upon which Skerrett's trial mainly turned, was signed by her, although not for the purpose to which Skerrett applied it, namely, to give him a title to the cattle? I think that it is more probable that she did sign it; but that, if so, she signed it for the purpose of giving him a fictitious title.

73. I understand you to say that your opinion is, that she signed it to protect herself from the consequences of her trial? To represent him as the owner, in order to preserve her property from the Crown, in case of her own conviction.

74. Have you arrived at any conclusion whether these two documents were forgeries? Not decidedly; I have no opinion as to whether they are forgeries or genuine; I am in a state of doubt, but more disposed to think them genuine than forgeries. I decline to pronounce either way.

75. I understand you to say that, taking all the circumstances into consideration, you arrive rather at the conclusion that the documents are genuine than that they are forgeries; and also, that from the circumstances you have observed on any trial where Miss Kelly gave evidence, it would not be received as entirely reliable? My impressions are derived from distrust of Miss Kelly's veracity generally, and from the whole of the evidence, as it now stands, favouring Skerrett's statements.

76. These two circumstances taken together lead to a strong conclusion as to the propriety of Miss Kelly's punishment? If I were on a jury in a civil cause, and obliged to return a verdict one way or the other, according to the balance of evidence, I should give it in favour of Skerrett. But I think that the evidence does not justify a verdict of guilty in a criminal prosecution against either.

77. You believe they ought to be left to their civil remedy? Yes; and the punishment of the guilty party to God.

78. *By Mr. Hart*: Did Skerrett bring any new facts under your notice? Yes; he proved to my satisfaction, chiefly by a Mr. Kirk, that he left Melbourne with a large (or a considerable) sum of money in his possession; and also by a settler on the Manning River, that a very little before the alleged purchase from Miss Kelly, he bought horses to a considerable amount, and paid cash for them. Then comes the doubt as to where are the notes given to her, if they were really ever given. He says, with respect to the notes, that he never said he paid notes of £100 of the Commercial Bank. He said that he gave her £400 in notes; but that she found out that the Commercial Bank did not issue £100 notes, and then that she got Andrews to swear that he (Skerrett) said he gave notes of the Commercial Bank.

79. *By the Chairman*: He may have had £100 notes, and have mistaken the bank; he said two of them were Victorian notes? Yes, I think so.

80. But that the other two were upon the Commercial Bank? Yes, so Mr. Andrews swore. Then if we reason about it, the woman must have had an object in making the money; otherwise why pursue a course leading to investigation, when she had destroyed them. If she is a perjured person, she must be assumed to have become so by the love of gold.

81. Have the notes never been found? There are no traces of them.

82. *By Mr. Hart*: Have you heard that she is prepared to go Home, and leave this Colony? That is Skerrett's story.

83. *By the Chairman*: I understand there was a good deal of prejudice created at the trial against Skerrett, on account of one of his daughters not having been seen for some time, and not being present to give evidence in defence of her signature to the alleged forged document? I do not admit the word "prejudice"; but there was great suspicion and distrust of Skerrett's story on that ground, and no doubt it affected his case very injuriously. But I never yet saw a case more honestly and truly tried than that case was.

84. Was not Skerrett's case also injured by the circumstance that Turner was not called as a witness? Yes; I think that the prisoner owed his conviction not more to the direct testimony of Miss Kelly than he did to the testimony of Andrews, which it is very difficult to reconcile with the supposition of Skerrett's innocence, and to Turner's absence, and to the fact that he only adduced one daughter instead of two, and that a story was told accounting for the absence of the second that really seemed incredible.

85. *By Mr. Clements*: But was it in evidence ascertained to be true? Yes, it has been so, at the late trial.

86. *By the Chairman*: And also with regard to the absence of Turner? Yes. Skerrett says, however, that Kelly has caused the murder of Turner, or that he has been spirited away by her. Kelly, on the other hand, says that Turner signed the forged receipt, and then got out of the way for fear of being called on to swear to it in the Supreme Court.

87. *By Mr. Wisdom*: And that he went away more at the instance of Skerrett than of Kelly? Just so. There is no doubt that the jury believed Turner had been induced in some way not to appear. The strange circumstance about this is, that the bill of sale has on the face of it a receipt for £400 in cash and £200 by bill, witnessed by Skerrett's daughters. Skerrett shows this to Andrews. Andrews observes to him that "it does not look like her signature," and that Skerrett ought to have had some one else, not his daughters, to witness it. Skerrett then says, "I will get a receipt." He gets a receipt.

- receipt then, dated the same day. His account, however, of the matter was, that the receipt and the bill of sale were signed on the same day.
88. *By the Chairman*: Does he say that they were signed on the same day? I think so.
89. I think he said that he had dated it back to the same day? I cannot say exactly, but I think that his story was as I have just stated.
90. I believe Andrews said at the trial that he arrived at the conclusion that that document, said by Miss Kelly to be spurious, was genuine? I do not know that; if so, it must have been in his deposition.
91. Was that evidence you have alluded to given on oath? You mean the evidence or matter laid before me, on the investigation made by myself since Skerrett's liberation. None of it was on oath, but some was by solemn declaration.
92. And it may be true or false? True or false.
93. *By Mr. Loder*: From the manner in which that evidence was given to you, do you think you can place reliance upon it? I think I can.
94. *By the Chairman*: I believe that part of Skerrett's complaint is, that these depositions were prevented from being put in, in order to contradict part of the evidence against him; that the Attorney General refused to allow them to be put in? He must be mistaken. It is utterly impossible that any Judge would tolerate such a proceeding. The depositions would be put in as a matter of course for such a purpose, if desired. No Judge would refuse such an application. No such thing was ever done by a Judge as to refuse the putting in of depositions from the Police Office in order to contradict the witness's evidence. The only question arose on the evidence of Andrews, who was not allowed to state, in answer to questions by the prisoner, what Turner had said. A deposition by a witness is only received, of course, to contradict his own testimony.
95. *By Mr. Hart*: At all events, if Andrews gave the evidence just read, before the Bench of Magistrates, it was not brought under your notice at the trial? That evidence was not brought under my notice. I would add this—that counsel defending prisoners very frequently omit to put in a witness's deposition in order to show contradictions, because by so doing they may thereby let in other evidence more damaging to the prisoner than the advantage to be gained by the contradiction.
96. Was there no evidence given at the trial as to the genuineness of William Turner's signature? I believe that there was not. Nobody doubted that this was his genuine signature; the imputation being that he had signed as witness to a falsehood, and did not venture to stand a cross-examination upon the matter.
97. *By the Chairman*: I do not quite understand that part of the evidence at the Police Court by Samuel Turner, accounting for Kelly having got rid of the notes by some means—it is thought to Andrews? She said that she had got some heavy notes, and that she could not pay him, as she could not get them changed or broken on the Manning; and that she sold them, being determined to spend the whole of the proceeds in a lawsuit against Andrews.
98. That would be rather in corroboration of the statement of Skerrett, that they were Victorian notes? Yes; but it would also go to account for his son's absence. For, who would believe a story of this kind,—that Kelly said she had sold the notes, because she was determined to sacrifice them in a lawsuit against Andrews. The jury, probably, did not believe that she ever said so.
99. Do you think that if they were to be asked what was said, and give some of the main facts connected with the case, they would be able to do so? They may.
100. *By Mr. Clements*: She first says the notes were too large to change, and then says that she sold them? Just so.
101. *By the Chairman*: You spoke of information received from a Mr. Kirk, of Victoria, who knew Skerrett? Yes. He is a builder in Victoria, or was so; I knew him in Tasmania.
102. Did he say anything of his own knowledge that Skerrett had £100 notes in his possession? He stated that Skerrett was worth many hundred pounds when he knew him in Melbourne; that Skerrett went to Melbourne in 1842, left there for Geelong a few years afterwards, and in 1850 left Geelong and came to Sydney, bringing property with him, and that he never heard anything against Skerrett's character. My impression is, that Kirk told me that he knew Skerrett had plenty of money, but that he did not mention his having any specific sums in notes.
103. *By Mr. Wisdom*: You say that on the trial there was no evidence taken from persons as to the genuineness of the signatures said to be forgeries? There was none, nor were any witnesses called on behalf of the prisoner to express belief as to their genuineness.
104. Have you formed any opinion as to the genuineness of the signatures? I have great difficulty in distinguishing between the two, except as to the letter *y*; judging by comparison, I should believe the signatures to be genuine.
105. *By the Chairman*: You are not able to recollect all the information that Kirk gave you? Not as to details.
106. Is it true that Kirk said he had seen three £100 notes with Skerrett? I have no recollection that he did, and may have confounded his statements to me with the evidence he gave at the recent trial of Miss Skerrett.
107. Was Kirk examined at the trial? At the trial of Skerrett, and there I believe that he said what has just been referred to.
108. Miss Kelly's story of the way in which she was imposed upon by Skerrett was in a considerable degree rendered complete by her representation that she had placed these cattle in the hands of Messrs. Rich, Langley, and Butchart, for sale, and that, therefore, she was likely to believe Skerrett's statement that he had bought the cattle from them, and allowed him to deal with the cattle, to some extent, as if he were, as he stated himself to be, the owner; that was the case at the trial, was it not? I cannot state now particularly how her employment of these agents was connected with the case.
109. If Messrs. Rich, Langley, and Butchart had been examined at the trial of Skerrett, and had shown, as they afterwards did, that these cattle were not in their hands for sale at all, nor any portion of them, would not that have affected the credibility of Miss Kelly's evidence, and, possibly, the result of the trial? It would have affected it in some degree, but I cannot say materially, because I cannot exactly understand now how the employment of Messrs. Rich, Langley, and Butchart bore upon the question, more than that she trusted to Skerrett's representation that he had bought her cattle from her agents.
110. And she spoke to other persons of Skerrett as the owner of the cattle, being deceived herself in that way? She stated that she was misled by his statements and representations, but that she never acted nor meant to act on them until she could hear from her agents.
111. But there being evidence at the trial that she said to other persons that Skerrett had purchased the cattle, which, she says, were for sale by her agents—Rich, Langley, and Butchart—if it can be shown that they never were in the hands of Rich, Langley, and Butchart, would not that throw discredit upon her evidence in a material degree? I do not think it would in a material degree, because my impression is, that she said she was astonished at the representation, as those persons had no such authority; but still, believing him to be a Magistrate of Victoria and a gentleman, and that what he said was true, she waited to hear from them before she finally took steps.
112. Thus she acted upon his representation that he had bought from persons not authorized to sell? My impression is that she said that she employed them to sell some of her cattle, but not the whole of them.
113. I presume you know nothing about the reason why none of these partners were called at the trial? I know that they were called, but were absent. Two were called for the prosecution but did not appear.
114. You do not know why they absented themselves? They were called, but did not appear—why, I cannot say.

115. *By Mr. Hart*: I think there is a letter from Mr. Langley, dated November 4th, addressed to Skerrett, informing him that Miss Kelly's cattle were not in his hands for sale—that they had been withdrawn some time back? I think that is a letter of a recent date.
116. I understand that these gentlemen were in attendance to give evidence, and secondly, that Miss Kelly's explanation would have been injuriously affected, but that they were told by the prosecution not to attend, as was stated by Skerrett? Of those matters I know nothing. I find by Kelly's evidence that Skerrett said he had purchased her cattle from Messrs. Rich, Langley, and Company, when she said, "I am glad of it, but I only authorized them to sell 250 head, and I am surprised that they sold more."
117. *By the Chairman*: How is that evidence to be made consistent with the letter now produced, and which Skerrett produces, showing that the cattle, when he came to Sydney, were not in their hands for sale? I cannot tell you.
118. *By Mr. Wisdom*: According to her own statement she said that she was satisfied, even though the sale had been made without her authority? The whole story is wrapped up in mystery. She says that the conversation was on the 23rd of May.
119. *By the Chairman*: You have said, in answer to a question by me, that you have never altered your opinion upon this case from what it was in the first instance? Not so. I said that I had never expressed an opinion in favour of Skerrett's innocence, after having expressed one of his guilt. I said that I had never reversed my opinion. You asked if I recommended his pardon on account of his innocence, to which I replied, no; and I say so still.
120. You refused to recommend a mitigation, because you thought the verdict justified? Just so.
121. But, afterwards, you say that, on again taking the details into consideration, you came to a conclusion in his favour. I cannot understand how you reconcile that with the statement that you did not recommend a mitigation because you thought him guilty? That is a matter on which any man may form his own opinion. In the first instance, I thought him guilty. I retained that opinion until after Kelly's evidence against Burt. After this, and on fresh facts coming out, I doubted entirely about his guilt; and so far I altered my opinion; but I never expressed an opinion of his innocence. My reports and recommendations are before you.
122. *By Mr. Clements*: You lost faith in her evidence? Yes; and I no longer hold the opinion that he is guilty. Some may think that inconsistent with my declining to say that he is innocent; but I am content to state the facts.
123. *By the Chairman*: Kelly was never put upon her trial for perjury, although she committed perjury in the case of Burt? In that case, two persons detailing a transaction swore different ways. I believed the evidence of the defendant, and not that of the plaintiff. But you cannot prosecute for perjury without two concurring witnesses. The jury believed him and not her; and their verdict, therefore, implied perjury in the plaintiff. But it never could be proved by either against the other, for the reason stated. In fact, I have committed persons for perjury, and have in that way made them enemies for life; but a conviction has rarely if ever ensued.
124. *By Mr. Hart*: Has not the present Attorney General refused to prosecute in cases where you have committed persons for perjury? I think not. In some cases the jury have said that they disbelieved the evidence; but there has been no opposing testimony strong enough to convict, whilst, in one or two other cases, the parties prosecuted have not been convicted.
125. When the Attorney General, as Grand Juror of the Colony, has refused to prosecute, is it not to be supposed that he was right and you were wrong? That is a matter on which I give no opinion. In England a Judge would order the witness to be prosecuted, a statute giving him authority to do so; and the Crown Prosecutor, when so directed, would present a bill of indictment.
126. Still the Attorney General here exercises the same functions as the Grand Jury in England? Yes. But you ask whether the opinion of the Attorney General is not better than my own. To which I answer, that you may think so; but, that I can scarcely be expected to concur with you.
127. But as a matter of justice? If the Attorney General thinks that the case will break down, or that there are strong doubts as to the guilt, he will properly refuse to put the parties upon their trial; and he may be right and I wrong. It does not follow, however, when he refuses to prosecute, after my having as a Magistrate committed the parties, that he is right in the opinion.
128. *By Mr. Hart*: But in each case the decision rests upon the evidence given? Of course; but, by being a party to the charge, a Judge becomes involved in personal enmities.
129. *By the Chairman*: You do not remember whether Miss Kelly was ever previously tried before your Honor? Not that I recollect.
130. *By Mr. Hart*: Referring to the original charge upon which this man was convicted, I believe it was for stealing seven head of horned cattle,—would your Honor oblige the Committee with the definition of what you regard as stealing? Stealing is the taking and carrying away of the goods of another person against his will, for the purpose of converting them to the taker's use, without any shadow of *bonâ fide* claim or legal title thereto.
131. Where a thing is done by a person under a claim of right, and openly—would it not be held that he cannot be convicted of a criminal offence? Most certainly no. If the law were so it would come to this, that a man may commit any extent of larceny by superadding forgery and fraud. If a man takes property under a *bonâ fide* claim of right (that is, a claim believed by him to be well-founded) then you cannot convict him, of course.
132. *By the Chairman*: Then the question is, whether it is a *bonâ fide* claim? Yes, certainly.
133. *By Mr. Hart*: Then when he asserted his claim to do what he did, could a conviction have been sustained without reference as to whether the documents produced were forgeries or not? Yes, most certainly. The documents were matters of defence. They formed no part of the case for the Crown. The charge was simply one of larceny. Kelly up to a certain day owned certain cattle; the prisoner lays hold of seven of them, and appropriates them to his use. If not done under a *bonâ fide* claim of right, that was larceny. But he says, I did it under a *bonâ fide* claim of right, for I took them by virtue of these documents; then she meets him by saying these documents are forgeries.
134. You have stated that it depended upon the question of forgery or no forgery? Certainly, so it did.
135. Then you qualify this by saying that the conviction could be sustained without documents at all? No, I don't qualify anything. The case, as stated, shows a larceny; the documents were produced in justification of the act of taking; then came the question, whether these documents were forgeries or not; if genuine, his defence was complete; and as the prisoner chose to raise this second issue for decision, it was unavoidably a matter to be determined in that prosecution. She charges him with stealing cattle; he says they are his; she follows up her charge by saying that the documents offered in proof of his ownership are forgeries; there is thus raised an issue on them, which is imposed on the Crown by the prisoner, because it was for him to prove their authenticity.
136. Was the charge against Skerrett for stealing cattle which were included in the agreement which Kelly acknowledges she made with Skerrett, or not? When I answered the question in the first instance I was under the impression that there had been a previous sale by Miss Kelly of some portion of her property. On looking at the documents I think that I must have been mistaken on that point; and that, instead of selling, she must have rented to him a portion. I am now also not quite sure whether No. 3 was acknowledged by Miss Kelly or not.
137. If it had appeared at the trial that the seven head of cattle he was charged with having stolen were included in the agreement, would the conviction have ensued? If the prisoner could have made out that the seven cattle were those rented or sold by her, of course his defence would have been established.

138. If the land and cattle were leased to him, and after that he sold the cattle, could a conviction of stealing have been sustained? If the cattle in question had been included in any genuine agreement, either of sale or rental, the conviction could not have been sustained; but Skerrett never pretended anything of the kind.

139. You cannot say whether the cattle were included in that agreement or not? I presume that they were not included, because the prisoner did not say or suggest that they were. He said only that they were included in the disputed document.

140. Was it shown what number of cattle she had at the time, and what were their brands? I believe not; I am not quite sure. The prisoner set up no other defence than that these cattle had been sold to him by specific agreement, namely, the one said to be a forgery.

141. *By Mr. Clements*: An agreement subsequent to the rental? Yes.

142. And including those said to have been previously leased, as well as the rest of the cattle, with the station? Including (as I believe) the whole of the cattle and station.

143. *By Mr. Hart*: Can your Honor say when Skerrett first set up the alleged forged agreement marked No. 2? I can only refer you to the evidence of Andrews for that.

144. Was not one of your Honor's reasons for recommending a free pardon, the general impression that he was innocent? No; I have not said so.

145. You may remember that you said you had two grounds: first, that your faith in Miss Kelly's evidence had been shaken; and, secondly, that there was a general impression that he was innocent? Those were my two grounds for entertaining doubts; and I so stated, as you will perceive, *not* in my letter recommending the pardon, but on a previous occasion, when I declined even to recommend a mitigation. The second ground, that there was a general impression in the neighbourhood that Skerrett was innocent, is no ground for recommending a pardon or mitigation, though it may form a very good ground for entertaining doubts. I entertained, therefore, a doubt; but did not see my way clear to recommend a pardon.

146. What does your Honor mean by "general impression"? The certificates attached to the petition of the inhabitants in the neighbourhood state substantially that they believed the man to be innocent. That being the state of feeling or opinion entertained by a great number of people in the locality of the alleged offence, presented grave occasion for doubt; although not sufficient for the recommendation of a pardon, in the face of the decision of the jury.

147. Can your Honor state whether the persons whose names are appended to the petition knew anything of the facts of the case? I cannot. On receiving the first petition, I wrote to those who seemed to me to be the most respectable parties, and never got an answer.

148. *By the Chairman*: The subsequent recommendation of pardon was in consequence of fresh information being obtained? Yes. The doubts became exceedingly strengthened; and in short I was satisfied that, with those additional facts, the jury would have acquitted the prisoner.

149. *By Mr. Hart*: After listening to Skerrett's statement in May, 1859, did you examine Kelly or other persons in reference to the truth of the matters alleged by Skerrett? It was of no use to examine her. She, living on the Manning, could not know whether he had money in (or on his departure from) Melbourne or not.

150. *By Mr. Parkes*: Did it ever transpire that Skerrett was a Magistrate in Victoria? There is no doubt that he never was. He was a convict in Van Diemen's Land, transported, he says, for bigamy or abduction. In Van Diemen's Land his wife came out to him, and when he got his pardon he was allowed to go over to Victoria. So, at least, I have reason to believe. He there set up as a brewer, which business he carried on extensively; he made money at the diggings, and then came up here. I know that he was a convict in Van Diemen's Land, from the circumstance of his wife having two years ago or more sought pecuniary aid from me; and when calling one day a lady saw her who remembered something of her in Hobarton.

151. *By Mr. Clements*: She never acknowledged to you that he had been a convict? No; but on that occasion I said to her that I believed her husband was transported to Van Diemen's Land, and she could not deny that he was. He himself has told me, however, that he was sent out, when a very young man, for abduction or for bigamy,—I forget which.

152. *By the Chairman*: That is all you know with regard to Skerrett's case? Yes.

C.

Hyde Park,
25 June, 1859.

Sir,

Charles Skerrett, having been released from confinement on a ticket-of-leave, has entreated my attention to some points in his case, noted in the enclosed papers; and I have thought it due to humanity, and the cause of truth, to permit him to go through the whole of the evidence with me (morning after morning, before sitting of the Court), and I have interrogated him on various matters connected with his past life, and the transactions with Miss Kelly which ended in his conviction.

I confess myself to be greatly staggered by the explanations and account which he gives; supported as they are (in part) by the papers already mentioned. It was on the evidence mainly of Mr. Joseph Andrews, and on the absence of the witness whom he called before the Justices, and the improbabilities of Skerrett's having so much money in notes, and of the documents being signed in the daughters' presence, that that conviction rested. And, since it appears that Skerrett really had a good deal of money, with which he was buying horses, and that Miss Kelly not improbably did ascertain, or certainly had time to ascertain, what Bank did not issue £100 notes, I think it a duty to say that very serious doubts have been excited in my mind as to the prosecution generally; which doubts, added to the verdict against Miss Kelly last year, in a civil case tried before me, in which her oath was utterly discredited, lead me to report my opinion, that the royal prerogative of mercy may, in this case, be not unfitly extended further to Skerrett.

If he be really an innocent man (as, on his own statements, could all of them be substantiated, he would turn out to be), the woman Kelly is the most abandoned perjurer on record. But, looking at the whole case, in connection with the papers submitted, I cannot now say that my persuasion of his guilt is by any means what I formerly reported it as being.

I am, &c.,

ALFRED STEPHEN.

The Honorable
The Colonial Secretary.

D.

D.

Supreme Court,
12 July, 1859.

Sir,

In answer to your letter, with reference to Charles Skerrett, I beg to say that, under the existing circumstances, and his having received a ticket-of-leave, I do recommend a remission of the remainder of his sentence.

W. Elyard, Esq.

I am, &c.,
ALFRED STEPHEN.

Remainder of sentence to be remitted.—W.D.—13 July, 1859. C.O.—14 July.

E.

Woodside, Manning,
3 October, 1862.

Sir,

I have the honor to acknowledge your communication in desiring my attendance at the Committee Room, on Wednesday, the 12th November. I regret extremely that circumstances will unavoidably prevent my being present, but beg to forward a declaration and statement of all I know, and as far as I can remember, and which you may rely on being perfectly correct.

About the middle of 1854, Miss Kelly was very desirous for Mr. Begbie to come to some terms with her, in taking charge of her horses; but not succeeding in doing so, Mr. B. finally declined having anything to do with them. However, soon after the above, Miss K. often expressed a wish or intimation that Mr. B. together with one of my younger sons, would purchase her cattle, which they likewise put off, not being desirous of entering into any speculation, saying that their means precluded them from so doing. However, very late in December, 1858, she paid us a visit, and by false representations and strong and fair promises, urged Mr. B. to enter into an arrangement for the purchase of her cattle, which she positively assured us exceeded 600 head.

Though late at night, an agreement was accordingly drawn up. Miss K. was to give Mr. B. 500 head, her property at Waterview, and all her milking utensils (which were, I believe, in good condition).

On this they drew up two promissory notes, which, as she said, was only for form sake, as she would be satisfied with the liquidation of the first; as to the second, she would in all probability never think of, or consign it to the fire; however, should she not do so, and when it fell due, the payment could always be put off from year to year, knowing how very badly we were off in a pecuniary point of view; as well as surrounded by painful difficulties.

But she required £200 down, which Mr. B. had not to give; this Miss K. knew full well from the very first, and so she addressed me on the subject. I replied that I had unfortunately none of my own, having sustained severe losses, but that I might perhaps succeed in borrowing the requisite sum, deducting the interest, from two of my youngest sons, which she earnestly entreated me to do. A day or two previous, it afterwards appeared, Mr. Burt, of Sydney, had sent an execution on her cattle and horses (of this we were in ignorance at the moment), and unless her debt was at once discharged, they were to be sold.

So the next morning after Miss K.'s visit to us, she, accompanied by Mr. B., went to Taree, to arrange matters with Mr. Gofton on her behalf, and the residue of £200 advanced by Mr. B. was drawn by Miss K. herself.

I also must not omit to mention, that during Miss K.'s visits to Sydney she begged of us to supply her station with rations, in flour, meat, sugar, and tea, which we did, much to our inconvenience, promising to refund us on her return to the Manning, which she never did. Our supplies continued till Mr. Cochrane, her overseer, remained on her station. (This could be proved by witnesses.)

The mustering and branding of the cattle commenced and lasted about fourteen months, as they were greatly dispersed and scattered all over this part of the country, the weather also being rather unfavourable.

It cost Mr. Begbie not a little in money and hand, to collect them closer to his own place.

About this time Mr. C. Skerrett made his appearance on the Manning, and insisted on claiming the whole of Miss K.'s cattle, some of which he sold both in Maitland and Tinonee; others again he and his party dispersed from our neighbourhood; and, being under arms, threatened us if we resisted his securing them, which we of course did to the best of our ability, at an immense loss of time, money, annoyance, and labour.

However, to cut the matter short, Miss K. was placed in gaol, and by her false and wicked representations she completely ruined Mr. Begbie and family (notwithstanding all her previous commiserations and often repeated sincere desire, as she averred, to assist and promote their prospects).

Mr. B. and family were, as it could be well imagined, owing to all this, more in distress and greater difficulty than at any previous time; and so his own friends begged of him to return to India at once, they paying for his passage and secure him an appointment, if he could only rid himself completely of Miss Kelly; for which purpose Mr. B. went down to Sydney, to endeavour to intercede with Miss K., as far as I recollect about the middle of October, 1860, mentioning how he was situated, and if she would return the two promissory notes she would get, besides all she had agreed on giving him according to settlement, all the cash he had collected for the cattle he had sold, all promissory notes for the same, his own land of 326 acres, and would strive to get his own friends to give her between £50 and £100 besides; all of which she positively refused to listen to, behaving in a most scandalous manner. He endeavoured again to bring her to some reason, showing her the hopelessness of his position, his anxiety at once to depart for India, and explaining to her that in reality she would have more than ever she had before her settlement with himself, undergoing as he had done much vexation, labour, and expense, in mustering the cattle, &c., &c., but to no avail, as she positively again refused to hear from him any further on the subject. And then, and only then, much to his sorrow and disappointment, he was, from adverse circumstances, compelled to enter the Insolvent Court, very much against his wish, as by so doing it protracted his stay in this Colony.

Mr. Begbie, during the whole time he was the possessor of Miss K.'s cattle, purchased and killed his own beef, with the exception of seven or eight of the K brand.

On entering the Insolvent Court, he honourably gave up to the last shilling he was possessed of, and had to borrow money for his and family's outfit when he finally left the country for India.

Mr. B., with all the hands he employed and all the labour, never succeeded in mustering more than between 240 or 250 head, and so Miss K. must have most falsely represented the number; besides she never handed over the title deeds of Waterview, and caused by her own private debts all the milking utensils to be seized and sold, to defray her shepherds' wages. Witnesses from the Manning could prove the correctness of all these statements.

To the Honorable the Chairman of the
Select Committee of the Legislative Assembly
in Miss I. M. Kelly's affairs.

I have, &c.,
MARIA COOPER.

F.

*Commercial Emporium, 216 & 218 Pitt-street,
Sydney, 6 December, 1862.*

Dear Sir,

I regret to state that I shall be unable to attend at No. 3 Committee Room of the Legislative Assembly, on Wednesday, the 10th instant, as arrangements are completed for taking about a week's journey into the interior this evening, by the steamer up the Hunter. I have, however, left my notes in the case of *Richards v. Andrews*, and they contain the unanimous verdict of the jury, which I, as one of the jurors, fully concurred in. During Miss Kelly's examination she denied making a certain lease of the Mount George's Paddock, which lease the plaintiff Richards swore she had written and given to him; and the jury unanimously gave Richards' evidence the preference, as it was apparently based on the clearest testimony; whilst her evidence was contradicted even by specimens of her own handwriting, and her character was in one or two instances doubted by the defendant's own witnesses. I have left instructions with my assistant to lend you my notes taken at the trial, and to give you this letter, thinking that you might ask him for them, as I shall be unavoidably absent from Sydney, and as you might possibly require them on Wednesday, the 10th instant, at the Committee Room. You will of course return the notes as soon as you have done with them for that purpose, as I intend to keep them on account of that being such an interesting trial. When I return, if you should require my personal attendance, I shall, of course, be glad to comply with your very reasonable and proper request.

Mr. Flett,

I have, &c.,
MARK SPENCE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MURRAY v. WEAVER.

(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 29 October, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 12 August, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Copy of all the Correspondence, Papers, and Documents
“ relating to a Trial held in the District Court, Scone, in
“ June last ; as also a second Trial held at Newcastle, on the
“ 30th and 31st July last, in the case Murray v. Weaver,
“ respecting an Assault committed on Mr. Murray, a
“ respectable resident of Merriwa, by Mr. Henry Weaver,
“ a Magistrate of the Colony.”

(*Mr. Dangar.*)

SCHEDULE.

| No. | PAGE. |
|--|-------|
| 1. Mr. J. H. Murray to the Colonial Secretary, representing that he had been assaulted by Mr. Henry Weaver, a Magistrate of the Merriwa Bench. 6 March, 1862 | 2 |
| 2. Under Secretary to the Bench of Magistrates, Merriwa, requesting a report on the statements made by Mr. Murray. 14 March, 1862 | 2 |
| 3. Bench of Magistrates, Merriwa, to Colonial Secretary, in reply. 20 March, 1862 | 2 |
| 4. Do. do. do. in continuation. 3 April, 1862 | 3 |
| 5. Mr. Weaver to the Colonial Secretary, in explanation of the statements made by Mr. Murray. 4 April, 1862 | 3 |
| 6. Opinion of the Attorney General in the case. 19 May, 1862 | 4 |
| 7. Mr. Murray to the Colonial Secretary, further respecting his complaint against Mr. Weaver. 2 June, 1862 | 4 |
| 8. Under Secretary to Bench, Merriwa, requesting that a further inquiry may be made into the charges. 6 June, 1862 | 5 |
| 9. Bench of Magistrates, Merriwa, to the Colonial Secretary, in reply. 19 June, 1862 | 5 |
| 10. Under Secretary to the District Court Judge, Mr. Purefoy, requesting information in respect to an action tried before him in the case Murray v. Weaver. 7 July, 1862 | 6 |
| 11. Mr. Purefoy to the Colonial Secretary, in reply. 10 July, 1862 | 6 |
| 12. Mr. W. Russell, solicitor, respecting the proceedings in the matter of Murray v. Weaver. 4 August, 1862 | 6 |
| 13. Under Secretary to Mr. Weaver, calling upon him to show cause why he should not be removed from the Commission of the Peace. 20 October, 1862 | 8 |

MURRAY v. WEAVER.

No. 1.

MR. MURRAY to COLONIAL SECRETARY.

*National School,
Merriwa, 6 March, 1862.*

SIR,

Mr. Henry Weaver, lately appointed a Magistrate here, left his seat on the Bench to-day, and galloped most furiously down, up, and down again, the main street of this town, practising with his long whip as if he were driving a bullock. He galloped up to my door, called me out, and in presence of my son 13, and daughter 16 years old, and my scholars just ready to march into school, commenced beating me in the most violent manner with his whip. I retreated into my house, which he forcibly entered to seek for and beat me again; I went out the back way to seek protection; he then told my wife that when he found me "he would beat me within an inch of my life." While asking Mr. Bettington, J.P., and Dr. Morris, Clerk of the Court, for a summons, he galloped upon me and beat me in the most violent manner; I called upon the two gentlemen present as witnesses, knowing I should receive no protection where I was; I retreated through the yard and the house (Mr. Tuite's inn), across the street into the blacksmith's, my assailant beating me all the time; I was obliged to remain there till a messenger went for my son to fetch a constable to protect me from this Magistrate's violence while on my way home.

All the above will be verified upon oath, and I beg you will cause inquiry to be made into the facts above narrated, as, if such a man is permitted to sit on the Bench, his opponents in any way need not expect justice.

I do trust the Government will consider it their duty to make inquiry into such an outrage, committed by a Magistrate, upon a public servant in so public a place.

I have, &c.,
J. H. MURRAY.

P.S.—I write to my solicitor by this post, as I do not think the ends of justice would be met by a fine of a pound (£1) at this Court.

J. H. MURRAY.

No. 2.

THE UNDER SECRETARY to BENCH OF MAGISTRATES, MERRIWA.

*Colonial Secretary's Office,
Sydney, 14 March, 1862.*

GENTLEMEN,

6 March, 1862.

In transmitting to you the accompanying copy of a letter from Mr. J. H. Murray, making a complaint relative to an assault committed upon him by Mr. Henry Weaver, J.P., I am directed by the Colonial Secretary to request that you will furnish a report upon the statements therein contained.

I have, &c.,
W. ELYARD.

No. 3.

BENCH OF MAGISTRATES, MERRIWA, to COLONIAL SECRETARY.

*Police Office, Merriwa,
20 March, 1862.*

SIR,

I have the honor, on behalf of the Bench of Magistrates, Merriwa, to acknowledge receipt of your communication of 14th instant, enclosing copy of a letter from Mr. J. H. Murray, schoolmaster of Merriwa, in which he complains of Mr. H. Weaver's conduct towards him.

On the day in question (6th instant) Mr. Weaver attended Court, sitting on two cases, and only left when a case in which he was interested was called on.

It was upwards of half an hour before I saw him again, and consequently know nothing of the assault (if such was committed.)

On Mr. Weaver's return home I will lay your letter before him, when doubtless he will afford you such explanation as may be satisfactory.

I have, &c.,
JNO. B. BETTINGTON, J.P.,
(Pro Bench of Magistrates.)

No. 4.

No. 4.

BENCH OF MAGISTRATES, MERRIWA, to COLONIAL SECRETARY.

Police Office, Merriwa,
3 April, 1862.

SIR,

Having made due inquiry relative to the subject matter of your letter of the 14th March, No. 62/1201, we have the honor to enclose herewith the statements of Mr. William Blaxland and Mr. John Morris, and from further inquiries that we have made, are of opinion that Mr. Weaver did not assault Mr. Murray in the way he complains; and we trust, from the enclosed statement, that you will perceive that the amount of personal feeling exhibited by Mr. Murray towards Mr. Weaver arises out of private disputes.

2. Mr. Weaver has been throughout most impartial in his magisterial decisions, and has given universal satisfaction.

We have, &c.,

JNO. B. BETTINGTON, J.P.
J. B. S. HUTCHINGS, J.P.

[Enclosure in No. 4.]

Police Office, Merriwa,
3 April, 1862.

Present:—

J. B. Bettington, Esq., J.P.
J. B. S. Hutchings, Esq., J.P.

An inquiry taken this day concerning an assault said to have been committed by H. Weaver, Esq., J.P., upon one John Henry Murray.

William Blaxland states:—Mr. Weaver left the bench after he had finished his magisterial duty, and I then saw him riding up and down the street, but he was not in an excited way, and was riding as if he was engaged in business. He spoke to me, and said, "Now I am going to speak to Mr. Murray, and to see what he means by calling me a cattle-stealer." I never saw Mr. Weaver beat Mr. Murray. Mr. Murray had no occasion to call a constable for protection, as Mr. Weaver had gone home, and was absent when Mr. Murray sent for a constable. I saw Mr. Murray go out of Mr. Tuite's inn over to the blacksmith's, but he was not followed by any person.

WILLIAM BLAXLAND.

Taken before us, this 3rd April, 1862.

J. B. S. HUTCHINGS, J.P.
JNO. B. BETTINGTON, J.P.

Dr. Morris states:—He never saw Mr. Weaver riding furiously up and down the town. Mr. Weaver left the Bench on account of a case in which he was interested coming on. I saw Mr. Weaver ride into Mr. Tuite's yard, but did not witness any assault, as I was leaving at the time on my own business. I can state positively that Mr. Weaver did not follow Mr. Murray over to the blacksmith's shop. Mr. Weaver had left the town for home half an hour before Mr. Murray requested a constable to accompany him to his house.

JOHN MORRIS.

Taken before us, this 3rd April, 1862.

J. B. S. HUTCHINGS, J.P.
JNO. B. BETTINGTON, J.P.

This explanation does not appear to me satisfactory by any means. There has been no opportunity afforded to Mr. Murray to support his allegations. Refer the correspondence to the Attorney General.

C. C.
B. C. 8th April.

No. 5.

MR. WEAVER to COLONIAL SECRETARY.

Cullingrall, Merriwa,
* 4 April, 1862.

SIR,

I have the honor to state that I have been placed in possession of a copy of a letter addressed to you, dated 6th March, by Mr. John Henry Murray, of Merriwa, wherein he charges me with having committed a violent assault upon him in the public street of that place, and calls upon you to supersede me from the Commission of the Peace. In reply thereto I have the honor to state, for your information, that Mr. Murray's statements grossly misrepresent the occurrence, which I can prove by respectable witnesses.

The following are the facts of the case:—On the 3rd March a difference occurred between us at my residence, in reference to the ownership of a bullock then in my yards, which Mr. Murray had sold to my predecessor; and upon my refusing to give up the bullock to him, I was informed that he publicly reported in Merriwa that I was a cattle-stealer, and that he intended to take out a warrant for me. He also addressed to me a very insulting letter in reference to the bullock, which he concluded by giving up all claim to the bullock, showing that he had no right to it.

On

* Delivered to me personally this day, by Mr. Russell, defendant's attorney, who explains that he kept it back until now.—C. C.—2 August.

On the 6th March I took my seat on the Bench, and only left it when a case was called in which I was indirectly interested. It was then I was informed by some individuals that Mr. Murray had calumniated me; I therefore deemed it necessary, in vindication of my character, to call upon him for an explanation, but could obtain none from him. I was so exasperated at my character being so unjustly and grossly assailed, that I gave him some three or four strokes with my whip in Mr. Tuite's *private* yard; but it is not true that I struck Mr. Murray in a *public place*, or *followed him across the street*; nor did I ever, at any time *enter his private residence*, or even the verandah of his private residence; nor *was it before his wife or children*. I confess that I acted too hastily and indiscreetly, but the gross indignity cast upon me by Mr. Murray exasperated me.

I leave the matter with confidence in your hands, feeling assured that you will consider that as a gentleman and a Magistrate such an insult was a great provocation, though in strictness not a complete justification of the act; and I trust that you will not be influenced by the ill feeling and mis-statements of Mr. Murray to adopt any extreme measure his vindictive feeling suggests to my injury. It is the first time in my life that any man has ever ventured to charge me with conduct unbecoming in a man of honor and a gentleman, and you may therefore judge how hurt I felt that Mr. Murray should have so calumniated me without the slightest foundation.

If requisite I shall do myself the honor to forward to you Mr. Murray's letter, addressed to me, with statement of witnesses who can disprove the truth of Murray's allegations. I may state that my character will bear the closest investigation, and I believe that you will not readily comply with a calumniator's vindictive suggestions which would be injurious to me.

I have, &c.,
HENRY WEAVER.

No. 6.

COPY Opinion respecting Complaint of Mr. J. H. Murray against Mr. Henry Weaver, J.P.

THE reporting Magistrates seem to have entirely neglected their obvious duty in investigating such serious charges against a brother Magistrate.

The charge is so distinct and specific as to parties concerned and the persons present, that the inclination of my own mind is that the reporting Magistrates, one of whom (Mr. Bettington) is, I presume, the Magistrate mentioned in Mr. Murray's letter of complaint, themselves tacitly admit the substantial correctness of the charges made. I think that the Magistrates should be informed that such interpretation will be put upon their report, unless they show some ground against such interpretation within a specified period; and that the Government should then consider whether Mr. Weaver should continue in the Commission of the Peace, unless he can justify such conduct towards Mr. Murray or disprove the charges made.

JOHN F. HARGRAVE,
Attorney General.

B.C., 19 May, 1862.

No. 7.

MR. MURRAY to COLONIAL SECRETARY.

Merriwa,
2 June, 1862.

SIR,

I observe, in last Saturday's Parliamentary report, that you, in reply to the Hon. Member for this Electorate, stated that my complaint against Mr. Henry Weaver, a Magistrate lately appointed here, had been referred to the Bench for explanation. Presuming that this Bench is the one meant, I beg to state that the Bench here consists of only two members, Mr. Weaver, the party complained against, a young man, and Mr. James Bettington, a still younger man.

There is reason for believing that Mr. Bettington knew, before Mr. Weaver committed the assault upon me, of his intention to assault me.

After Mr. Weaver committed the first assault upon me, I went to the Court House to get a summons for him from Mr. Bettington, the only other Magistrate here. I met Mr. Bettington and the Clerk of the Court coming from the Court House. I made my request; before I received an answer, Mr. Weaver came galloping into the yard, and made a second furious assault upon me. I called upon both the C.P.S. and Mr. Bettington to witness the assault. The Clerk turned his back, and walked away. Mr. Bettington stood tacitly approving of the outrageous conduct of his brother Magistrate. Mr. Weaver knocked off my hat; William Scaife, a youthful companion of his, kicked it about. Mr. Bettington took it up, and jeeringly said, "The damned wretch will get sun-struck." I requested Mrs. Glasscock, wife of the party in whose house I sought refuge, to send some one for the constable, who lived about one hundred yards off. She replied that she dare not, for if she did, Bettington and Weaver would take their work (blacksmith's) away from her. After some
time

time an old man was obtained, who went for my son, and he went for the constable, who conducted me home, bareheaded, under a burning sun. Just before the constable came, Weaver left the public-house and went home. Shortly after, Master Scaife, Mr. Bettington, and Mr. W. Blaxland, followed him, and, I am told, spent the evening rejoicing with him in their usual manner.

I felt persuaded that if I summoned Mr. Weaver to this Court Mr. Bettington would not give me justice; I therefore entered an action at the District Court, sixty-five miles off by vehicle road, thirty-nine miles by surveyed bridled track. I yesterday paid the Clerk of Court £3, to secure his attendance to give evidence. I paid Constable Potts £1. Mr. Bettington returned me the summons served upon him by the constable, and demands from me £10. I am besides obliged to hire means of conveyance for myself, son, daughter, and another witness. All this expense I am put to, because I feel confident this Bench would not give me justice against Mr. Weaver.

Last Saturday I went to the Court House, and by permission from the constable in charge, and under his eye, was looking over the District Courts Act for information. Mr. William Blaxland, who lives with Mr. Weaver, asked if I was in the Court House with Potts. Next morning (Sunday) Mr. Bettington sent for the District Courts Act and Plunkett's A. Magistrate, and kept them at his private residence till yesterday evening, and then sent a written order to the constable in charge, directing him "to not permit any one in future to see any of the Acts of Council in the Court House." The constable, acting upon Mr. Bettington's instructions, *refused to let me see the District Courts Act or get any information from it.* I understood that all the Acts in the Court here were public property, and that any citizen might, under certain restrictions and at convenient times, seek in them for necessary information. If I am right, Mr. Bettington has acted wrongly in taking them to his private residence, and afterwards prohibiting their use to me in the Court House.

I respectfully submit, from the above facts, that Mr. Bettington has so identified himself with Mr. Weaver's case as to render him incompetent to make a fair report on my charge against Mr. Weaver.

In reading over my letter of the 6th of March last, I find there is one sentence which requires correction. I stated that I retreated through the yard and the house (Mr. Tuite's inn), across the street into the blacksmith's, my assailant beating me all the time. I ought to have said, I retreated through the yard, my assailant beating me all the time, then through the house (Mr. Tuite's inn), across the street into the blacksmith's.

I am sorry that, in my haste to catch the post, I did not observe the error before sending off my letter.

I have, &c.,
J. H. MURRAY.

No. 8.

THE UNDER SECRETARY to BENCH OF MAGISTRATES, MERRIWA.

*Colonial Secretary's Office,
Sydney, 6 June, 1862.*

GENTLEMEN,

With reference to your letter of the 3rd April last, reporting on a complaint made by Mr. Murray against Mr. Henry Weaver, a Magistrate, for assaulting him, I am directed to inform you that, in a case when the charge is as distinct and specific as to the parties concerned and the persons present, the investigation appears to be very imperfect, and that in the absence of grounds for a contrary opinion, the inference to be drawn from your present report must be that you tacitly admit the substantial correctness of the charge made by Mr. Murray.

2. The Colonial Secretary requests that you will make further and due inquiry into the case (which cannot be allowed to rest as it is) without delay, and that you will afford Mr. Murray an opportunity of supporting his allegations.

I have, &c.,
W. ELYARD.

No. 9.

J. B. BETTINGTON, Esq., J. P., to COLONIAL SECRETARY.

*Police Office, Merriwa,
19 June, 1862.*

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 6th instant, addressed to the Bench of Magistrates, and beg to state that the result of the trial held at Scone, on the 12th instant, the proceedings of which you are doubtless acquainted with, renders any further inquiry, as referred to in the second paragraph of your letter, unnecessary.

I have, &c.,
JNO. B. BETTINGTON, J.P.

No. 10.

No. 10.

THE UNDER SECRETARY to DISTRICT COURT JUDGE.

*Colonial Secretary's Office,
Sydney, 7 July, 1862.*

SIR,

In transmitting to you the accompanying papers respecting a complaint preferred by Mr. J. H. Murray against Mr. Henry Weaver, a Magistrate of the Colony, I am directed to inform you that the Colonial Secretary will be glad to be favoured with your notes of the trial of the case *Murray v. Weaver*, at the late Quarter Sessions at Scone, or with your view of the conduct of Mr. Weaver, and whether you consider that gentleman ought to be removed from the Commission of the Peace.

I have, &c.,
W. ELYARD.

No. 11.

DISTRICT COURT JUDGE to COLONIAL SECRETARY.

*Devonshire Cottage,
Elizabeth-street South,
10 July, 1862.*

SIR,

I have the honor to acknowledge your letter of the 7th instant, forwarded to Maitland and this morning received here, stating that the Colonial Secretary will be glad to be favoured with my notes of the trial *Murray v. Weaver*, tried at the District Court at Scone, on 12th June last, or with my views of the conduct of Mr. Weaver, and whether I consider that gentleman ought to be removed from the Commission of the Peace.

In reply, I have the honor respectfully to submit that, as the case referred to is *still pending*, a new trial having been granted by me to the next District Court at Newcastle, on the 30th inst., against which new trial the defendant has appealed to the Supreme Court, I, as the Judge who tried the case, ought not to be called on either for a copy of my notes of the evidence at the trial, or to express any opinion whatever on the conduct of the defendant, Mr. Weaver, until the case has been finally determined.

I have, &c.,
WM. A. PUREFOY.

The papers forwarded with your letter are herewith returned.

No. 12.

MR. RUSSELL to COLONIAL SECRETARY.

*Mort's Buildings, Pitt-street,
Sydney, 4 August, 1862.*

SIR,

I have the honor to state, for your information, relative to the proceedings in the matter of *Murray v. Weaver*, and the complaint of Mr. J. H. Murray, requesting that Mr. Weaver might be suspended in the Commission of the Peace, as follows:—

Mr. Weaver since April, 1861, has had the management of Mr. Charles Blaxland's station near Merriwa, having then entered into an agreement with Mr. Blaxland for a partnership. Previous to Mr. Weaver's going there, Mr. Murray, it appears, bartered a bullock with Mr. Cooper (Mr. Weaver's predecessor), which was branded with the station brand, and handed over to Mr. Weaver.

On 3rd March last Mr. Murray claimed the bullock. Mr. Weaver refused to give it to him. Mr. Murray thereupon, as proved by two witnesses, reported in Merriwa that Mr. Weaver was no better than a cattle-stealer.

Mr. Murray also wrote to Mr. Weaver as follows:—

“Merriwa, 4 March, 1862.

“ Sir,

“ Mr. Cooper never gave me anything for the bullock you claim for your master, therefore the beast is mine; but the conduct of the late lessee of Cullingrall contrasts so favourably with that of Mr. Blaxland's present Superintendent, that sooner than give Mr. Cooper any trouble, I hereby give the bullock to Mr. Blaxland, as Mr. Cooper directed.

“ I am, &c.,
“ J. H. MURRAY.

“ Mr. Weaver,
“ Superintendent,
“ Cullingrall.”

This note was delivered to Mr. Weaver while he was on the Bench, on 6th March, and on the same day he was informed of the unjust charge against him as a cattle-stealer. It seems evident that by Mr. Murray forwarding this note, two days after it was dated, to Mr. Weaver on the *Bench* instead of putting it in the Post Office of the town, that Mr. Murray was then actuated by animosity. Mr. Weaver lived only about a mile from Merriwa.

The

The case was tried at Scone, in June last, before a jury granted at plaintiff's instance, when a verdict was returned for him, with £10 for damages, being the sum which defendant had paid into Court, with full costs, on being served with a summons, the jury stating that that sum was ample compensation for the plaintiff. No evidence was then called for the defence, but his counsel relied on the contradictory nature of the evidence for plaintiff.

Judge Purefoy, after having reserved judgment, granted a new trial, to take place at Newcastle (without assigning any reason, or any imputation being made against the jury at Scone), the further extremity of the district for defendant, though not for plaintiff, as the National Board discharged him in May from the Merriwa School through matters unconnected with this.

I was informed by many people at Newcastle, before and during the trial, that a Magistrate had no fair chance with a Newcastle jury, and I have no reason to doubt its truth. Other rumours were afloat, which I forbear from stating. On the trial at Newcastle, the Judge rejected evidence as to the verdict at Scone; he rejected, without precedent, evidence of the correspondence between the solicitors on negotiations for settlement by compensation and apology, and his charge to the jury is excepted to for misdirection, in not leaving the evidence in mitigation of damages fully to them, and as to the law thereon, and his direction that the damages might be penal.

His rejection of evidence and misdirection have been *appealed against*. I would confidently submit the next trial to any impartial tribunal, to decide whether or not the £10 paid into Court, and the offer of apology, were not adequate.

From the commencement Mr. Weaver has endeavoured to conciliate by apology and compensation, and at the same time to free himself from the imputation of a cattle-stealer.

Before the trial at Scone, Mr. Murray's attorney (Mr. Mullen) wrote to me (not without prejudice or anything to prevent the letter from being given in evidence), offering to take £10 and an apology. I immediately wrote, assenting conditionally on a mutual apology: this was declined without comment.

If Mr. Murray had not imputed cattle-stealing to Mr. Weaver, although it was sworn to distinctly by two witnesses at the trial, he could then easily have denied it. Mrs. Murray, in her evidence, stated that Mr. Weaver, previous to the assault, said he was informed of that imputation.

Mr. Murray's statements, in his letter to you dated 6th March, are grossly exaggerated, and some not attempted to be proved.

There was no evidence whatever, by any person who saw him, of Mr. Weaver riding fast or furiously; the statement in Mr. Murray's letter is imaginative; the whip was a short riding whip, not a "long whip"; there was no evidence of more than one scholar being in view; Mr. Weaver positively stated on oath that his whip did not strike Mr. Murray in the street, or at or in his house, but that he made a strike at him on Mr. Murray retreating, but without effect; that he did not follow Mr. Murray into any part of his house; Mr. Murray admitted pointing a loaded gun at Mr. Weaver; Mr. Murray continues, "*I retreated across the street, my assailant beating me all the time.*" On 2nd June, Mr. Murray, in another virulent letter, with drawsthis part, but that was after the Magistrates' report, yet this, amongst other charges, is what he alleges on 6th March can be proved *on oath*.

Mr. Weaver admits having given Mr. Murray three or four slight hits in *Mr. Tuite's yard*, but no other assault, and Mr. Weaver immediately went home.

The constable who examined Mr. Murray's back, at his own request, on 6th March, said it was nothing. It is alleged that Mr. Murray has been charged twice with assaulting his scholars, and that he had only seven scholars on the 6th March, although he had about forty at one time.

Mr. Weaver is about 28 years old; he is a young man of high principle and integrity and moral feeling; he has never been known on any other occasion to commit such an act of indiscretion; he has been subjected to heavy losses through it—provoked by a person evidently envious of his position, and whose great aim seems to be to get him suspended.

Mr. Weaver is a member of a large family in the Colony. He did not seek the appointment of Magistrate.

I trust that it will not be considered necessary to supersede him, and so blight his career.

Mr. Dangar, M.P., informs me that this is the first of a series of complaints against the Magistrates.

If, however, it should be considered that Mr. Weaver should be suspended, I have the honor to request that time may be given to him to tender his resignation.

I have, &c.,

WILLIAM RUSSELL.

No. 13.

THE UNDER SECRETARY to MR. WEAVER.

*Colonial Secretary's Office,
Sydney, 20 October, 1862.*

SIR,

I have the honor to inform you that His Excellency the Governor has laid before the Executive Council, the correspondence that has taken place with respect to an assault committed by you upon Mr. J. H. Murray, Master of the National School at Merriwa, which has not been satisfactorily explained, although opportunities for doing so have been afforded; and, under the advice of the Council, His Excellency has now directed that you should be called upon to show cause why you should not be removed from the Commission of the Peace. The Colonial Secretary, therefore, requests that you will furnish any statements which you may desire to submit without delay.

I have, &c.,
W. ELYARD.

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

—————
 CITY CORONER.

(INQUEST ON ANDREW BROMLEY.)

—————
*Received by the Legislative Assembly, 31 October, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*
 —————

To the Honorable the Speaker and Members of the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Landholders and Residents of Lane Cove,—

RESPECTFULLY SHEWETH :—

That your Petitioners complain, that on Monday, the twenty-second day of September last, between eight and nine o'clock in the morning, the dead body of a man, named Andrew Bromley, was found in a well at Lane Cove, with a severe cut in the throat, and another on the left arm. At the distance of about 250 yards was found the hat of the deceased, and within a short distance of the hat were two large patches of what appeared to be human blood. At an early hour on the same day, information of the finding of the body was sent to the City Coroner.

That your Petitioners feel very dissatisfied with the manner in which the inquest has been conducted by the City Coroner, for the undermentioned reasons, namely :—

That after the body was taken from the well, on Monday morning, the twenty-second day of September, and conveyed to a shed near the "Green Gate" Inn, Lane Cove, where it was permitted to remain until Tuesday evening, it was then removed to North Shore, a distance of seven miles, where the inquest was held, to the great inconvenience of all parties concerned.

That the wife and other members of the family of the deceased, who had no conveyances at their disposal, had to travel eighteen miles (nine miles each way) to attend the said inquest.

That in consequence of the distance, and also not receiving notice of when or where the inquest was intended to be held, the principal and most material witnesses were not examined.

That owing to the inquest having been held on North Shore, a most serious injury has been inflicted on the eldest son of the deceased, who has been charged with the murder of his father, and imprisoned on such charge.

That neither the Coroner, medical men, nor jurymen, connected with the inquest, inspected the place where the body was found, which your Petitioners believe was highly essential.

That the well in which the body of deceased was discovered was not emptied, or its contents examined, until four days after the inquest on the body of the said Andrew Bromley.

Your Petitioners, therefore, pray that your Honorable House will investigate the circumstances attending the death of the above-named Andrew Bromley, and inquire as to the complaint of your Petitioners of the arbitrary conduct of the City Coroner in the matter.

[Here follow 124 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SPECIAL JURORS FINED.
(ADMINISTRATION OF JUSTICE.)

Ordered by the Legislative Assembly to be Printed, 4 November, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 September, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Return shewing :—

“ (1.) The number of persons summoned as Special Jurors
“ to the Supreme Court, King-street, who have been fined
“ during the last two years for non-attendance.

“ (2.) The number of persons against whom the fines have
“ been enforced, and the amount in each case.”

(Mr. Wilson.)

SPECIAL JURORS FINED.

RETURN shewing the number of persons summoned to shew cause why fines imposed on them for non-attendance as Special Jurors in the Supreme Court, between the 1st day of September, 1860, and the 31st day of August, 1862, should not be levied by process of Court.

| Number of Jurors. | Fines. | Total Amount. |
|-------------------|-----------|---------------|
| 7 | £10 each. | £ 70 0 0 |
| 29 | 5 " | 145 0 0 |
| 49 | 3 " | 147 0 0 |
| 12 | 2 " | 24 0 0 |
| 4 | 1 " | 4 0 0 |
| 101 | | £390 0 0 |

THE number of persons against whom the fines (reduced in several cases) have been enforced, and the amount in each case.

| Number of Jurors. | Fines. | Total Amount. |
|-------------------|----------|---------------|
| 12 | £5 each. | £ 60 0 0 |
| 1 | 4 " | 4 0 0 |
| 13 | 3 " | 39 0 0 |
| 11 | 2 " | 22 0 0 |
| 9 | 1 " | 9 0 0 |
| 3 | 10s. " | 1 10 0 |
| 49 | | £135 10 0 |

GEO. UHR,
Sheriff.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. MOSS, OF SHOALHAVEN.

(MAGISTERIAL SENTENCES AND COMMITTALS BY.)

Ordered by the Legislative Assembly to be Printed, 4 November, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 29 August, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A nominal Return of all persons (if any) who have been
“ sentenced to imprisonment, or fined, or who have been
“ committed under the warrant of Mr. Moss, of Shoalhaven,
“ whilst acting as a Magistrate under the Municipalities Act
“ of 1858, as well as of the Offences for which such persons
“ were imprisoned or fined, and the dates of each; also
“ copy of a letter from Mr. Justice Wise to the Government,
“ in reference to the swearing in of Mr. Moss as a Magis-
“ trate.”

(*Mr. Holroyd.*)

MR. JUSTICE WISE to COLONIAL SECRETARY.

*Supreme Court, Sydney,
22 February, 1862.*

SIR,

Yesterday, during a temporary adjournment of the Court, application was made to me to allow Mr. Moss to be sworn in as a Magistrate before me, which was done. Until after he had taken the oaths, I was not aware that he was being sworn in as a Magistrate only in consequence of being Chairman of the Municipality of Shoalhaven. Had I clearly understood this, I should have thought it my duty to abstain from administering the oaths, inasmuch as the Supreme Court decided, on the 7th of February last, in the case of *Berry v. Graham* and another, that the Proclamation by which that Municipality was established was void, and I should not have thought myself justified in doing an act judicially which would impliedly be at variance with the law as established by that judgment.

I think it right, therefore, to inform you how this occurred, that no wrong inference may be drawn from the circumstance.

I did mention to Mr. Moss the effect of our decision, to prevent him being misled by what I had just done.

I have, &c.,

EDWARD WISE.

[Price, 1d.]

NOMINAL RETURN of all persons who have been sentenced to Imprisonment, or Fined, or who have been Committed under the Warrant of Mr. Moss, of Shoalhaven, whilst acting as a Magistrate under the Municipalities Act of 1858.

2

| DATE. | NAME. | ACT OR STATUTE. | OFFENCE. | FINE. | IMPRISONMENT. | COMMITTAL. | NATURE OF WARRANT. |
|-------------|------------------------|-------------------|--|----------------------------|--|------------------|---|
| 1861. | | | | | | | |
| 10 March | Mary Goddard ..... | ..... | Supposed lunacy ..... | ..... | ..... | ..... | Warrant in first instance. |
| 17 July.. | Charles M'Kinnon | 9 Geo. IV, 31.. | Assault..... | 10s. and costs, or | 14 days (fine paid.) | | |
| 28 Aug.. | John Stapleton | 20 Vict., 28 | Absence before completion of Contract. | £3 (not enforced.) | | | |
| 17 Sept.. | Mary Hemstead | 18 Vict., 29 | Drunk and disorderly | 10s. (not paid) or | 24 hours | In Nowra Lock-up | In default of payment (not signed by Mr. Moss.) |
| 12 Nov... | George Tory | Do. | Unlicensed billiard-table | 1s. and costs. | | | |
| 10 Dec... | Do. | Do. | Lamp out..... | 10s. and costs. | | | |
| 10 Dec... | Do. | Do. | House open after hours..... | 5s. and costs. | | | |
| 24 Dec... | Mary Goddard | 15 Vict., 4 | Threatening language ..... | ..... | In default of sureties; no time specified. | Wollongong Gaol | In default of sureties (not certain if signed by Mr. Moss.) |
| 1862. | | | | | | | |
| 21 Jan. ... | Patrick Ryan | 9 Geo. IV, 31.. | Assault..... | 10s. and costs (fine paid) | or 48 hours. | | |

MR. MOSS, OF SHOALHAVEN.

In all these cases there were on the Bench the requisite number of Magistrates, exclusive of Mr. Moss.

ALFRED ELYARD, J.P.
JAMES GRAHAM, J.P.

Sydney: Thomas Richards, Government Printer.—1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE REVEREND JOHN STEELE.

(PETITION OF.)

Received by the Legislative Assembly, 9 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of John Steele,—

SHEWETH :—

That your Petitioner is a Minister of the Church of England, having charge of the Parish of Bombala, in the District of Manaro, in the Colony of New South Wales.

That your Petitioner has been suffering for more than two years very great indignity and annoyance, which has resulted recently in his being deprived of his personal liberty, his character as a Christian Minister impeached and damaged, and being continually subjected to persecution, as hereafter detailed, through the acts and doings of a Magistrate of this Colony, residing at Bombala, named Charles Henry Baddeley.

That your Petitioner begs to inform your Honorable House, that on the 31st day of July last your Petitioner was summoned to appear at the Police Court, Bombala, on the 5th day of August following, to answer the charge of August Zollner, a sergeant of police, whose information charged your Petitioner “ for being suspected to have unlawfully broken “ and entered an unconsecrated Burial Ground ; to wit, the Public Cemetery at Bombala, “ aforesaid, and unlawfully, wilfully, and indecently, did dig, open, and take and carry away “ from a certain grave therein situate, the body of one John Louis Steele, then and therein “ interred, &c.”

Your Petitioner begs permission to inform your Honorable House, that the aforesaid John Louis Steele was the youngest child of your Petitioner, who died nearly a year previously, at the age nearly of twenty months.

Your Petitioner begs to inform your Honorable House, that the above charge came on for hearing on the day before named, before C. H. Baddeley, Emanuel Jonas, and William Graham, Justices of the Peace, several other Magistrates being on the Bench, but not acting.

Your Petitioner begs further to inform your Honorable House, that the two last-named Justices, E. Jonas and Wm. Graham, on the case being called on, refused to entertain the charge against your Petitioner, giving as their opinion, that “ that Court “ had no jurisdiction in the matter, and that if any offence had been committed, it was an “ ecclesiastical offence, to be dealt with by your Petitioner’s Churchwardens and the “ Bishop.”

Your Petitioner further informs your Honorable House, that C. H. Baddeley, J.P., refused, peremptorily, to concur in the opinion of his brother Magistrates, and declared his determination to hear the charge alone and to deal with it upon his single responsibility. Whereupon your Petitioner further begs to add, that Justices E. Jonas and Wm. Graham left the Bench, but not the Court.

Your Petitioner further begs permission to inform your Honorable House, that the said C. H. Baddeley did authorize a public meeting to be held in the above Police Office, and by public notice did convene the same on the day next preceding that upon which the above recited charge was to be heard, the terms of such notice being “ to inquire into the impropriety and illegality of your Petitioner’s conduct in the matter.” And your Petitioner humbly submits that such public meeting, pending a legal investigation, was calculated to injure your Petitioner’s reputation, and to prejudice public feeling against him. And your
Petitioner

Petitioner begs respectfully to add, that many of the signatures to the requisition requesting the said C. H. Baddeley to authorize and convene such meeting are forged, and obtained under false representation.

Your Petitioner further begs to inform your Honorable House, that the said C. H. Baddeley, immediately upon assuming the Bench alone, read a letter alleged to have been written by a lawyer in Sydney, in which the charge against your Petitioner was declared to be illegal before it had been investigated; and your Petitioner submits that that letter must have been either a forgery or a preconcerted act to injure your Petitioner, as it would be a postal impossibility to communicate with Sydney and receive an answer at Bombala between the date of the day upon which the act charged as an offence was done, and the date of the day of investigation in Court, when the letter was produced. And your Petitioner further humbly submits, that such a course followed in a Court of Justice is unconstitutional, and highly dangerous to the liberty of your Petitioner. Your Petitioner begs leave further to add, for the information of your Honorable House, that such letter was procured for the said C. H. Baddeley by one Roderick M'Donald, who himself recently, in a very exaggerated form, has been guilty of a similar act to that charged as an offence against your Petitioner, with the knowledge of the said C. H. Baddeley and the police, but against whom no legal proceedings were instituted. Your Petitioner begs further to inform your Honorable House, that at the hearing of the charge against your Petitioner, he was treated with great indignity and harshness by the said C. H. Baddeley, and was not permitted to examine any witnesses, or to cross-examine those produced against him, so as to vindicate himself in open Court, and your Petitioner was therefore committed by the said C. H. Baddeley to Cooma Gaol, to take his trial at the approaching Assizes.

Your Petitioner begs to inform your Honorable House, that the Honorable the Attorney General refused to prosecute the case, and informed your Petitioner that he had not committed any illegal act; and your Petitioner is bound to inform your Honorable House, that although he did on the day upon which the charge was heard, admit the act of disinterring the remains of your Petitioner's infant child, alleging competent authority for so doing, that the said C. H. Baddeley refused to record the admission, and insisted upon hearing the evidence, to your Petitioner's very great annoyance, and the public outrage of his feelings. Your Petitioner further begs to inform your Honorable House, that previous to disinterring the remains of his infant child, he had obtained the consent of two Magistrates resident in the District, the approval of his Churchwardens, and the sanction and protection of the sergeant of police; and your Petitioner having been presented, by the owner thereof, with a piece of ground adjoining your Petitioner's church, as a burying place, your Petitioner exercised his right as a Clergyman of the Church of England, and as a subject of this realm; and, as he believed, without infringing any law, consulted propriety, by removing his infant son from an unfenced open pasture ground to a decent burial place.

Your Petitioner begs to inform your Honorable House, that acts similar to that for which your Petitioner has been prosecuted, have been committed by different persons, with the cognizance of the said C. H. Baddeley and the police sergeant, and although done without any authority or legal right, they have not been prosecuted, which your Petitioner humbly submits, is evidence that some other feeling besides vindication of the law actuated the said C. H. Baddeley in your Petitioner's case.

Your Petitioner, in conclusion, begs to inform your Honorable House, that since the termination of the above case, your Petitioner has been again prosecuted by the police, under the Vagrant Act, and under the advice and direction of the said C. H. Baddeley, who volunteered evidence in the matter. This case was dismissed by the presiding Justices, who considered it to be their duty to reprimand those who promoted it.

Your Petitioner has only to add, that in conjunction with the Magistrates of the District of Bombala, and other gentlemen, an application has already been made to the Executive Government, for inquiry into these persecutions; but as of that application no notice has been taken nor any answer vouchsafed, your Petitioner therefore humbly prays that your Honorable House will be pleased to take into consideration your Petitioner's grievances of which he complains, and extend to him such protection as to your Honorable House shall seem fit.

And your Petitioner, as in duty bound, will ever pray.

JOHN STEELE,
Minister of the English Church.

22nd October, 1862, Bombala.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

FINES FOR DRUNKENNESS.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 11 December, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 December, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Return of all Fines collected for Drunkenness, and paid
 “ over to the Treasurers of Hospitals or Charitable Institu-
 “ tions, for the year 1861, under the Act 13 Vic., No. 29,
 “ clauses 61 and 62, by the various Clerks of Petty Sessions,
 “ describing the Police Districts and places where Hospitals
 “ or Charitable Institutions are established under any
 “ Friendly Society Act.”

(Mr. Dangar.)

FINES FOR DRUNKENNESS.

A RETURN of all Fines collected for Drunkenness, and paid over to the Treasurers of Hospitals or Charitable Institutions, for the year 1861, under the Act 13 Vic., No. 29, clauses 61, 62, by the various Clerks of Petty Sessions, describing the Police Districts and places where Hospitals or Charitable Institutions are established.

| PLACE. | | | | AMOUNT. | | | HOSPITAL OR CHARITABLE INSTITUTION. |
|------------------------|---|--|--|---------|----|----|-------------------------------------|
| | | | | £ | s. | d. | |
| Albury | | | | 39 | 17 | 6 | Albury |
| Armidale | | | | 55 | 0 | 0 | Armidale |
| Adelong | | | | 16 | 12 | 0 | Adelong |
| Araluen | | | | 10 | 10 | 0 | Braidwood |
| Bathurst | | | | 84 | 11 | 6 | Bathurst |
| Boorowa | | | | 16 | 7 | 0 | Yass |
| Braidwood | | | | 28 | 5 | 0 | Braidwood |
| Berrima | | | | 4 | 0 | 0 | Sydney |
| Balranald | | | | 6 | 10 | 0 | Deniliquin |
| Bombala | | | | 31 | 0 | 0 | Cooma |
| Campbelltown | | | | 13 | 11 | 0 | Sydney |
| Camden... .. | | | | 32 | 12 | 0 | Sydney |
| Carcoar | | | | 56 | 17 | 0 | Carcoar |
| Casino | | | | 9 | 11 | 0 | Sydney |
| Cassilis | | | | 1 | 15 | 0 | Musclebrook |
| Do. | | | | 1 | 10 | 0 | Sydney |
| Do. | | | | 9 | 13 | 6 | Mudgee |
| Coonabarabran | | | | 21 | 12 | 6 | Maitland |
| Condoblin | | | | 3 | 0 | 0 | Carcoar |
| Cooma | | | | 39 | 19 | 6 | Cooma |
| Dungog... .. | | | | 13 | 10 | 0 | Maitland |
| Dubbo | | | | 10 | 10 | 0 | Mudgee |
| Do. | | | | 6 | 10 | 0 | Wellington |
| Deniliquin | | | | 22 | 1 | 0 | Deniliquin |
| Eden | | | | 17 | 0 | 0 | Eden |
| Forbes | | | | 5 | 0 | 0 | Carcoar |
| Gosford | | | | 5 | 12 | 0 | Sydney |
| Gundagai | | | | 39 | 0 | 0 | Gundagai |
| Goulburn | | | | 47 | 6 | 0 | Goulburn |
| Grafton... .. | | | | 12 | 5 | 0 | Sydney |
| Gunnedah | | | | 16 | 10 | 0 | Tamworth |
| Glen Innes | | | | 32 | 11 | 0 | Armidale |
| Hartley... .. | | | | 47 | 10 | 0 | Bathurst |
| Hargraves | | | | 1 | 0 | 0 | Mudgee |
| Do. | | | | 0 | 5 | 0 | Tambaroora |
| Hay | | | | 38 | 15 | 0 | Deniliquin |
| Kempsey | | | | 4 | 15 | 8 | Port Macquarie |
| Kiama | | | | 21 | 13 | 6 | Kiama |
| Kiandra | | | | 20 | 5 | 0 | Kiandra |
| Liverpool | | | | 12 | 5 | 0 | Sydney |
| Mugee | | | | 58 | 3 | 0 | Mudgee |
| Moruya | | | | 13 | 2 | 0 | Sydney |
| Musclebrook | | | | 25 | 11 | 6 | Musclebrook |
| Murrurundi | | | | 27 | 6 | 0 | Murrurundi |
| Moulamein | | | | 15 | 5 | 0 | Deniliquin |
| Moama | | | | 11 | 3 | 0 | Deniliquin |
| Maitland | | | | 152 | 19 | 6 | Maitland |
| Molong | | | | 4 | 5 | 0 | Bathurst |
| Do. | | | | 0 | 10 | 0 | Wellington |
| Newcastle | | | | 159 | 12 | 8 | Newcastle |
| Nundle | | | | 13 | 3 | 0 | Tamworth |
| Orange | | | | 37 | 15 | 0 | Bathurst |
| Penrith... .. | | | | 6 | 11 | 6 | Penrith |
| Paterson | | | | 4 | 13 | 6 | Maitland |
| Parramatta | | | | 41 | 18 | 0 | Parramatta |
| Port Macquarie | | | | 1 | 0 | 0 | Port Macquarie |
| Queanbeyan | | | | 37 | 1 | 8 | Queanbeyan |
| Carried forward | £ | | | 1,466 | 19 | 0 | |

FINES FOR DRUNKENNESS.

3

| PLACE. | AMOUNT. | HOSPITAL OR CHARITABLE INSTITUTION. |
|-----------------------------|------------|-------------------------------------|
| | £ s. d. | |
| Brought forward ... £ | 1,466 19 0 | |
| Rylstone | 9 10 0 | Mudgee |
| Raymond Terrace | 4 15 0 | Maitland |
| Sydney C. P. Office | 671 12 0 | Sydney |
| Do. W. P. Office | 201 3 0 | Do. |
| Sofala | 23 10 0 | Sofala |
| Scone | 25 17 0 | Scone |
| Singleton | 44 17 8 | Singleton |
| Stroud | 4 0 0 | Stroud |
| Stony Creek | 4 1 0 | Bathurst |
| Do. | 3 0 0 | Wellington |
| Shoalhaven | 6 2 0 | Sydney |
| Tambaroora | 7 15 0 | Tambaroora |
| Tamworth | 27 1 0 | Tamworth |
| Tuena | 6 0 0 | Carcoar |
| Timbarra | 3 0 0 | Tamworth |
| Tumut | 14 6 0 | Adelong |
| Tenterfield | 14 0 0 | Armidale |
| Uralla | 24 9 6 | Do. |
| Wagga Wagga | 58 5 0 | Wagga Wagga |
| Wentworth | 23 10 0 | Wentworth |
| Wellington | 21 1 0 | Wellington |
| Wee Waa | 6 15 0 | Wee Waa |
| Walcha and Bendemeer | 13 10 0 | Armidale |
| Wingham | 4 0 0 | Sydney |
| Do. | 4 10 0 | Port Macquarie |
| Wollongong | 11 7 0 | Sydney |
| Wollombi | 4 10 6 | Maitland |
| Do. | 1 0 0 | Hawkesbury |
| Warialda | 25 11 6 | Warialda |
| Windsor | 27 3 6 | Hawkesbury |
| Yass | 31 7 6 | Yass |
| Young | 104 12 0 | Do. |
| TOTAL £ | 2,899 1 2 | |

Audit Office,
9 December, 1862.

W. C. MAYNE,
Auditor General.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MAGISTRATES SUPERSEDED.

(PETITION OF.)

Received by the Legislative Assembly, 17 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned, late Magistrates of the Territory of New South Wales, acting at Gosford in the said Colony,—

RESPECTFULLY SHEWETH:—

1. That on the 31st day of July last they received, in common with the other members of the same Bench, a circular from the Chief Secretary, stating that certain charges had been preferred against them affecting their position as Magistrates, and enclosing copies of said charges, requiring them to show cause why they should not be removed from the Commission of the Peace.

2. That on or about the 5th day of August following, your Petitioners replied to the said circular, in which reply they not only answered the said charges, but requested the Government to institute a local inquiry into the conduct of all the Magistrates of the Gosford Bench, to take the evidence of disinterested persons, and if such inquiry should prove your Petitioners unworthy of the position they occupied, at once to supersede them.

3. That a few days afterwards a large public meeting was held at Gosford, at which resolutions were passed expressing the greatest confidence in the impartiality and uprightness of your Petitioners, and at the same meeting a Petition, signed by between two and three hundred inhabitants, was prepared, and forwarded by deputation to the Chief Secretary, which Petition contained a respectful request that he would cause local inquiry to be made into the conduct and proceedings of the various members of the Gosford Bench.

4. That an answer was given by the Chief Secretary to the said deputation, leading them to suppose the prayer of the Petition would be acceded to; but that nothing further has been heard of the matter until the 9th December instant, upon which day your Petitioners each received a letter from the Chief Secretary, informing them that, for various reasons therein mentioned, the Government had arrived at the conclusion they were unfit to be any longer entrusted with the Commission held by them, and that they had been superseded accordingly.

5. That your Petitioners have held the Commission of the Peace for a long period, two of them for fourteen years; that they are conscious of having during all that time done their duty honestly, impartially, and fearlessly; and that by this act of the Government a slur has been thrown on their characters which only the most rigid and searching investigation will be able to remove.

6. Your Petitioners, therefore, pray that your Honorable House will take their case into consideration, and afford them such redress as to your Honorable House may seem meet.

And your Petitioners, as in duty bound, will ever pray, &c.

*Gosford, Brisbane Water,
December 12th, 1862.*

HOVENDEN HELY.
LYALL SCOTT.
JAMES HARRISON.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PRISONERS RELIEVED FROM SENTENCE.

(ON THE MAJORITY OF THE PRINCE OF WALES.)

Ordered by the Legislative Assembly to be Printed, 18 December, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 9 December, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Return shewing,—

“ (1.) The names of all the Prisoners whose sentences have
 “ been remitted on the occasion of the Prince of Wales
 “ attaining his majority, specifying the crimes for which they
 “ were convicted, the term of sentence, and also the period
 “ each Prisoner has served.

“ (2.) The names of all Prisoners who have received Tickets-
 “ of-leave on the same occasion, the crimes for which they
 “ were convicted, the term of sentence, and also the period
 “ each Prisoner has served.”

(*Mr. Wilson.*)

PRISONERS RELIEVED FROM SENTENCE.

RETURN of Prisoners whose sentences have been remitted on the occasion of the Prince of Wales attaining his majority, specifying the crimes for which they were convicted, the term of sentence, and also the period each Prisoner has served.

| NAME. | CRIME FOR WHICH CONVICTED. | SENTENCE. | PERIOD OF SENTENCE SERVED. | REMARKS. |
|---------------------------|---------------------------------------|-------------------------|----------------------------|---|
| COCKATOO ISLAND. | | | | |
| Donald M'Phail .. | Attempt to commit an unnatural crime. | 2 years roads | 1 year and 8 months | } Special cases, have served their sentences within one month. |
| Charles M'Laren .. | House-breaking .. | 2 " " | 1 " 7 " | |
| Thomas Sandall .. | Cattle-stealing .. | 3 " " | 2 " 4 " | |
| William Berriman .. | Horse-stealing .. | 6 " " | 3 " 7 " | |
| Alexander Douglas .. | Uttering forgery .. | 3 " " | 2 " 11 " | |
| William Walker .. | Bigamy | 2 " " | 1 " 11 " | |
| DARLINGHURST GAOL. | | | | |
| Gilbert Isaacs .. | Robbing a post office.. | 4 years roads | 3 years and 5 months | } Special cases, have served their sentences within two months. |
| William Pike .. | Manslaughter | 3 " imprisonment .. | 2 " 5 " | |
| Henry Nyc .. | Horse-stealing | 2 " " | 1 " 7 " | |
| George Regel .. | Do. | 2 " " | 1 " 5 " | |
| John Hurley .. | Do. | 2 " " | 1 " 6 " | |
| William Ninness .. | Do. | 1 " " | 9 months | |
| Tommy (a Chinese) | Burglary and larceny | 2 " " | 1 year and 10 months | |
| Denis Tobin .. | Larceny | 1 " " | 11 months | |
| Hop (a Chinese) .. | Do. | 1 " " | 10 months | |
| Jemmy (a Chinese) | Stealing a cheque .. | 1 " " | 10 months | |
| James Dunbar .. | Assaulting a constable | 9 months " | 8 months | |
| PARRAMATTA GAOL. | | | | |
| William Douglas .. | Burglary | 3 years imprisonment .. | 2 years and 4 months | |
| Henry Predeaux .. | Cattle-stealing | 1 year " | 9 months | |
| Richard Jones .. | Larceny | 18 months " | 1 year and 2 months | |
| Samuel Morgan .. | Do. | 2 years " | 1 " 6 " | |
| BERRIMA GAOL. | | | | |
| Charles Sutherland.. | Stealing gold | 18 months imprisonment | 1 year and 2 months | |
| Edward Slattery .. | Sheep-stealing.. .. | 3 years " | 2 " 3 " | |

Police Department of New South Wales,
Sydney, 15 December, 1862.

JNO. M'LERIE,
Inspector General of Police.

RETURN of Prisoners who have received Tickets-of-leave on the Prince of Wales attaining his majority, specifying the crimes for which they were convicted, the term of sentence, and also the period each Prisoner has served.

| NAME. | CRIME FOR WHICH CONVICTED. | SENTENCE. | PERIOD OF SENTENCE SERVED. | REMARKS. |
|-------------------------|---|------------------------------------|----------------------------|---|
| COCKATOO ISLAND. | | | | |
| Henry Clarke .. | { Shooting with intent.. { Assault with intent.. | 5 years roads 3 " " | } 5 years and 7 months | Has to his credit one year and two months' time for task-work. |
| Charles Williams .. | Highway robbery .. | 6 " " | | |
| Thomas Crane .. | Murder | 15 " " | 8 " 2 " | Has to his credit three years and five months' time for task-work. |
| Joseph Cantrill .. | Cattle-stealing.. .. | 5 " " | 2 " 8 " | A case strongly recommended by the Visiting Justice of Cockatoo Island. |

Police Department of New South Wales,
Sydney, 15 December, 1862.

JNO. M'LERIE,
Inspector General of Police.

N.B.—The men generally have been selected as having served three-fourths of their sentences without punishment, in the proportion of three per cent. of those sentenced to two years and upwards, and two per cent. of those whose sentences are under two years.

J. M'L.,
I. G. P.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MARTIAL LAW.

(LATE RIOTS AT BURRANGONG.)

Ordered by the Legislative Assembly to be Printed, 19 December, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 December, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A Return, setting forth :—

- “ (1.) A copy of any minute, memorandum, recommendation, advice, opinion, suggestion, or statement of the Attorney General, communicated to the Colonial Secretary, in reference to the proclamation of Martial Law at the Burrangong Gold Fields, for the suppression of the Riots of 1861, with the date in each instance.
- “ (2.) A copy of any Minute of the Executive Council, or of the Colonial Secretary, in reference to the same matter, with the date in each instance.
- “ (3.) A copy of any Correspondence between the Colonial Secretary, or anyone in his Department, and the Attorney General, or anyone in his Department, in reference to the same matter, with the dates.
- “ (4.) A copy of any Correspondence between any Department of the Government and Colonel Kempt, or any of the Military Authorities, in reference to the same matter, with the dates.
- “ (5.) A copy of any draft proclamation, in reference to the same matter, with the date of its preparation.
- “ (6.) The substance of any verbal statement made by the Attorney General to the Colonial Secretary, previously to the despatch of the Military to Burrangong, and in reference to the power of the Government to proclaim Martial Law.”

(Mr. Martin.)

SCHEDULE.

| NO. | PAGE. |
|---|-------|
| 1. Minute of Proceedings of the Executive Council, with reference to the disturbances on the Burrangong Gold Fields. 17 July, 1862 | 2 |
| 2. Colonial Secretary to Lieutenant-Colonel Kempt, Commanding the Troops, respecting measures proposed in consequence of the outbreak at Burrangong. 17 July, 1862.. .. . | 3 |
| 3. Secretary to the Law Officers to the Under Secretary, stating that there are no papers in his office of the nature referred to in the Address of the Assembly of 2 December, 1862, on the subject. 11 November, 1862 | 4 |

MARTIAL LAW.

No. 1.

PROCEEDINGS of the Executive Council, on the 17th July, 1861, with reference to the steps to be adopted to quell the disturbances on the Burrangong Gold Fields.

Minute 61/32. Confirmed, 23 July, 1861.

The Council met at 11 o'clock a.m., pursuant to summons.

His Excellency the Governor informs the Members that he has found it necessary to desire their attendance somewhat summarily, in consequence of the receipt, late yesterday evening, of telegrams announcing that a serious collision had taken place on Sunday evening, at the Burrangong Gold Field, between the police and a large body of miners, under the following circumstances :—

It appears that the police had succeeded in arresting three men who were charged with being concerned in the recent brutal and unprovoked attack upon the Chinese located at Burrangong, and that on the evening in question a body of miners, estimated variously at 800 or 2,000 men, approached the Police Station, and through a deputation, consisting of four men, demanded the release of these prisoners; and upon this being refused by the officer in command of the police and the Gold Commissioner in charge, an attempt was at once made to rescue them by force, which was frustrated, but has resulted in loss of life.

Apprehending, and apparently with reason, a repetition of this proceeding, the Superintendent of the Mounted Patrol has deemed it advisable to withdraw his whole force, consisting of fifty-seven men, to Yass, having previously liberated the three men on bail, and has pressed for the assistance of the military and as strong a force as can be spared for the service.

The Gold Field being thus absolutely left without any protection, and the utter defiance of the law evinced by the rioters, seem to render it necessary that this application should be complied with with the least possible delay, and some still more stringent measures taken to quell these rebellious proceedings. His Excellency, therefore, seeks the advice of the Council as to the steps which it would be most desirable to take in the emergency.

The Honorable the Vice President, in his place, states, that immediately upon receiving intelligence of the above events he communicated with the Colonel Commanding the Troops, who has expressed his readiness to despatch at once the largest force, both of Infantry and Artillery, that can be spared from the garrison, and has also placed his own services at the disposal of the Government. The Honorable the Vice President further states, that Captain Cator, of H.M.S. "Fawn," has offered to proceed to the Gold Field with a body of sixty men, seamen and marines, and to take with him the light field-gun belonging to his ship.

Having long and anxiously deliberated as to the nature of the advice which it becomes their duty to tender in view of the circumstances above detailed, the Council record their opinion that every measure which it is in the power of the Government to take to assert the supremacy of the law and restore order must be resorted to, without regard to consequences, and they advise as follows :—

1. That Colonel Kempt be pressed to despatch to the scene of action, by such drafts as the means of conveyance will permit, the utmost force that can be spared from the necessary duties of the garrison.
2. That he be requested to accompany that force, and, with a view to the issue of a proclamation by His Excellency the Governor, establishing martial law in and over the disturbed district, should such a step be eventually considered necessary, by telegram to report his arrival at Yass, or such other place in the neighbourhood of the Burrangong Gold Field as may be most convenient for concentrating his forces.
3. That he be also requested, as early as possible after his arrival, to report by telegram, jointly with Captain M'Levie and Mr. Cloete, whether in their opinion the proclamation of martial law is absolutely necessary.
4. That immediately on receipt of a report to that effect, His Excellency should issue a proclamation establishing martial law over such a tract of country as may appear to be necessary, and consequent thereupon should also issue a further proclamation prohibiting the importation of arms, ammunition, muniments of war, and of food or other supplies, into the district within which martial law is proclaimed.
5. That the Inspector General of Police be also directed to proceed to Burrangong with as large a number of the mounted and foot police as he can spare with a due regard to the other demands upon the force.
6. That Captain Cator be also informed that the Government gratefully accept his offer, and that the emergency calls for the promptest action.

7.

7. That in concert with Colonel Kempt, Captain Cator, and Captain M'Lerie, such provision be made for the transport of the whole force—military, naval, and civil—as may be necessary, and that the like instructions and authorities be given as on the occasion of the last outbreak at Burrangong, both for the supply of the force on the line of march and when in camp, and for the travelling and camp allowances to the military and naval portion of the force whilst engaged on this service.
8. That arrangements be made for the trial of the three prisoners originally apprehended by the police, but now out on bail, and such others as may be hereafter arrested and committed for trial for being concerned in the recent riots, with as little delay as possible.

The Council think it desirable that their Honors the Judges should be consulted as to the best mode of carrying out this latter recommendation, and would simply record their opinion that the place for conducting the trials should be the nearest Circuit Court to the seat of the disturbances—that is, Goulburn.

The Council also think it desirable that if, upon his arrival at the Gold Field, Colonel Kempt should find that the principal movers in the riots are few in number, and though well known escape apprehension, he should be authorized to offer a reward for their capture not exceeding £500; but they do not distinctly advise this, and merely recommend that Colonel Kempt be informed that such is their opinion, and requested to communicate with the Government if he think the adoption of this course likely to be attended with any satisfactory result.

The withdrawal of the military and police from Sydney will render it necessary that the Volunteers should be again called upon to afford their assistance in carrying out the garrison and patrol duties. The Council advise that this be done, and that the same rate of remuneration be granted to them for their services on this occasion as was authorized when they were first called out.

In conclusion, the Council express a strong hope that the proclamation of martial law may be averted, but they will not shrink from resorting to the measure should it be forced upon them, and they feel little doubt but that the Legislature will readily support and hold them harmless in any consequences which may ensue.

No. 2.

COLONIAL SECRETARY to LIEUTENANT-COLONEL KEMPT.

*Colonial Secretary's Office,
Sydney, 17 July, 1861.*

SIR,

Referring to the interviews which I had with you, both yesterday evening and this day, on the subject of the outbreak at Burrangong, I have now the honor to inform you that at a meeting of the Executive Council, held this forenoon, amongst other arrangements for meeting this emergency the following, which either relate directly to yourself or are such as it is desirable that you should be apprised of, were approved by the Council:—

1. That you should be urged to despatch to the scene of action, by such drafts as the means of conveyance will permit, the utmost force that can be spared from the necessary duties of the garrison.
2. That you should be requested to accompany that force, and, with the view to the issue of a proclamation by His Excellency the Governor, establishing martial law in and over the disturbed district, should such a step be eventually considered necessary, to report by telegraph your arrival at Yass or such other place in the neighbourhood of the Burrangong Gold Field as may be most convenient for concentrating your force.
3. That you should be also requested, as early as possible after your arrival, to report by telegram, jointly with Captain M'Lerie and Mr. Cloete, whether, in your opinion, the proclamation of martial law is absolutely necessary.
4. That immediately on receipt of a report to that effect, His Excellency should issue a proclamation establishing martial law over such a tract of country as may appear to be necessary, and consequent thereupon should also issue a further proclamation, prohibiting the importation of arms, ammunition, muniments of war, and of food or other supplies into the district within which martial law is proclaimed.
5. That the Inspector General of Police be also directed to proceed to Burrangong with as large a number of the mounted and foot police as he can spare with a due regard to the other demands upon the force.
6. That the whole of the police should be under the direction of the Inspector General, and that you should communicate with him on all matters in which the authority or action of the civil power may be required.
7. That the Government gratefully accept an offer made by Captain Cator, of Her Majesty's ship "Fawn," to proceed to the scene of the disturbances with sixty of his men and a field piece.

8. That in concert with yourself, Captain Cator, and Captain M'Lerie, such provision be made for the transport of the whole force—military, naval, and civil—as may be necessary, and that the like instructions and authorities be given as on the occasion of the last outbreak at Burrangong, both for the supply of the force on the line of march and when in camp, and for the travelling and camp allowances to the military and naval portion of the force whilst engaged in this service.
2. It is also thought desirable that if, upon your arrival at the Gold Field, you should find that the principal movers in the riots are few in number and though well-known escape apprehension, you should be authorized to offer a reward for their capture not exceeding £500; but this is not distinctly advised by the Council, and I have, therefore, to request that you will communicate with me, if upon your arrival you consider the adoption of this course likely to be attended with any satisfactory result.

I have, &c.,
CHARLES COWPER.

No. 3.

SECRETARY TO THE LAW OFFICERS to THE UNDER SECRETARY.

ADDRESS from the Legislative Assembly, 2nd December, 1862, for copies of papers relating to the disturbance on the Burrangong Gold Fields.

There are no papers in this office of the nature referred to above, so far as I am aware.

B.C., 11 November, 1862.

W. E. P.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. WILLIAM SPICER.
(RIOTS AT BURRANGONG.)

Ordered by the Legislative Assembly to be Printed, 9 September, 1862.

RETURN (in part) to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 22 July, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of all the Correspondence, Papers, Documents, and
“ Petitions, relative to the case of Mr. William Spicer, tried
“ and convicted at Goulburn, of rioting at Lambing Flat.”

(Mr. Wilson.)

SCHEDULE.

| NO. | PAGE. |
|---|-------|
| 1. Petition to His Excellency the Governor, from certain Residents on the Gulf Diggings, Nerrigundah, praying that a free pardon may be granted to William Spicer | 2 |
| 2. Memorial from certain Storekeepers and Miners residing on the Lachlan Gold Fields, for remission of the sentence passed on William Spicer | 2 |
| 3. Under Secretary to the Rev. Dr. Lang, M.P., D. C. Dalgleish, Esq., M.P., and J. B. Wilson, Esq., M.P., who presented the above Petitions, in reply. 2 June, 1862 | 4 |
| 4. Memorial from certain Traders, Miners, and others, in the District of Burrangong, soliciting remission of the sentence passed upon William Spicer | 4 |
| 5. Under Secretary to the Traders and others at Burrangong, in reply. 1 July, 1862 | 7 |

MR. WILLIAM SPICER.

No. 1.

PETITION TO GOVERNOR SIR JOHN YOUNG.

To His Excellency Sir John Young, Governor of the Colony of New South Wales.

The humble Petition of the undersigned Residents on the Gulph Diggings, Nerri-
gundah, in the Colony of New South Wales,—

SH EWETH :—

That in the month of April last, William Spicer was convicted of Riot at Burrangong, and sentenced to two years imprisonment in Berrima Gaol.

That your Petitioners, while strongly discountenancing any means for the redress of grievances otherwise than in a proper and legal manner, respectfully petition that, inasmuch as the majesty of the law has been vindicated and order restored, your Excellency would be pleased to extend the Royal mercy to the said William Spicer, by granting him a free pardon.

That should your Excellency be pleased to grant the prayer of your humble Petitioners, they would respectfully suggest that the Birthday of our Sovereign the Queen would be one which would long live in our grateful recollections, as the day on which such an act of Royal clemency was extended.

And your Petitioners will ever pray, &c., &c.

[Here follow 358 Signatures.]

No. 2.

MEMORIAL TO GOVERNOR SIR JOHN YOUNG.

To His Excellency Sir John Young, Baronet, Governor-in-Chief of the Colony of New
South Wales and its Dependencies, and Admiral of the same.

The Memorial of the Storekeepers and Miners residing on the Lachlan Gold
Fields,—

SH EWETH :—

First.—That your Memorialists learn with the greatest sorrow that Mr. William Spicer has been sentenced to two years imprisonment, at the late Goulburn Assizes, for a Riot at Lambing Flat.

Second.—That your Memorialists feel that had the witnesses who were present for the defence been called, the Jury could not have returned a verdict of Guilty, because the evidence of the witnesses for the prosecution would have been entirely contradicted.

Third.—That a large majority of the population of this Gold Field are aware, of their own knowledge, that the speech said to have been delivered by Mr. Spicer was in fact made by another, whose affidavit will testify to this, accompanied by those of others fully cognizant of the fact, and of the witnesses who were not called at Goulburn, fully establish the truth of this statement.

Fourth.—That your Memorialists would impress upon your Excellency the facts, that the commercial interests of Burrangong—one of the most important of that date in the Colony—was placed in great jeopardy after the Burrangong Riots, and that, had it not been for the prompt measures taken by Mr. Spicer, the greatest anarchy and confusion, with loss of life and property to an alarming extent, must have resulted.

Fifth.—That your Memorialists, each and all, feel mainly indebted to Mr. Spicer for the security they enjoyed during the period above alluded to, and they forming at present a most important element in the Constitution of New South Wales, they appeal to you with confidence to recognize their right to prefer a request, the object of which having been of such material service to them.

Sixth.—That your Memorialists pray your Excellency to take this case into your consideration, with a view to such remission or mitigation of the sentence as may seem justified by the facts set forth in the Memorial and the accompanying Affidavits.

[Here follow 3,008 Signatures.]

[Enclosure 1 in No. 2.]

Donald Macdonald, now of the Lachlan Gold Field, late of Lambing Flat, in the Colony of New South Wales, miner, maketh oath and saith :—That the speech delivered between Sawpit Gully and Back Creek, attributed to William Spicer, at his late trial, and sworn to positively by the police, was in fact made by another person, and that to the said William Spicer was mainly attributed the good order preserved at Burrangong during the absence of the authorities.

DONALD MACDONALD.

Made and sworn before me, this first day of May,
in the year of our Lord one thousand eight
hundred and sixty-two.

R. B. MITCHELL,
Commissioner for taking Affidavits.

[Enclosure

[Enclosure 2 in No. 2.]

Henry Isaacs, storekeeper, formerly of Tipperary Gully, now resident on the Lachlan Gold Fields, in the Colony of New South Wales, during the absence of the constabulary from Lambing Flat, maketh oath and saith:—That during the absence of the police, law and order were better preserved than while they were present, a fact which was mainly attributed to the energetic conduct of William Spicer, assisted by many other well-disposed persons.

HENRY ISAACS.

Taken and sworn before me, this fifth day of May, }
in the year of our Lord one thousand eight }
hundred and sixty-two. }

R. B. MITCHELL,
Commissioner for taking Affidavits.

[Enclosure 3 in No. 2.]

Thomas Hampton Rogers, now of the Lachlan Gold Field, late of Lambing Flat, in the Colony of New South Wales, miner, maketh oath and saith:—That the speech sworn to by the police as having been made by William Spicer, on Sunday the thirtieth day of June, one thousand eight hundred and sixty-one, between Sawpit Gully and Back Creek, was in reality delivered by another person, in the hearing of this deponent, and that no other could have been made by the said William Spicer during that time without the knowledge of this deponent.

T. H. ROGERS.

Made and sworn before me, this first day of May, }
in the year of our Lord one thousand eight }
hundred and sixty-two. }

R. B. MITCHELL,
Commissioner for taking Affidavits.

[Enclosure 4 in No. 2.]

Forbes, Lachlan, 7 May, 1862.

I hereby affirm and declare, that it is my firm conviction that the conduct of William Spicer during the days that intervened between the departure of the authorities from Burrangong and their return, was in the highest degree creditable and praiseworthy. I furthermore certify, that I am satisfied that had it not been for the courage, wisdom, and forethought displayed by the said William Spicer, violence, lawlessness, and even murder must have ensued, from the excited state of the district and the absence of proper protection. I feel certain that if it had not been for him, a dark page would have been added to the history of this Colony. From the 14th July last to the day upon which the police resumed their duties at Burrangong, William Spicer was mainly instrumental in preserving the respect due to life and property.

HENRY GREIG.

Sworn before me, at Forbes, this 10th May, 1862.

R. B. MITCHELL,
A Commissioner for Affidavits.

[Enclosure 5 in No. 2.]

Boyd Horsburgh, holding a Commission as one of Her Majesty's Justices of the Peace for the Colony of New South Wales, formerly residing at Lambing Flat, but now of Forbes, of the Lachlan Gold Fields, in the aforesaid Colony, maketh oath and saith:—That he was requested by Mr. David Pollock, storekeeper, residing at Tipperary Gully, and others, to attend a public meeting to be held at Mr. Torpy's Hotel on or about the seventeenth day of July, in the year of our Lord one thousand eight hundred and sixty-one. That he there heard Mr. William Spicer make a speech, calling upon those present to assist in preserving law and order, and that, he feels convinced, to the well directed efforts of the said William Spicer was mainly attributable the absence of riot and loss of life and property so remarkable on Lambing Flat when unprotected by the police.

BOYD HORSBURGH.

Made and sworn before me, this second day of May, }
in the year of our Lord one thousand eight }
hundred and sixty-two. }

R. B. MITCHELL,
A Commissioner for taking Affidavits.

[Enclosure 6 in No. 2.]

Edward Hall, now of the Lachlan Gold Fields, in the Colony of New South Wales, formerly of Lambing Flat, miner, maketh oath and saith:—That William Spicer could not have delivered a speech on Sunday the thirtieth day of June, in the year of our Lord one thousand eight hundred and sixty-one, between Lambing Flat and Back Creek, without the knowledge of this deponent. That the said William Spicer did not make a speech on that occasion, and that the one sworn to by the police as having been delivered by him, was made by another person in the hearing of this deponent.

EDWARD HALL.

Made and sworn before me, this second day of May, }
in the year of our Lord one thousand eight }
hundred and sixty-two. }

R. B. MITCHELL,
A Commissioner for taking Affidavits.

[Enclosure

[Enclosure 7 in No. 2.]

Edward Goddard, now of the Lachlan Gold Fields, late of Lambing Flat, in the Colony of New South Wales, publican, maketh oath and saith:—That William Spicer did not make any speech on Sunday the thirtieth day of June, one thousand eight hundred and sixty-one, on the road from Sawpit Gully to Back Creek, an offence he was convicted of on his trial at Goulburn, and that the peace and quietness enjoyed at Burrangong during the absence of the duly constituted authorities, were in the main attributable to the manly stand taken by the said William Spicer in the cause of law and order.

EDWARD GODDARD.

Made and sworn before me, this first day of May,
in the year of our Lord one thousand eight
hundred and sixty-two.

R. B. MITCHELL,
Commissioner for taking Affidavits.

[Enclosure 8 in No. 2.]

Henry Hallard, miner, formerly resident on Lambing Flat, but now of Forbes, on the Lachlan Gold Fields, in the Colony of New South Wales, maketh oath and saith:—That only one speech was made on the way from Lambing Flat to Back Creek, on Sunday the thirtieth day of June, in the year of our Lord one thousand eight hundred and sixty-one, and that it was not delivered by William Spicer; and further, that had the said William Spicer addressed the assemblage during that time, he could not have done so without the knowledge of this deponent.

his
HENRY HALLARD.
mark.

Witness to the mark of Henry Hallard,

R. B. MITCHELL.

Made and sworn before me, this first day of May,
in the year of our Lord one thousand eight
hundred and sixty-two.

R. B. MITCHELL,
A Commissioner for taking Affidavits.

[Enclosure 9 in No. 2.]

David Pollock, storekeeper, formerly of Tipperary Gully, now resident on the Lachlan Gold Fields, in the Colony of New South Wales, having been a member of the Protective Society for the safety and protection of public property during the absence of the constabulary from Lambing Flat, maketh oath and saith:—That during the absence of the police, law and order were better preserved than while they were present, a fact which was mainly attributed to the energetic conduct of William Spicer, assisted by many other well-disposed persons.

DAVID POLLOCK.

Taken and sworn before me, this first day of May,
in the year of our Lord one thousand eight
hundred and sixty-two.

R. B. MITCHELL,
A Commissioner for taking Affidavits.

No. 3.

THE UNDER SECRETARY to REV. DR. LANG, M.P., D. C. DALGLEISH, ESQ., M.P., AND
J. B. WILSON, ESQ., M.P.

Colonial Secretary's Office,
Sydney, 2 June, 1862.

GENTLEMEN,

I am directed by the Colonial Secretary to inform you, with reference to the Petition recently presented by you to His Excellency the Governor from certain Storekeepers and Miners of the Lachlan Gold Fields and residents at the Gulf Diggings, soliciting a remission of the sentence of two years imprisonment passed upon William Spicer at the late Goulburn Circuit, that His Excellency regrets that, after full inquiry, there do not appear to be any grounds that would justify him in complying with the prayer of the Petitioners.

I have, &c.,
W. ELYARD.

No. 4.

MEMORIAL FROM TRADERS AND OTHERS AT BURRANGONG.

To His Excellency the Governor and the Honorable the Executive Council of New South Wales.

The Memorial of the Traders, Miners, and others, of the District of Burrangong,—

MOST RESPECTFULLY SHEWETH:—

That on the twenty-sixth day of March, 1862, William Spicer, formerly a Miner on the Burrangong and Lachlan Gold Fields, was tried at the District Court, held in Goulburn, before His Honor the Chief Justice, for riotously assembling and destroying property belonging to divers Chinese, on the 30th day of June, 1861; was convicted and sentenced to two years imprisonment in Berrima Gaol.

That

That the said William Spicer had subpoenaed several witnesses to prove that he never made any inflammatory speeches, or by any act endeavoured to incite any person to commit a breach of the peace.

That from some cause to your Memorialists unknown, the witnesses were never called upon to give evidence.

That your Memorialists consider that had the witnesses whose affidavits are hereunto attached been called upon to give evidence on behalf of William Spicer, at his trial, and proved what they have sworn to in those documents, that in all probability he would have been acquitted.

That your Memorialists are strongly of opinion that the said William Spicer rendered great service to the cause of law and order after these Gold Fields were left without Police protection in July, 1861, by using the influence he possessed as a miner (universally respected by the community) to protect life and property.

That your Memorialists can bear testimony to the very high character borne by William Spicer during his residence on these Gold Fields, and to the great respect in which he was held by all parties in this community.

That taking the circumstances as hereinbefore stated into consideration, your Memorialists most respectfully beg your Honorable Council will take the case of the said William Spicer into your most favourable consideration, and grant a remission of the sentence passed, or otherwise adopt such steps in the matter as your Honorable Council may deem fit.

[Here follow 1,332 Signatures.]

[Enclosure 1 in No. 4.]

Goulburn, May, 1862.

We, the undersigned Jurymen who sat upon the trial of William Spicer, at the Circuit Court held in this Town, on the twenty-sixth day of March, before His Honor the Chief Justice, hereby certify that had the evidence been brought before us that appears in the Affidavits hereto attached, marked A B and C respectively, and to which our initials are attached, we should most certainly have felt it our duty to have returned a verdict of acquittal.

THOS. CLANCY.
OWEN TURNER.
ISAAC DAVIS.
SAMUEL COX.
CHARLES T. EDWARDS.
ROBERT FLECKNOE.
EDWARD CARTER.
WILLIAM COOPER.
EDWD. CUNNINGHAM.
WILLIAM FITZGIBBON.
C. FITZPATRICK,
Foreman of Jury.

[Enclosure 2 in No. 4.]

A.

On the thirteenth day of May, in the year of our Lord one thousand eight hundred and sixty-two, Jeremiah James M'Carthy, a publican, residing at the Junction, Lambing Flat, in the District of Burrangong, Colony of New South Wales, came before me, one of Her Majesty's Justices of the Peace for the said Colony, and deposed as follows:—

That on Sunday, the thirtieth day of June, one thousand eight hundred and sixty-one, I resided at Tipperary Gully, on the said Burrangong Gold Fields.

That on that day I proceeded from there to Sawpit Gully, where a number of diggers, Chinese, and others were assembled. That from there I proceeded to Back Creek, where I saw William Spicer; never heard him make any speech or address the people assembled there.

That I did hear a speech delivered at Sawpit Gully, about three-quarters of a mile from the Camp; this took place between twelve and one o'clock in the afternoon.

That I most solemnly declare the person who made the speech was not William Spicer, but quite a young man, under thirty years of age, of sandy complexion, and sandy whiskers.

JEREMIAH J. M'Carthy.

Sworn before me, at Lambing Flat, District of
Burrangong, Colony of New South Wales, }
this thirteenth day of May, one thousand
eight hundred and sixty-two. }

ROBT. FALDER, J.P.

[Enclosure 3 in No. 4.]

B.

On the thirteenth day of May, in the year of Lord one thousand eight hundred and sixty-two, William Robert Byron, a miner, residing at Little Spring Creek Gold Field, in the District of Burrangong and Colony of New South Wales, came before me, one of Her Majesty's Justices of the Peace for the said Colony, and deposed as follows:—

That on Sunday the thirtieth day of June, one thousand eight hundred and sixty-one, I resided at Chance Gully, on the said Burrangong Gold Fields.

That on that day I proceeded from there to Sawpit Gully, where a number of diggers, Chinese, and others were assembled.

That

That from there I proceeded to Back Creek, where I saw William Spicer. Never heard him make any speech or address the people assembled there.

That I did hear a speech delivered at Sawpit Gully, (about three-quarters of a mile from the Camp); during this time I was standing by the side of Sergeant Condell, and near to Sergeant Flanagan. This took place between twelve and one o'clock in the afternoon.

That I most solemnly declare the person who made the speech *was not* William Spicer, but quite a young man under thirty years, of sandy complexion, and sandy whiskers.

WILLIAM ROBERT BYRON.

Sworn before me at Lambing Flat, District of Burrangong,
Colony of New South Wales, this thirteenth day of }
May, one thousand eight hundred and sixty-two. }
ROBT. FALDER, J.P.

[Enclosure 4 in No. 4.]

C.

On the nineteenth day of May, in the year of our Lord one thousand eight hundred and sixty-two, Frank Holland, miner, of Tipperary Gully, in the District of Burrangong and Colony of New South Wales, came before me, one of Her Majesty's Justices of the Peace for the said Colony, and deposed as follows:—

That on Sunday the thirtieth day of June, one thousand eight hundred and sixty-one, I was at the roll-up amongst the Chinese on that day.

That I went from Tipperary Gully to Back Creek, and that I saw William Spicer on several occasions during the day.

That he took no active part in any of the proceedings that took place.

That the speech delivered at Sawpit Gully, on the Burrangong Gold Fields, was not spoken by him, but by another person, taller in stature, who wore a different dress, and quite unlike him in personal appearance and age.

That the man who addressed the people on that occasion wore a white coat, which I never knew William Spicer to wear; and further, that I most solemnly declare that the speech mentioned on the occasion before alluded to *was not* delivered by the said William Spicer.

FRANK HOLLAND.

Sworn before me, at Lambing Flat, District of Burrangong,
Colony of New South Wales, this nineteenth day of }
May, one thousand eight hundred and sixty-two. }
ROBT. FALDER, J.P.

[Enclosure 5 in No. 4.]

On the twenty-seventh day of May, one thousand eight hundred and sixty-two, Henry Greig, of Main-street, Young, Lambing Flat, District of Burrangong, Colony of New South Wales, general store-keeper, came before me, one of the Magistrates of the said Colony, and maketh oath as follows:—

That on the sixteenth day of July, one thousand eight hundred and sixty-one, William Spicer called upon me at my store, as herebefore described, and made the following statement:—

That he had been informed that I had some fear of my store being burnt down and all my property destroyed; he then informed me that I need not entertain such fears, as he confidently felt that no person would be guilty of such a dreadful crime, but that if I had any doubts on the subject, he William Spicer would leave on or about the premises fifty or one hundred men to guard the store and property, so that no person should interfere with anything belonging to me; at the same time he suggested that it would be advisable to call a public meeting of the inhabitants and others, to make necessary and proper arrangements for the safety of the Township and the Gold Fields, and for the security of life and property, and to maintain law and order during the absence of the regular constituted authorities.

That on the day alluded to in this affidavit, viz., sixteenth of July, I was present at the funeral of a man named Lupton, who was shot on the fourteenth of the same month, when I heard William Spicer most impressively address the thousands that surrounded the grave, and ordered them to return to their homes in a quiet and orderly manner, to keep sober, and not to plunder or commit any breach of the peace.

That to the truth of this statement I most solemnly declare.

H. GREIG.

Sworn before me, at Young, in the Colony of }
New South Wales, this twenty-seventh }
day of May, 1862. }
ROBT. FALDER, J.P.

[Enclosure 6 in No. 4.]

On the twenty-seventh day of May, one thousand eight hundred and sixty-two, James Hawkins Butchart, gentleman, formerly Postmaster of Young, Lambing Flat, in the district of Burrangong, Colony of New South Wales, and now residing in that township, came before me, one of the Magistrates of the said Colony, and deposed as follows:—

That on the seventeenth day of July, one thousand eight hundred and sixty-one, William Spicer called upon me at the Post Office and said, "If you are afraid the Government property now in your charge (in the Post Office) will be destroyed or plundered I will leave fifty or one hundred men to guard the Post Office, or I will remain in it myself." He further went on to state "that he had heard an anonymous letter had been sent to me, the purport of the same being that the Post Office would be burnt down."

To the truth of this statement I most solemnly declare.

J. HAWKINS BUTCHART.

Sworn before me, at Young, Lambing Flat, in the }
Colony of New South Wales, this twenty- }
seventh day of May, 1862. }
ROBT. FALDER, J.P.

No. 5.

THE UNDER SECRETARY to TRADERS AND OTHERS AT BURRANGONG.

*Colonial Secretary's Office,
Sydney, 1 July, 1862.*

GENTLEMEN,

I am directed by the Colonial Secretary to acknowledge the receipt of a Memorial forwarded by you to His Excellency the Governor, praying for the release of William Spicer from the Berrima Gaol, together with the affidavits of several persons, and the certificate from the Jurymen, which were transmitted in support of the Petition.

2. Notwithstanding the communication made in reply to former Memorials on behalf of the prisoner, in a letter addressed from this office on the 2nd ultimo to the gentlemen who presented them, His Excellency has read the papers which have been now submitted very carefully. They do not however establish the fact that Spicer was not one of the assemblage on the occasion referred to, and therefore with others, guilty of the crime of rioting, nor does it appear that he used any of the influence which he is alleged to have possessed, as a loyal and peaceable subject was bound to do, to assist the police to quell the disturbance.

3. With respect to the certificate signed by the members of the Jury on the trial of Spicer, I am desired to state that His Excellency can attach little weight to any change in their views of the case which may be the result of popular pressure being brought to bear upon them, and that if it is to be admitted that the opinion of Jurymen no longer on their oaths is to be taken to set aside a verdict solemnly recorded in the Jury Box, it is not difficult to foresee that it would lead to consequences subversive of good order and the public peace—substituting as it practically would, popular impulse for the gravity of judicial decision.

4. The Governor therefore regrets that he sees no reason for any alteration in the former decision—that no sufficient grounds had been shown to justify His Excellency's complying with the request that the sentence passed upon William Spicer be remitted.

I have, &c.,
W. ELYARD.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GEORGE UNDERWOOD ALLEY.

(PETITION OF.)

Received by the Legislative Assembly, 19 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of George Underwood Alley, of Shoalhaven,—

SHEWETH:—

That your Petitioner feels deeply aggrieved that your Honorable House should have refused to extend to his Petition—presented by Mr. Garrett, in reference to Doctor Mackenzie—that privilege which has been extended to all others, according to the rules and forms of Parliament, especially as it contains nothing but the truth, already recorded in the Supreme Court of the Colony; as, if the conduct of a Magistrate of the Territory therein referred to, be allowed by the Parliament and Government of the country to pass unproved, it will be idle to attempt the reform of existing abuses, and the moral tone of the class alluded to will continue in its present unhealthy state.

That as the truth has been denied, and the statements in that Petition have been pronounced “unjustifiable,” and your Petitioner’s veracity impeached for the first time, he prays that your Honorable House will appoint or permit to be appointed a Select Committee, to inquire into the whole circumstances alluded to in said Petition.

And your Petitioner, as in duty bound, will ever pray.

GEORGE UNDERWOOD ALLEY.

*Nowra Cottage,
Nowra, Shoalhaven,
August 11, 1862.*

1862.

NEW SOUTH WALES.

RULES FOR THE POLICE FORCE OF NEW SOUTH WALES.

(UNDER 25 VICTORIA, No. 16.)

Presented to both Houses of Parliament, by Command.

Colonial Secretary's Office,
1st March, 1862.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to establish, under the Police Regulation Act of 1862, the following Rules for the general management and discipline of the Members of the Police Force of the Colony.

CHARLES COWPER.

INTRODUCTION.

1. The following Rules for the Police Force have been established by His Excellency the Governor and Executive Council, under the provisions of the Act 25 Vic., No. 16, in order that it may be conducted upon one uniform system, and that its Members may not be embarrassed in the execution of their several duties from the want of proper instructions.

2. The system of Police embraces in its leading features centralization of authority and unity of action.

3. It is impossible to give precise directions for the execution of every duty which the Police may be required to perform, or to anticipate every difficulty which the Members of the Force may have to encounter, as from the nature of the service its duties must vary, and consequently the mode of execution must vary with them. Every Member of the Force should therefore endeavour to become acquainted with the nature of the duty which he may be called on to execute, and by individual zeal, energy, discretion, and intelligence, endeavour to supply the unavoidable deficiency of general instructions.

4. Officers of Police who are in the Commission of the Peace, are, as a general rule, not expected to take Bench duty. If at any time they are at or near a Court of Petty Sessions, when from the absence of Magistrates, or a deficiency in the number required by law to act, their sitting in Court would be advantageous to the interests of the public, they may act judicially, provided their executive Police duties are not thereby interfered with. They are not, however, to act in any case where a Member of the Police Force is either complainant or defendant.

5. In referring to communications previously received from head quarters, Officers are enjoined to quote, not only the date of such communications, but also the numbers and letters which they may have borne, if any; and when any communication is forwarded with a minute, the party receiving it will, after noting and attending to it, return it without delay to the person by whom it was forwarded.

6. In forwarding the usual returns, or any returns which may be called for by the Inspector General, it is not required that they shall be accompanied by any communication, unless it may be necessary to give some explanation or information respecting them.

7. The Officers and men of the Force will be held strictly responsible for the execution and observance of all orders and regulations, from which they are not to deviate, except when the circumstances of the case may require. And they will be held equally accountable for their own acts and orders in such cases as may not or cannot be provided for by these instructions.

8. In the performance of their duty they are distinctly to understand that their efforts should be principally directed to the prevention of crime, which will tend far more effectually towards the security of person and property than the punishment of those who have violated the laws.

9. Every Member of the Force, from the highest to the lowest, should feel how incumbent it is on him to discharge his duty with forbearance and civility; and upon no occasion, or under any provocation, to conduct himself rudely or harshly. Nothing will tend more to create a kindly feeling, and cause the Force to be respected, than a conciliatory and decorous deportment; whilst an opposite course and bearing can only engender angry and hostile feelings. The efficiency of the Force is greatly aided by the extent of its information, and such information is likely to be withheld when it loses the confidence of the community.

10. Both Officers and men are studiously to observe neutrality in political matters.

11. Every Member of the Force should bear constantly in mind how essential it is to cultivate a proper regard for its honor, respectability, and general character.

12. As none but zealous and efficient Officers and men can be retained in the service, any Member of the Force who may be guilty of any neglect or omission of duty, or disobedience of any order or regulation, will be liable to be removed. On the other hand, those who are in every respect active, attentive, and zealous in the performance of their duty will be promoted and rewarded.

FORMATION.

13. Members of the Police Force in New South Wales are divided into the following grades, viz. :—

| | | |
|----------|---|-------------------------------|
| Officers | { | Inspector General. |
| | | Superintendents. |
| | | Inspectors. |
| | | Sub-Inspectors. |
| | | Sergeants. |
| | | Constables. |
| | | Aboriginal Trackers. |
| | | <i>Detective Police.</i> |
| | | Sub-Inspector and Constables. |

DISTRICTS.

14. For the purposes of Police supervision, the Colony has been divided into Districts and Sub-Districts.

15. Each District will be placed under the charge of a Superintendent, who will have under his control all the Officers and men in his District.

16. All Members of the Force below the rank of Sub-Inspector will in each District except the Metropolitan, be distinguished by a letter and number; the letter indicating the particular District, and the number, the Sergeant or Constable wearing it. In the Metropolitan District, which is divided into several Divisions, each Division will have its own letter and set of numbers.

THE DEPÔT.

17. The Depôt or Head Quarters of the whole Force shall be in Sydney, under the immediate supervision of the Inspector General.

18. Candidates for admission into the Police Force must attend, with an application in their own handwriting, and their testimonials, at the Depôt, at 9 A.M. on any Wednesday. No candidate need, under any circumstances, apply elsewhere.

19. All Members of the Force, whether Officers or men, on their arrival in Sydney, either on duty or leave of absence, are to report themselves at the Depôt.

ENROLMENT.

20. All applications for enrolment in the Force are to be made to the Inspector General direct, in whom the appointment of Sergeants and Constables is vested.

Conditions of Enrolment.

21. Candidates will be admitted into the Police Force under the following conditions :—

1.—They must be under thirty years of age.

2.—They must be of a strong constitution, and free from any bodily complaint, and must undergo a medical examination.

3.—They must read and write well.

4.—They must produce satisfactory testimonials of character. On the applicants being sworn in, these documents will be stamped with the date and words "N. S. W. Police, sworn in." They will be retained at the Depôt until the party leaves the Force, when they will be delivered up to him stamped with the date and the words, "N. S. W. Police, discharged," or "dismissed," as the case may be.

- 5.—They are to understand that in engaging for service in the Police Force it is not only for Police duties, but for fatigue or any other work they may be ordered to perform by their superior Officers.
- 6.—They will be enrolled for general Police service, and those best adapted will be selected for mounted duty, but are liable at any time, if considered advisable, to be dismounted.
- 7.—They are taken on, in the first instance, for not less than three days on trial, without pay; but before enrolment they must be certified to by the Medical Officer appointed for the purpose as being physically fit for the service.
- 8.—During the period of probation, which is always passed at the Depôt, they can leave at any time by giving notice to the Officer in charge.
- 9.—After the period of probation they are, if considered suitable, required to fill up, in their own handwriting, answers to the following queries, attaching their signatures thereto, and to take and subscribe, in the presence of a Magistrate, the following oath, as required by the Police Regulation Act.

Questions.

Have you been in any Police service—if so, in each case what and where?
 For what time?
 When discharged and why?
 By whom last employed, and where?
 By whom recommended?
 Married or single?
 Are you fully aware of the regulations for the guidance of the Force, and the provisions of the Police Regulation Act?

[Signature]

Oath.

- I, _____ do swear, that I will well and truly serve our Sovereign Lady the Queen, in the office of Constable, without favour or affection, malice or ill-will, for the period of _____ and until I am legally discharged; that I will see and cause Her Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences against the same; and that while I shall continue to hold the said Office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully, according to law. So help me God.
- 10.—In order that all newly appointed Constables may have an opportunity of acquiring a knowledge of drill, and the more simple duties of the service, a certain number of supernumeraries will always be maintained at the Depôt, for the purpose of supplying such vacancies as may occur in the various Divisions; and during the period they are retained on the list of supernumeraries, they will receive but three-fourths the pay of an Ordinary Constable.
 - 11.—The period for which they will be sworn in is one year.
 - 12.—They will be required to devote their whole time to the Police Service.
 - 13.—They are to serve and reside wherever they may be ordered, and must be ready at all times to move in any direction that may be found necessary.
 - 14.—They are to appear in Police dress, at all times, unless leave be given to the contrary.
 - 15.—They are promptly to obey all lawful orders which they may receive from the persons placed in authority over them.
 - 16.—They are to conform themselves to all the regulations which may be made from time to time for the good of the service.
 - 17.—They are not upon any occasion, or under any pretence whatever, to take money or any gratuity from any person without the express permission of the Inspector General.
 - 18.—Where there is a Police Hospital, or a Public Hospital, to which Members of the Force are admitted for treatment, half-pay only is allowed to Constables while in it; but should they be suffering from the effects of their own misconduct, the whole of their pay is stopped. Where no hospital or medical accommodation is afforded, they will have to provide themselves with medical attendance and medicines; but in cases where their illness has arisen from wounds or injuries received in the performance of their duty, a special report of the circumstance is to be made to the Inspector General.
 - 19.—They will not be allowed to quit the Police Force without giving three months' previous notice. Should they leave without giving such notice, in addition to such other punishment as the Act permits, all pay then due to them will be forfeited.
 - 20.—No man in the Police Force shall marry without permission from the Superintendent in charge of the District.
 - 21.—If he be dismissed the Police Force, the whole of his pay then due or unpaid is liable to be forfeited.
 - 22.—Any Constable is liable to be discharged for unfitness, or dismissed for negligence or misconduct, independently of any other punishment to which he may by law be subject. The Inspector General may also, if he think fit, dismiss him without assigning any reason.

- 23.—Any Constable who for a moment questions or disobeys the orders he may receive from a superior Officer will be severely punished; every Officer or Sergeant in charge is held strictly responsible that he immediately reports any individual who refuses to obey him in any matter of duty. At the same time the men are informed (although obedience is their first and most especial duty) that they have a right respectfully to complain of any Officer from whom they may receive any improper orders.
- 24.—Police Constables in uniform, whether on duty or not, are prohibited from smoking in the streets or public places.
- 25.—The Members of the Police Force should bear in mind that, although they are the servants of the public, they are accountable for their conduct, while in the performance of their duty, to the Government, and to those who are especially appointed to the Department to which they belong. It is therefore not only inexpedient and unnecessary, but directly opposed to orders, that individuals in the employment of the Government should have recourse to public journals, in order to defend themselves against any reflections cast upon them.

DISCIPLINE.

22. Experience has shewn that no service can be properly conducted without a due observance of the rules and orders laid down for its guidance and discipline. It therefore becomes a matter of paramount importance that the Police Force should be governed by the strictest discipline. The most proper and effectual mode of securing this, is by establishing a gradation of responsibility, so that every individual may know precisely his duty and position, and perform his duty cheerfully.

23. Every Member of the Force must understand that it is an invariable rule in discipline that in the absence of a superior the whole of the duty or charge which was intrusted to that superior devolves upon the next in rank, so that the chain of responsibility may continue unbroken.

24. Every superior Officer is to give his orders in the language of moderation, and with due regard to the feelings of the individual under his command, and every Officer or Constable is to receive the lawful commands of his superior with deference and respect, and to execute them to the best of his power.

25. With reference to religious observances, it is expected that the Officers will do all they can to facilitate the attendance of the men under their command at the places of worship to which they respectively belong, and that particular attention shall be paid to the proper observance of the Sabbath day.

DISTRIBUTION.

26. The Force is divided into Mounted, Foot, Water Police, and Detectives.

27. The Mounted and Foot Police will be distributed among the various Districts in such strength and manner as the requirements of the country may demand, and no change whatever is to be made in the location of the Force, without express authority from the Inspector General, except in case of extreme urgency, such as when the Officer in charge of the District is convinced that the removal of men from one Station to another, or the formation of a new Station is absolutely necessary, or where the local authorities make an urgent demand for additional Police protection; but in all such cases a full statement of the particulars and necessity for the alterations must be forwarded to the Inspector General's Office without delay.

28. When a number of the residents of any particular locality apply for Police protection, the Officer in charge of the District will forward the same, with such remarks of his own respecting the necessity of the case, the facilities that may exist for forming a Police Station, the population, whether scattered or not, the amount and nature of crime in the neighbourhood, whether frequent or occasional daily or nightly patrols would be sufficient, &c., &c., as he may think fit.

29. The Police in the Districts of Parramatta, Maitland, Goulburn, Bathurst, and other large Towns, will be required to perform duty similar to the Police in the City of Sydney, as detailed in the next chapter.

SYDNEY.

30. The City of Sydney Police consists of several Divisions, with an Officer in charge of each, and to each Division is intrusted a certain portion of the city and suburbs.

31. Each Division is sub-divided into sections, each of which is under the immediate charge of a Sergeant; and the sections are divided into beats, for the safety of which the Constables on duty are held responsible.

32. The hours for duty are as follows:—

The day duty commences at 6 A.M. and continues till 10 P.M., for which purpose half the available duty men are told off, who are divided into two reliefs, and take street duty four hours at a time.

The first relief goes on at 6 A.M. and remains on beat till 10 A.M.

The second goes on at 10 A.M. and remains till 2 P.M.

The first goes on at 2 P.M. and remains till 6 P.M.

The second goes on at 6 P.M. and remains till 10 P.M.

33. During the intervening four hours between their duties one half of the men so relieved remain in the barracks, and the other half are allowed to return to their homes, but

but must be ready at least a quarter of an hour before their tour of duty commences; the half who are allowed to go away in the morning will remain in the evening, thus giving to each man twelve hours duty, eight of which he will be on beat by four at a time.

34. The night duty commences at 10 P.M., and continues on beat from that hour until 6 o'clock the next morning, one Sergeant taking charge of each section.

35. Two men from each Division are told off for Station-house reserve, which is taken in turn by the men.

36. The night and day duties change every month.

37. The Sergeant in charge of each Division should, both by day and night, visit all the parts of his Division; and see that the Sergeants and Constables are alert and understand their duties properly; he is also responsible that the men in reserve both by day and night are prepared to turn out at a moment's notice.

38. It is expected that all the married Constables will lodge as near as possible to the Division to which they are attached, and that all Members of the Force (whether on duty or not) will be prepared to turn out in all such emergencies as fires, accidents of any kind, disturbances, &c.

39. Officers in charge of Divisions take their turn of day and night duty, but are not required to visit the guard-room or barracks of any Division except their own.

40. Each Officer in charge of a Division is expected occasionally to visit all parts thereof at uncertain hours during the day and night, and when on duty to attend the Court and visit the watch-houses at least once during the day and once after midnight.

41. Each Officer in charge of a Division will be held responsible for that Division, and will also take the immediate charge of the lock-up situated in it; he must also consider it his duty to make himself acquainted with all the inhabitants resident in his Division, to whatever class they may belong, and with all the lanes and alleys, rights of way, &c., &c. He should pay particular attention to the manner in which his Sergeants and Constables perform their duty, and by examination and inquiry find out whether each Constable is acquainted with the purpose for which he is placed on beat, and whether he exerts himself to the utmost of his abilities to discover all that is going on within its limits, and that he also makes himself acquainted with the inhabitants over whose property he is placed.

42. Should any suspicious characters either arrive at or leave any parts of the town within such Constable's beat, it is his duty to report it to his Sergeant, who will report the same to the Sub-Inspector with a view to its being brought to the notice of the Inspector.

43. As the detection of offences depends very much upon the support and assistance which the Detectives receive from the Constables on duty, every endeavour must be made by the Constables to assist the Detectives, by properly affording them all the information in their power respecting offences committed within the limits of their beats. In all cases of offences of a serious nature, the Constable within whose beat the offence has been committed should immediately report the matter to the Sergeant of his section, who will at once proceed to the guard-room of his Division and fill up several of the forms "Criminal Offences," with full particulars of the case, description of parties to be apprehended, &c., and forward one copy to the Detective Police Office, and one to each of the other Divisions; the Constable on being relieved should find the Officer in charge of Detectives, and explain to him personally what has taken place.

WATER POLICE.

44. The Water Police Force consists of a certain number of Sergeants and Constables and that part of the Force stationed in Sydney is under the direction of the Water Police Magistrate, who is, under the provisions of the Water Police Act, its Superintendent.

45. Detachments of the Force are also stationed at Newcastle and other ports of the Colony.

46. They are amenable to the same rules for the maintenance of discipline, and have by law the same powers as other Constables.

47. The duties particularly devolving upon them are to afford police protection and maintain order among the shipping; to enforce the port regulations; to supervise the transshipment of powder; to examine and muster the passengers and crews of vessels in the intercolonial trade with a view to prevent the escape of criminals; to supervise the ballast lighters, watermen, lights in harbour, &c.; to serve summonses, execute warrants, and other legal processes on parties afloat; to convey prisoners to and from vessels, &c., &c.

48. Every Officer and man has twelve hours duty in the twenty-four, besides which they have to attend the Police Court when required.

49. They are supplied with the same arms as the foot Police with the addition of a cutlass.

50. The boats crews on night duty are provided with signal lights, in case it should be necessary to call for assistance from the Stations.

51. All signals from vessels for Police assistance are to be registered in the occurrence book, stating the vessel's name, and the hour by night or day when made, and the hour when the signal is hauled down, answered.

52. In the event of fire occurring on shore, or in the harbour, all the available Force will proceed immediately to the spot in readiness to render such assistance as may be necessary, either in extinguishing the fire or in saving and protecting property. Should the fire occur on shipboard, the guard-boat on duty will lose no time in warning the nearest vessel to the burning ship of its dangerous position, and at the same time send immediate notice to the Harbour Master of the fire.

DETECTIVES.

DETECTIVES.

53. The Detectives, although subject to the same discipline, are in most other respects a distinct body of the Force, their duties being to detect rather than to prevent crime.

54. They are under the control of an Officer, whose office is at Sydney, and who receives his orders direct from the Inspector General, and as being dressed in plain clothes they may occasionally be required to produce the authority under which they are acting, each of them is furnished with a "Warrant Card" for the purpose signed by the Inspector General.

55. A party of one or more Detectives is stationed in each of the more important Districts, while occasionally a Mounted party is employed in various Districts, removing from one to another as circumstances may require.

56. They all however correspond direct with the Inspector in Sydney; but although they look to him for orders, they will be under the control of the Officer in charge of the District in which they may be stationed, so far as his orders do not clash with those they receive from the Detective Office at Sydney.

57. If the system is properly carried out, there should generally be no difficulty in detecting crime, and tracing out offenders, who, to escape detection, have fled from town to country or from one gold field to another; and it is expected that the Members of the Police Force will consider it imperative upon them to afford every information in their power to the Detective Police, and to facilitate, in every possible way, the proper discharge of their particular duties.

58. The Detective Body is formed by selecting from the Police Force such parties as may be considered suitable for Detective duty; they are employed on trial as supernumeraries, during which time they receive the pay of Ordinary Constables, and if reported favourably of by the Officer in charge of the body, they are promoted to the rank of a second class Detective Constable, with pay at the rate of 2s. per day increase on that of an Ordinary Constable, and in due course if recommended for zeal and efficiency will be further advanced to the pay of a first class Detective, which is 3s. per day in excess of that of an Ordinary Constable. There are no other grades in the Detective Body, and the rank of a first class Detective is to be considered equivalent to that of a Sergeant in the Preventive Police.

59. Although this is a general rule, candidates, who from previous habits, experience, or other reasons may appear to be particularly adapted for Detective duties, may be taken on as supernumeraries without having served in the Police Force, and if after due trial they are approved of, are promoted in the usual manner.

60. No further detail of Detective duty is here given, as the members of that branch of the service will from time to time receive such instructions as are necessary for their guidance from the Officer in charge.

61. The Officer in charge of Detectives has, in addition to his other duties, to compile the *Police Gazette*, a weekly publication, in which notices of offences committed, warrants issued, horses and cattle stolen, and other matters interesting to the Police are inserted, and thus circulated for the information of every Member of the Force.

GENERAL DUTIES OF THE DIFFERENT RANKS.

Inspector General.

62. The Inspector General is appointed by the Government to have the management and control of the whole Force, under the direction of the Colonial Secretary. He will from time to time issue such orders and regulations as may be found expedient for the general management of the Constabulary, as well as for the purpose of meeting any contingency which may arise, rendering the removal of portions of the Force from one District to another, necessary. He will take every step in his power to cause all under his control to discharge their duties both to the public and the Government satisfactorily and efficiently.

63. All communications which the Officers in charge of the Districts may wish to be made known to the Government or to the Head of any other Department should be forwarded through him, and to him must they look for advice in any case of difficulty that may occur.

64. He will furnish the Government with an annual report of the general state of the Police Force, as to the number of men, their distribution and general efficiency, the increase or diminution of crime, the number of new Stations that may have been formed, with such other information as it may be necessary to afford.

Superintendent.

65. The Superintendent is to reside constantly within his District, and not to leave it except by permission from the Inspector General; and, whenever he leaves the Head Quarters for other parts of his District, he will communicate the same, and also his return, by telegram, to the Inspector General.

66. The duties of the Superintendent are those of direction, of constant and active supervision and inspection, requiring his movements to be rapid and uncertain, and his vigilance unrelaxing. He is responsible for the prevention of crime, the detection of criminals, and the general preservation of peace within his District, of which it is expected he will acquire a knowledge, and also of its inhabitants generally.

67.

67. On his capacity, discretion, and good management, the discipline and efficiency of the Officers and men in the District almost wholly depend, for it is only by his example as regards business habits and knowledge of Police duties, as well as his private deportment, that he can gain that respect which it should be their desire as it is their duty to evince towards him.

68. It is not possible exactly to define his responsibility, but he is bound to see that all under his control discharge their respective duties towards the public with zeal, fidelity, and efficiency; and it is expected he will be at all times ready and able to afford advice and information on any matter relating to their public duties.

69. As the advancement in the service of those under his command will very much depend on his recommendation, he will be particular to ascertain their relative merits and qualifications for promotion.

70. As he is responsible for the general conduct and good order of the Officers and Constables under his command, he should make himself well acquainted by frequent personal intercourse with the Inspectors, Sub-Inspectors, and Sergeants, and through them with the character, temper, and conduct of each Constable; he will be firm and just, and at the same time kind and conciliating towards them in his behaviour, on all occasions.

71. He is to take every opportunity of impressing on his subordinates the strong objections that exist to members of the Force being constant frequenters of public-houses; and of pointing out to them, that their character and respectability will be best upheld by seldom entering such places, except on necessary duty.

72. The consideration that his example will do much to regulate the official deportment and conduct of those placed under him, should never allow him to appear apathetic in the discharge of his own duties, but, on the contrary, should urge him to a prompt and anxious execution of all he may be called on to perform, or to superintend, without regard to individual interests, time, or his own personal convenience.

73. He is to pay strict and constant attention to economy, and whenever he sees any means of reducing the expense and promoting the utility of the Force in the locality within his charge, he should not fail to communicate his views to the Head of his Department.

74. An inventory in duplicate will be made of all property found in the possession of a prisoner at the time of his arrest, and which the Police are justified in seizing and retaining; the inventory to be signed by the Constable who makes it, and countersigned by the Inspector or other Officer in charge of Police. The prisoner is also to be invited to sign it.

75. Such property is to remain in the custody of the Police until the prisoner shall have been either discharged or convicted, or found guilty.

76. The property itself is to be at the place of trial previous to the time appointed for trial, so that it may be accessible either (if necessary) for the purposes of identification, or to be returned to the prisoner, if discharged, or delivered to the Sheriff or Gaoler, if the prisoner be convicted, with a copy of the inventory.

77. Care is to be taken that property necessary for the purposes of identification remain as much as possible in the hands of the same Constable or Officer, so as to avoid rendering the evidence of identity complicated or embarrassing.

78. If the prisoner be discharged, the property is to be restored to him, with the exception of any portions necessary to be retained as proofs in any future proceedings, or any portions proved to belong to another person, and which may be delivered to such person on his indemnifying the Police Officer against any proceedings of the prisoner.

79. If the prisoner be convicted of a felony or a misdemeanor entailing forfeiture, all property found in his possession and all other property belonging to him are to be confiscated; and any such property identified as having been stolen may be restored to the owner. The remainder is to be delivered to the Sheriff for the purpose of being sold, and the proceeds paid into the Treasury, unless the Government should consider it advisable to direct all or any to be given to the wife or children of the person convicted.

80. If the prisoner be convicted of a misdemeanor not punishable with forfeiture, the property found in his possession and seized by the Police is to be delivered to the Sheriff or Gaoler, to be held at the disposal of the prisoner, subject to Gaol Regulations.

81. In cases of summary conviction, a similar course is to be pursued before and after conviction as before and after trial.

82. The Superintendent will cause to be entered in a book, a list of such property as may come into the possession of the Police in any other way, in order to its being disposed of as may be directed by the Inspector General or other competent authority.

83. He will be held responsible for a careful scrutiny of all estimates, accounts, and vouchers connected with the Force under him, which are to be supported and authenticated by his certificate of approval; and that all accounts, returns, reports and other official documents, are drawn up and perfected with the greatest accuracy, precision, and neatness, and transmitted punctually at the proper periods.

84. On the transference, retirement, or removal from the service, of any Officer under him, he will cause all public records, books, including files of the *Police Gazette*, or other documents the property of the public, in that Officer's possession, to be handed by him to his successor; and on the Superintendent himself giving up the charge of a District from any of the above causes, he will in like manner hand all public records, books, and documents to the Officer relieving him.

85. On the receipt of an order for the discharge or dismissal of any Member of the Force, he will order the party in to Head Quarters, when he will see that all his arms, accoutrements, &c., are given into Store complete and in good condition. He will then pay such salary as may still be due, unless the same has been forfeited.

86. On the transference of any Sergeant or Constable from one District to another, he will send, under cover, to the Officer in charge of the District to which the party is transferred, his defaulter's sheet, together with his register, in proper form, detailing his name, description, date up to which paid, &c., &c.

87. When the Superintendent leaves his quarters on any duty which may detain him from them for a whole day or longer, he is to direct that all official letters or documents which may reach his office during his absence shall be handed to an Officer, if one be at the Station, or if not, to his Clerk, who is hereby empowered and directed to act upon them to the best of his judgment, if it appears to him that the public service could not admit of the delay consequent upon their being forwarded to the Superintendent, or standing over until his return to Head Quarters.

88. Should it be necessary for the Superintendent to leave the District, the Senior Inspector of the District will take charge, until the return of the Superintendent or the appointment of some other Officer to it. Also, when the Superintendent is absent from Head Quarters, inspecting the Stations in the District, or on other duty, if no Officer is present, the senior first-class Sergeant will assume charge during his absence.

89. He is to superintend the discipline, inspect the Officers and Constables, the barracks or quarters, the stables, paddocks, horses, arms, clothing, appointments, and equipments of the Force committed to his charge.

90. He, or in his absence, the Officer acting in his place, will attend at his office every morning, at 9 o'clock, or as soon after as possible, to hear and decide on complaints made against any of the men of his District.

91. He may deal with complaints against any of the men under him of such lighter description as he is allowed, according to the Regulations under the head of "Punishments;" the facts of each case, with his decision thereon, are to be stated in the regular reports.

92. If a Constable is not satisfied with the Superintendent's decision, he may have the case brought before the Inspector General, when, if the objection prove to be frivolous, he will be liable to a more severe punishment than that he objected to.

93. The Superintendent will make a report, in writing, as early as possible, of any complaint of misconduct on the part of any Member of the Force, which it has been considered necessary to refer to a Bench of Magistrates for adjudication.

94. He will be at all times prepared to hear and investigate any charge which may be brought by the public against any Member of the Force, and should such offence be of a serious nature, or the complainant desirous that it should be decided by the Magistracy, he will at once bring the party before the Bench, forwarding a report of the particulars, and the decision of the Bench, to the Inspector General's Office. He may also, if he considers it advisable, suspend the individual from duty, awaiting the decision of the Inspector General, but in no case will he dismiss or discharge any Member of the Force without the necessary authority to do so.

95. Should the party who has misconducted himself be of a higher rank than a Constable, the Superintendent will at once suspend him from duty, and forward to the office of the Inspector General a report of the matter, with the evidence given, and stating his view of the case, with the previous character of the party complained of. He will not himself inflict on any Member of the Force, above the rank of Constable, any punishment greater than a reprimand, but in cases which require a more severe punishment, will await the decision of the Inspector General.

96. Should the offence be committed against the public, he will, unless the case be very gross, and will not admit of delay, mention the matter to the Local Bench, and request that it may stand over until the Head of the Department has been communicated with, in order that if it is necessary that the party should be brought before the Bench, he may be first reduced to the rank of Constable, it being considered that as his position is superior to that of a Constable, he should be reduced to that rank before receiving any punishment greater than a reprimand.

97. Any Member of the Force suspended from duty, although not performing any Police duty, will remain within the limits of the Station to which he belongs, unless under orders to the contrary, and will not be entitled to salary for the time he remains suspended, unless by special authority from the Inspector General.

98. The Superintendent will make himself acquainted with the various Stations in the District, and their requirements generally, and will from time to time, according to his discretion, grant immediate Police protection to any locality that may require it, if it is apparent that the peace of the locality would be endangered by the delay consequent upon his referring the matter to Head Quarters for instructions.

99. It is of great importance that Government should receive immediate intelligence of every occurrence involving the safety of person or property, or the maintenance of the public peace, and, whenever practicable, such intelligence is to be communicated by the Electric Telegraph, to the Inspector General.

100. If, therefore, any newspaper or other account of an outrage shall precede the Police report of it, the Superintendent in whose District such outrage shall have occurred will be deemed guilty of neglect of an important duty, unless he can satisfactorily explain the delay on his part, and shew to whom the blame of it should attach; and if any loss of time shall occur between the commission of an outrage and the necessary report of it, the cause of such delay must be explained in the report, for the accuracy of which explanation the Officer will be held strictly responsible.

101. He will see that the Members of the Force under his command exert themselves to the utmost, not only in the prevention of crime, which is their principal duty, but also in its detection, and will be answerable for their general conduct and good order.

102. He will cause the men, when they have cases to bring before the Bench, to be instructed how to obtain evidence, so as to present the particulars to the Magistrates as clearly and intelligibly as possible. He will not only give directions to this effect to the Constables, but will also see the necessity of attending the Police Court himself as frequently as possible, to see that his instructions are carried into effect.

103. He will, as far as lies in his power, act in accordance with the wishes of the Bench, for which purpose he will frequently communicate personally with the Magistrates, to ascertain whether their lawful orders are duly carried out by the Members of the Force, and whether they are active, diligent, and efficient in the prevention of crime, or the pursuit of criminals, and orderly, respectful, and steady in their conduct.

104. The Superintendents in whose jurisdiction are cities or towns, are to make a proper division thereof into walks or beats, according to the necessities, local circumstances, and strength of the Force allocated to such cities or towns respectively, adhering to the system pursued in Sydney as far as the circumstances in each case will permit.

105. Each Superintendent is to keep the following books :—

General Order Book, to contain copies of all general orders that may, from time to time, be received from the Inspector General's Office.

District Order Book, to contain copies of all other orders.

Letter and Minute Book.

Warrant Book.

Registry of Horses.

Miscellaneous Property Book.

Store Book.

Occurrence Book.

106. He will also make the following periodical returns :—

Weekly return of duty performed by men and horses, and persons apprehended at each Station.

Monthly general report to be furnished on the 1st of each month, accompanied by returns.

107. Each Superintendent is allowed a Sergeant or Constable, as circumstances may require, to act as Clerk in his Office, but he will explain to such Member of the Force that the occupation is of a very confidential nature, and that he will be held strictly responsible for his conduct in such Office, as well as for a due observance of, and obedience to the General Rules and Regulations of the Establishment.

108. No other Officer will be allowed the services of a Member of the Force as Clerk, without express permission from the Inspector General.

109. In order to maintain, as nearly as practicable, one uniform and complete system throughout the Establishment, the Superintendents are to refrain from making any regulations or issuing any orders which may be calculated to produce alterations, or cause innovations in the standing orders of the Force.

110. Whenever, in the opinion of the Superintendent, it may be expedient to introduce any new regulation, or to alter an old one, he should submit his ideas on the subject for the consideration of the Inspector General, who, should he deem the proposition advisable, will carry it into effect by a general order. This, however is not to be understood as extending to an order of a temporary nature, but a copy of any such temporary order is to be sent to the Inspector General's Office.

Inspector.

111. The Inspector is, in his Division, what the Superintendent is in his District, and should be governed by the spirit and principle of the foregoing instructions to that Officer, and will be held equally responsible for the execution of his own duties, as well as for the general conduct, discipline, and appearance of his men. He will also be responsible for the state of his barracks, horses, arms, accoutrements, and ammunition, and for the clothing and all other articles delivered to the Force of his Division.

112. He will reside constantly within the boundaries of his Division, and must not absent himself from it, except on duty, without permission from the Inspector General or the Superintendent.

113. He will receive his orders and instructions from, and make his reports to the Superintendent, from whom he will obtain such information as may be required upon matters relative to the Police.

114. He will exact a ready obedience to his orders from the Officers and Constables placed under his command, and will best consult his own interests by steadily adhering to orders and by following such a line of conduct as will place him beyond the fear of censure or reflection, in the event of being obliged to report any of his men for misconduct or breach of discipline.

115. He must respect and uphold the authority of his superiors, and must at all times conduct himself towards the Constables so as not to forfeit their respect for his person or authority by undue familiarity.

116. As he is the channel of all communications to the Constables, it is necessary that his orders to them be clear and explicit.

117. He is to make a true and precise entry in the weekly return of his Division of all duties, by whom performed, and the hour of going on and returning from duty.

118. He is to pay strict and prompt obedience to all the lawful orders and directions of the Magistrates and the superior Officers of the Force, thereby shewing those placed under him an example of respect for official rank, which they must follow in their conduct towards others as well as himself.

119. He will pay particular attention to the manner in which the cases are conducted by the Police in the various Police Courts, and will personally attend, as often as possible, during the Sitting of the Bench, for the purpose of assisting in carrying out the views of the Magistrates. He will also report to the Magistrates, on their assembling, the results of all warrants and processes issued, and of the steps taken to give effect to their judicial proceedings.

120. If there are detached Stations in his Division he must frequently visit and inspect them, by night as well as by day, and must note in the "Station Occurrence Book" the exact state in which he finds them.

121. In like manner as the Superintendent is expected to have a general knowledge of all matters connected with his District, the Inspector should be particularly acquainted with the pursuits, avocations, &c., of the inhabitants of the various localities within the limits of his charge.

122. He will inspect as frequently as possible, never less than once per week, the arms, ammunition, accoutrements, &c., of the men under his charge, for the good order of which he will be held strictly responsible to his Superintendent.

123. He must take care that all orders are carefully read and explained to the men, and that all rules and regulations are strictly adhered to; and he is immediately to report any infractions of them to the Superintendent.

124. He will take such opportunities of drilling the Sergeants and men as do not interfere with their Police duties.

125. He will establish a well-arranged system of Patrols, in order that the lines of communication and particular points in his Division may be, from time to time visited and guarded, and suspected places and persons watched, taking care, however, not to let this duty in any way needlessly harass the men or horses, or impair their efficiency for any sudden or urgent call.

126. He must minutely inspect all men, horses, arms, saddlery, ammunition, and appointments, previous to their going out on any duty, to see that they are in all respects in a fit state, and in like manner on their return, and should any article be damaged, will immediately report the matter to the Superintendent.

127. He must cause particular attention to be paid to the saddles, and to the horses' backs and feet, himself carefully and constantly inspecting them, to satisfy himself that they are properly attended to and always kept in a state fit for instant use.

128. Where there is a Police paddock, he must take care that the fencing is kept in good order, making the Constables execute any necessary repairs at times when not on other duty.

129. It will be a most important duty of the Inspector in a city or town to make himself and the men well acquainted with the persons and haunts of all suspicious characters therein, in order to their being able to bring them forward without delay in the event of their being charged with the commission of any crime or misdemeanor, or by close observation of their movements deter them from committing depredations or other offences against persons or property. A knowledge of individuals and characters is absolutely essential to the constitution of an efficient Police in cities and towns, from the greater amount of vice that exists in them, from the greater adroitness of delinquents, and from the facilities presented for disposing of plunder and evading discovery. The Inspectors will also make themselves well acquainted with the several roads and passes, and with the bush generally, in their respective neighbourhoods, and take care that the Police do the same.

130. Each Inspector must be prepared to furnish his Superintendent on all occasions with such information as may be required as to places, persons, and characters, and in short, he should be in possession of such general intelligence respecting his Division as shall enable him to supply a report or return, on any point, without waiting to collect materials for the purpose.

131. He should have a perfect knowledge of the characters, tempers, qualifications, and comparative merits of his Constables, not permitting any private feeling to influence his opinion of them.

132. He is to keep a roster and to see that there is an equitable division of all duties throughout his Division, and must never attempt to gratify any personal feeling towards his men or the public.

133. Nothing will tend more to raise an Officer in the estimation of his men than to prove that he is guided by a strict sense of duty and perfect impartiality. He will be upheld in the correct discharge of his office, but will not be suffered to be overbearing and tyrannical, and it is expected that he will shew to the men and to the public an example of general circumspection and propriety of demeanor.

134. He must strictly avoid placing himself under pecuniary or personal obligations of any kind whatever to his subordinates, or to residents within the locality under his charge, and must at all times, and in all ways, maintain a character for unimpeachable integrity.

135. It will be his duty to make himself acquainted with the characters of the several public houses, or other licensed places of entertainment and amusement in his Division, in order that he may be in a position to afford the necessary information to the Magistrates on the days appointed for granting or renewing licenses.

136. He will also direct the attention of the Sergeants and Constables to such establishments, and will question them, from time to time, as to the manner in which they are conducted.

137. When prisoners are remanded from one Bench of Magistrates to another, the Inspector will forward to the Officer in charge of Police at the place to which the prisoner is remanded, the full particulars of the case, stating why the prisoner has been remanded, with any other information he may be able to afford.

138. An inventory in duplicate will be made of all property found in the possession of a prisoner at the time of his arrest, and which the Police are justified in seizing and retaining; the inventory to be signed by the Constable who makes it, and countersigned by the Inspector or other Officer in charge of Police. The prisoner is also to be invited to sign the same.

139. Such property is to remain in the custody of the Police until the prisoner shall have been either discharged or convicted, or found guilty.

140. The property itself is to be at the place of trial previous to the time appointed for trial, so that it may be accessible either (if necessary) for the purposes of identification, or to be returned to the prisoner, if discharged, or delivered to the Sheriff or Gaoler, if the prisoner be convicted, with a copy of the inventory.

141. Care is to be taken that property necessary for the purposes of identification remain, as much as possible, in the hands of the same Constable or Officer, so as to avoid rendering the evidence of identity complicated or embarrassing.

142. If the prisoner be discharged, the property is to be restored to him, with the exception of any portions necessary to be retained as proofs in any future proceedings, or any portions proved to belong to another person, and which may be delivered to such person on his indemnifying the Police Officer against any proceedings of the prisoner.

143. If the prisoner be convicted of a felony or misdemeanor entailing forfeiture, all property found in his possession, and all other property belonging to him are to be confiscated; and any such property identified as having been stolen may be restored to the owner. The remainder is to be delivered to the Sheriff for the purpose of being sold, and the proceeds paid into the Treasury, unless the Government should consider it advisable to direct all or any to be given to the wife or children of the felon.

144. If the prisoner be convicted of a misdemeanor not punishable with forfeiture, the property found in his possession and seized by the Police is to be delivered to the Sheriff or Gaoler, to be held at the disposal of the prisoner, subject to Gaol Regulations.

145. In cases of summary conviction, a similar course is to be pursued before and after conviction as before and after trial.

146. Money or other property which may come into the possession of the Police in any other way and respecting the disposal of which there may be some doubt, is to be forwarded, together with a report of the circumstances, to Head Quarters, with a view to its being disposed of as may be directed by some competent authority.

147. The Inspector is to report to the Superintendent (and in cases of urgency, also to the Inspector General), promptly and correctly, all circumstances connected with or affecting in any way the peace of his locality.

148. He is to forward all notices of resignation, and all correspondence, accounts, vouchers, and returns intended for the Inspector General's Office, to the Superintendent, in proper form and at the regulated periods.

149. In case of criminal offences, however, a copy of the information to be communicated should be sent direct to the Inspector General's Office, as the delay which would otherwise occur might be prejudicial to the public service.

150. Inspectors in charge of cities or towns are to be guided, as far as practicable, in the execution of their several duties therein, by the instructions already given for the City Police.

151. They will make a proper division of such towns into walks or beats, according to the necessities, local circumstances, and strength of the Force, and will exercise a close, constant, and active supervision over the men in charge of the several beats, holding them strictly responsible for their state.

152. They must keep their men on the alert, both by day and night, for the prevention of crime and the detection of offenders, and must, by every means in their power, aid in the maintenance of peace and good order.

153. On any alarm of fire, they will cause the Police under their command (including those who are off duty) to turn out and render every aid in their power which circumstances may demand.

154. Where there are Fire Brigades established the duty of the Constables will be simply to preserve order, protect life and property, and to procure a free scope for the exertions of the firemen and the parties more immediately interested; and with this view, the Inspector will clear the street or ground in the immediate vicinity of the fire of all persons not usefully employed, taking care that all the adjoining streets, as far as may be practicable, are kept clear of obstructions by crowds, or carriages, waggons, carts, &c., that the engines may not be delayed.

155. Every assistance possible must be given for the removal of property, conformably with the wishes of the proprietors; and if desired, such property may be conveyed to the nearest Police Station, to be there placed under the protection of the Police.

156. The Inspector should make it his duty to collect upon the spot all the information he can obtain relative to the cause of the fire, which, together with the circumstances attending it, the conduct of the Police under his orders, and the time they were employed, he will report fully, as soon as may be, to the Superintendent.

157. The powers of Inspectors to punish Constables who may have misconducted themselves, are given under the head of "Punishments."

Each Inspector is to keep the following books:—

Order Book, into which all orders received from the Superintendent are to be copied.

Occurrence Book, to contain reports of duty performed, crimes committed, accidents, apprehensions, &c.; and in which any Officer senior to the one in charge will enter his name, with a remark as to the state in which he finds the Station.

158. He will make the following returns:—

Weekly duty return.

Monthly forage return.

159. In some cases, where an Inspector is in charge of an important Station, as, for instance, a Gold Field, it will be necessary to keep a letter book.

160. He will keep a correct registry of all furniture and other Government property under his charge; and in the event of being transferred to another Station, he will obtain a receipt for the same from the Officer relieving him.

161. He will also forward, for the information of the Superintendent of the District, a weekly journal of his own proceedings, stating the particular duties he has performed, the state in which the men under his charge are, their general conduct, noting any complaints which have been brought against any of them, either by a Member of the Force or the public, the steps which have been taken to investigate such charges, any serious crimes which have been reported and the steps taken, the general state of the locality under his charge, with regard to criminal and other offences, any alteration which may have been made in the quarters or stables, any drill or inspection which has taken place, and the state in which the men, horses, arms, accoutrements, &c., appeared at such inspection; and any other matter which he considers it necessary to notice—in fact, a comprehensive report of the general state of the Division or Station under his charge.

Sub-Inspector.

162. The duties of this Officer are similar but subordinate to those of the Inspector.

Sergeants.

163. In each District, and in the City Police in each Division, one Sergeant is selected to assist the Officer in charge, by a personal supervision of the Sergeants and Constables; and he will be held responsible for the conduct and appearance of the Constables, and for the state of the barracks and quarters, the arms, ammunition, appointments, &c., at the principal Station in the District.

164. He is to a great extent responsible for the drill of the men of the District, and is selected from the other Sergeants, expressly on account of superior knowledge of his duties.

165. He must keep a roster of duties performed by himself and the men under him, and will see that those Constables who have to give evidence at the Police Court are in attendance and properly dressed.

166. He will attend daily at the Superintendent's Office with reports of such Constables under him as may have misconducted themselves, and will cause to be in attendance those parties who can give evidence.

167. He will inspect all carts and other conveyances belonging to the Force which may arrive at and leave the Station, and will see that the draught horses are properly groomed and attended to, and that the carts and harness are kept in proper order.

168. He will frequently, and at uncertain hours, inspect the quarters of the Sergeants and men, and will occasionally visit them during meals, for the purpose of seeing on such occasions that the men are properly and cleanly dressed and conduct themselves with decency.

169. He must consider his position as a confidential one, and he will therefore do all in his power to preserve regularity and order, and to make himself acquainted with anything to the contrary which he thinks should be brought to the notice of the Inspector or other Officer under whom he may be placed.

170. The remainder of his duties are similar to those of the other Sergeants.

171. In the absence of the Inspector or Sub-Inspector the Sergeant is to represent that Officer, and therefore what has been stated of the duties of those Officers as to discipline, applies equally to the Sergeant when in the temporary charge of a Sub-District or Station.

172. It is his peculiar province to watch over the conduct of the Constables, and to report every irregularity, neglect of duty, or breach of discipline they commit, to the Inspector or Sub-Inspector, without delay.

173. His conduct towards the Officers of the Force must be respectful and obedient, whilst to the men he is to be civil and obliging, without compromising the respect due to his position by improper familiarity.

174. He is never to absent himself from his Station except on duty, or by permission or direction of the Officer of his Station or Division, and he must at all times be ready to meet any demand upon his services.

175. He is to inspect minutely all parties or individuals going on duty, and if under arms is to count the ammunition in their pouches before they go out and when they return, noting in the occurrence book the hour of their despatch and return, the state of
the

the men and horses, if they or any of them be mounted, and all circumstances connected with the particular duty on which they had been employed of which a record may appear in any degree necessary.

176. He must be perfectly impartial in the division of all the duties of his Station, taking his own regular tour of them.

177. He will be held strictly responsible for the appearance of his men and barracks, the state of the arms, ammunition, appointments, and every article of Government property committed to his charge. He must shew an example of neatness in his dress and appointments, and of perfect cleanliness in his person and quarters, and if he suffers any disobedience of orders or neglect of duty, without immediately reporting it to his Inspector or Sub-Inspector, he will be considered unfit for the position of Sergeant and be reduced accordingly.

178. He is occasionally to wait on the resident or local Magistrates, to receive their instructions; and it is of the utmost importance that he should take every pains to inform himself of the several roads, passes, residences, and characters of his neighbourhood.

179. He is to report to the Local Bench as well as to his Officer, all outrages or other matters connected with the tranquility of his District, and shall visit the scenes of all outrages as soon as possible, without reference to Districts or Stations, unless he shall have reason to know that the place had been visited by some other responsible party.

180. He will pay particular attention to the public-houses and other places of entertainment within the limits of his charge, and will report any irregularity he may observe to the Officer under whom he is placed.

181. When in charge of any Station where there is no Inspector or Sub-Inspector, he will keep the same books and make the same periodical returns as are required to be kept and made by those Officers.

182. When the number of Sergeants in a District is insufficient to place one in charge of each Station, the Superintendent, or Officer in charge of the District, will select the best conducted and most efficient senior Constable to take charge; and on such senior Constable will devolve all the duties of a Sergeant.

Constables.

183. The Constable, though frequently acting on specific orders applicable to the occasion, is very generally, in the execution of his duty as a Peace Officer, called upon to act on his own responsibility; he therefore requires discretion, intelligence, decision, and perfect command of temper. His first duty is perfect obedience to his superiors; he should receive the orders of those above him with deference and respect, and execute them to the very best of his power. He is to be ever on the alert for the prevention of crime and the protection of person and property, and is never to omit to report to his Sergeant, Sub-Inspector, or Inspector, any circumstance which may, in the most remote degree, appear to affect the public peace or the character of the Force.

184. It is of great importance that the Constables should be respected by all classes, and obtain their good opinion. They will therefore be extremely cautious in their demeanor, and by sober, orderly, and regular habits, respectful attention to every gentleman, and ready zeal to execute the lawful orders and commands of the Magistrates, endeavour to obtain their approbation.

185. The situation in which the men are placed renders it of the highest importance that they should be on the most cordial terms with each other, and join in everything that can tend to the advantage of the service. Any man who habitually quarrels with his comrades is liable to be punished and dismissed.

186. The Constable must be scrupulously exact in the care of his arms, clothing, and appointments, and be perfectly clean and neat in his person, as, independently of other considerations, men who are negligent in these respects must be looked upon as careless and slovenly in the execution of their official duties.

187. He must be of active, energetic, and temperate habits, of unimpeachable honesty, and must discharge his duty on all occasions, independently, uprightly, and conscientiously, without fear or favor.

188. As no man can be promoted to the rank of Sergeant, no matter how exemplary his conduct, who cannot write a good official report or letter, it is the interest of every Constable to devote such hours as he can spare from his duty, to reading, writing, and the general improvement of his mind; and it is no less his interest to lead a sober and steady course of life.

189. The Constable must not incur debts to publicans, storekeepers, or others in the District, nor place himself in any way under obligations which would necessarily shackle and impair his efficiency and impartiality.

190. If employed as a Mounted Constable, he must on all occasions be most careful and attentive to his horse, saddle, and accoutrements; any Mounted Man neglecting or abusing, or who is deficient in kindness to his horse, will be at once dismounted, and subject to punishment. For any loss or injury to his horse, saddlery, arms, or appointments, by any neglect on his part, the Constable will be held responsible.

191. In places where the system of Police duty pursued in Sydney is followed, a beat is committed to the care of a Constable, who will be informed by his Sergeant of the names of the streets, &c., forming his beat. He is responsible for the security of life and property, and for the preservation of the peace and general good order within his beat, during the time he is on duty.

192. It is indispensably necessary that he should make himself perfectly acquainted with all the parts of his beat or section, with the streets, thoroughfares, courts, and houses.

193.

193. He will be expected to possess such a knowledge of the inhabitants of each house as to enable him to recognize their persons, and thus prevent mistakes, and be enabled to render assistance to the inhabitants when called for.

194. He should see every part of his beat in the time allotted, and this he will be expected to do regularly, so that any person requiring assistance, by remaining in the same spot for that length of time, may meet a Constable. This regularity of moving through his beat shall not, however, prevent his remaining at any particular place, if his presence there be necessary for the due performance of his duty, to observe the conduct of any suspected person, or for any other good reason, but he will be required to satisfy his Sergeant or superior Officer that there was a sufficient cause for such apparent irregularity.

195. He will also attend at the appointed times to make a report to his Sergeant of anything requiring notice.

196. If at any time he require immediate assistance, and cannot in any other way obtain it, he must sound his whistle, but this is to be done as seldom as possible; for though he is provided with one, and may sometimes find it necessary to use it, such alarm frequently creates the inconvenience it is intended to prevent, by assembling a crowd. He will require to report to the Sergeant every occasion of using his whistle.

197. He should clearly understand what powers are given him by law for the efficient execution of his duties, and for this purpose, extracts from the different Acts of Parliament conferring powers on the Police, under their proper headings, with instructions for their guidance, will be supplied to every Member of the Force.

198. Every person taken into custody without warrant (except persons detained for the mere purpose of ascertaining their name or residence) is to be forthwith taken to the Division Watchhouse.

199. When a Constable takes any one into custody, he should, if possible, before he leaves his beat, give notice to another Constable, who can supply his place while he is taking the party to the Watchhouse, and he will return again to his duty as soon as possible; or he may, when not himself required as a witness on the charge, deliver over his prisoner to the Sergeant or other Constable, and immediately return to his beat; but it is generally most advisable that he should accompany the party to the Watchhouse, in order to substantiate the charge.

200. No Constable is to search a prisoner by himself, but in all cases must take him to the nearest Watchhouse or Police Quarters, and in the presence of the Watchhouse-keeper or a Sergeant, will take from him all property in his possession. Before confining the prisoner in the Watchhouse the property must be given to the Watchhouse-keeper, and entered by him in the "Charge Book," which must be signed by the prisoner, if he is willing, but if not, by the Sergeant or Watchhouse-keeper and the apprehending Constable.

201. A Constable is not to leave his beat during his tour of duty, unless under the circumstances already mentioned, or others which may make it necessary. He shall not enter any house except in the execution of his duty.

202. He will pay particular attention to all public-houses within his beat, reporting the hour at which each is closed, and whether they appear to be conducted in an orderly manner.

203. On no pretence shall a Constable enter any public-house, except in the immediate execution of his duty. Such a breach of positive order will not be excused, and he subjects the publican himself to a severe fine for allowing him to remain there.

204. If he observes anything in the street likely to produce danger or public inconvenience, or anything which seems to him irregular and offensive, he must report it to the Sergeant.

205. He must not, when on duty, enter into conversation with any person whatever, except on matters relative to his duty; and when asked by any person his name and number, &c., he will immediately give them.

206. He must be particularly cautious not to interfere unnecessarily; but when required to act, is to do so with decision and boldness, but without unnecessary violence. In the proper exercise of his authority he may expect, on all occasions, to receive full support.

OFFICERS' UNIFORM.

207. All Officers are to be dressed alike, but to have a distinguishing mark of their rank. They will provide their own uniform, which is as follows:—

- Blue cloth cap, with patent leather peak and black lace band.
- Oilskin or leather cover for cap for winter, and white covers for summer.
- Stock or black silk neckerchief.
- Blue cloth single-breasted frock coat, with standing collar and uniform buttons.
- Blue cloth single-breasted waistcoat, with ditto ditto.
- Blue cloth single-breasted overcoat, with uniform buttons.
- Blue cloth trousers, with black lace stripe down the sides.
- White trousers for summer.
- Blue cloth pantaloons.
- Ditto jumper.
- White cotton or buckskin gloves.
- Wellington and Napoleon boots.
- Bush and other spurs.

208. Officers should never appear out of uniform, unless on leave of absence, or when ordered on special duty in which it may be necessary to appear in private clothes.

POLICE

POLICE CLOTHING.

209. Members of the Force are supplied on entering it with the following uniform :—

- Cap.
- White covers for ditto.
- Oilskin ditto.
- Blue cloth dress coat, with uniform buttons.
- Overcoat (foot), or cloak (mounted).
- Waterproof cape.
- Blue cloth trousers, 1 pair.
- Blue cloth pantaloons, 1 pair.
- Loose undress coat of light material.
- Wellington boots.
- Napoleon ditto.

210. The undress coat is to be worn on duty during the summer months, on fatigue or other duty of a similar nature, patrolling in the bush, or on escort duty on the country roads; on all other occasions the coat or jacket is to be used.

211. Each man is to provide himself with a box, according to the regulated pattern, a pair of sheets, three blankets, a rug, a bed-tick, a pillow-case, blacking brushes, a memorandum book, and a hold-all, containing brushes, comb, razors, &c., and a sufficient supply of under-clothing. The Sergeants will be held responsible that the under-clothing is changed sufficiently often for cleanliness. Clean straw for filling the bed-ticks and pillow-cases will be supplied by the Government once per quarter. The regulation box is the only baggage which will be conveyed for Sergeants and Constables, from one Station to another, at the expense of the Government.

212. In addition to the above, each Mounted Man is supplied by Government with military and bush spurs, horse brush, water brush, curry comb, mane comb, hoof pick, and sponge.

213. The uniform of Sergeants, whether mounted or foot, is precisely the same as that of the Constable, with the addition of stripes on the right arm, according to the grade of the wearer.

214. The uniform supplied to Constables of the Water Police consists of—

- Straw hat with badge.
- Sou'wester.
- White shirt with blue trimmings.
- Flannel shirt with blue trimmings.
- Blue cloth pea jacket with uniform buttons.
- Oilskin coat.
- One pair blue cloth trousers for winter, and two pairs white duck trousers for summer.
- One pair boots and one pair shoes.

PROMOTIONS.

215. All vacancies in the rank above that of Constable will, as far as practicable, be filled up by promotion from the next inferior rank; every inducement is thus held out for men of a good class to enter the Force, and to exert themselves while in it, for by zealously and efficiently performing their duties to the public they are consulting their own interests.

216. At the same time it must be understood, that seniority, length of service, and good conduct, are not the principal recommendations for promotion; for although they will always have their due weight, efficiency and adaptation for the particular vacancy will be the principal considerations. Hence those desirous of promotion must endeavour to merit it by a zealous attention to their duties, and the favourable report of their immediate superior Officer will be an indispensable requisite for advancement to superior grades.

217. No Member is to make application for promotion, except through the usual official channels—and no Officer is to receive any gift, address, or other token of respect or approval, on his promotion or change of jurisdiction, from the men who have served or are serving under him. If the subordinate ranks of the service are permitted to express their approval of the conduct of their superiors, they may also assume a right to condemn it; and as the expression of either praise or censure would be alike opposed to all discipline and good order, they are both equally and strictly forbidden. No Officer will be allowed to receive any present, address, or token of respect from the public, except with the sanction of the Inspector General.

218. All recommendations for promotion to the rank of Sergeant must be made according to the form for the purpose, and must be accompanied by a specimen of the handwriting of the party recommended.

REWARDS.

219. In addition to Special Rewards, which Members of the Force may be entitled, under the authority of the Government, to receive from the Police Reward Fund, for bravery or other meritorious conduct displayed in the performance of their duty, various sums are also from time to time offered, both by the Government and by private individuals, for the apprehension of notorious offenders, the recovery of lost property, &c., &c. Although these rewards are generally intended to act, not so much as a stimulant to the Police, as an inducement to the public to afford information or assistance, they are equally open to all the subordinate Members of the Force, as well as to persons who have given information or assistance. Any such rewards will be divided among the various claimants in proportion to

to the relative value of their respective services; but it is to be understood that no Officer is to participate in any reward, whatever part he may have taken, or however instrumental he may have been in effecting the object for which it was offered, unless under special authority.

220. At the same time, there should be no necessity for any reward to induce a Member of the Force to exert himself to the utmost on all occasions for the public benefit, as it is for the purpose of preventing and detecting crime that the Police Force is maintained.

PUNISHMENTS.

221. The Inspector General alone is, by the Police Regulation Act, invested with the power of inflicting the extreme punishment of dismissal. As many Stations, of which subordinate Officers have charge, are so remote from the Head Quarters of the District in which they are situated, that on all occasions to bring Constables who have misconducted themselves before the senior Officer of the District, would not only be extremely inconvenient, but from the inevitable delay, injurious to the discipline of the Force, subordinate Officers of the Force are empowered to inflict certain penalties for breaches of discipline.

222. Superintendents, and Inspectors having charge of Districts during the absence of Superintendents, may inflict a fine not exceeding Three Pounds.

223. Inspectors in charge of Sub-Districts, but so remote from Head Quarters as to make it inconvenient to send Constables before the Superintendent, may inflict a fine not exceeding Forty Shillings.

224. Sub-Inspectors, when in a like position, shall have the power to inflict a fine not exceeding Twenty Shillings.

225. Punishments awarded by Inspectors and Sub-Inspectors, are, however, subject to the approval of the Superintendent, or Officer in charge of the District, and require to be confirmed by the Inspector General.

226. It is impossible to give any rule that would be of general application as to the manner in which these punishments shall be awarded, as it must be left principally to the discretion of the parties inflicting them, who will see the necessity of in every case inquiring minutely into the circumstances under which the offence was committed, so as to inflict a suitable punishment, taking into consideration the previous character of the individual, and the effect such punishment is likely to have on the Force at large.

227. It cannot be too strongly impressed upon the Officers generally that the example on their part of strict attention to their own duties, combined with a uniformly steady and watchful demeanor towards the men under their command, not allowing any neglect of duty or misconduct to pass unnoticed, will, together with the prospect of future advancement, do more to induce the men to conduct themselves well than the fear of any amount of punishment.

228. On a Constable's misconducting himself, the particulars of the case, with his name, description, &c., are entered in a "Defaulter's Sheet," which must accompany him should he be transferred to any other District. On a Constable who has never committed himself being transferred, a "Defaulter's Sheet," containing his name and description only, must be forwarded with him.

229. For the accuracy of these sheets the Officers in charge of Districts will be held responsible.

230. On the discharge or dismissal of any man from the Force, his "Defaulter's Sheet" must be forwarded to the Office of the Inspector General, to be there filed for reference; and on the application, written or personal, of any one who has been discharged, a printed certificate of character will be made out, in accordance with his sheet, signed by the Inspector General, and furnished to him. No other certificates of character or service are to be given to parties leaving the Force. No certificates of character are given to those who have been dismissed.

231. Any Member who shall be dismissed will not be again admitted into the Police Force or any other branch of the Government service.

LEAVE OF ABSENCE.

232. No Officer is to absent himself from his District or Station except on duty, without permission from the Inspector General. Every Officer who shall obtain leave of absence is to return to his quarters on the evening of the day on which the period of such leave shall terminate, and is to report his return accordingly on the following day to the Inspector General.

233. When an Officer applies for leave of absence he is to submit the name of the Member of the Force who is to act for him, and such Member of the Force will be held responsible for the correct discharge of that Officer's duties during his absence.

234. Leave of absence granted to an Officer of the Force will not be renewed or extended, except in case of urgent necessity, which must be clearly shewn by the Officer applying for such extension. In the event of illness being the plea for an extension of leave, a medical certificate of such illness must accompany the application.

235. When Sergeants and Constables are allowed leave of absence, it will be according to the following scale:—

For any period not exceeding fourteen days, on full pay; above fourteen, and not exceeding twenty-one days, on half-pay; and for any period exceeding twenty-one days, without pay.

236. Officers in charge of Districts may occasionally grant leave of absence for periods not exceeding seven days, but not beyond the boundary of their respective Districts.

They

They must give to the party obtaining leave a Certificate of the fact, on one of the Printed Forms supplied for the purpose, carefully preserving the counterfoil for reference.

237. Applications for leave of absence for more than seven days must, in every case, be submitted for the approval of the Inspector General.

238. Men obtaining leave are not to take any part of their arms or appointments, or any Government horse with them, and are to report themselves to the Senior Officer of the Force at or near whose Station they may be residing while on leave.

239. In all applications for leave of absence, it must be stated at what periods, and for what length of time, the applicant had previously obtained leave of absence.

240. Members of the Force when on leave are to consider themselves subject to every order, rule, and regulation of the Force, and as liable to be called on to act as Constables, and to the consequences of any breach of discipline or good order, as if they were serving at their proper Stations. All Members of the Force, whether Officers or otherwise, are required to report all cases of misconduct, on the part of men on leave of absence, whether such misconduct may have been witnessed by them or reported to them by others.

COMPLAINTS.

241. Members of the Police Force can at any time make any representation they may wish to the Inspector General; all that is required being, that the complaint shall be in writing, and that it shall be made in a respectful manner, and forwarded through their immediate superiors.

242. Any Officer on receiving any complaint will forward it to the Officer in charge of the District, who, if it is intended for the Inspector General, will forward it accordingly.

243. While the Officers are to consider it imperative upon them to forward all such complaints, they should accompany them by such statements of their own, having reference to the subject of the complaint, as they may consider necessary.

244. Every attention that justice, reason, and expediency admit, will be paid to the wants or wishes of the Constable; but all combinations, and, as a general rule, any Petition signed by numbers, for any purpose, will subject those who sign it, or join such combination, to punishment.

245. The means of redress are at all times open to any Member of the Force who may think himself aggrieved; but it is to be understood that protection will be equally afforded to any person against whom frivolous or unfounded complaints may be made; and the person making such, more especially when against his own superiors, will himself be liable to a proportionate punishment.

246. Any Member of the Force feeling himself injured or aggrieved, must bring the circumstances of the case under the notice of his superior Officer at once; for if he broods over and delays making his statement, whether real or imaginary, his motives will be judged of by such delay, and his statements questioned in proportion to it.

ARMS, AMMUNITION, APPOINTMENTS, &c.

247. Each Member of the Force below the rank of Sub-Inspector will be furnished, at the expense of the Government, with the arms, ammunition, appointments, &c., named in one of the following lists, according as he may be attached to the Mounted or Foot Police,—

Mounted Police Appointments.

| | |
|---------------------------|-------------------------|
| Saddle. | Bridoon. |
| Holster and flounce. | Bit. |
| Crupper. | Curb. |
| Stirrup leathers. | Regulation head collar. |
| Stirrup irons. | Halter. |
| Carbine bucket and strap. | Log and chain. |
| Surcingle. | Carbine. |
| Three cloak straps. | Sword. |
| Three valise straps. | Pistol (Revolver). |
| One carbine stay strap. | Pouch belt. |
| Four holster straps. | Swivel. |
| Breast-plate. | Handcuffs. |
| Girth. | Number and letter. |
| Bridle. | |

Foot Police Appointments.

| | |
|---------------------|----------------------|
| Rifle. | Pouch belt. |
| Bayonet and sheath. | Waist belt and frog. |
| Baton. | Whistle. |
| Handcuffs. | Number and letter. |

248. On being supplied with these, or such other articles as it may be deemed advisable to supply him with, he will be required to sign a certificate containing a list of them, the date of issue, statement of condition when issued, together with any other remarks it may be necessary to insert, which certificate will be countersigned by the Officer issuing the articles, and must be retained by the party supplied and be produced prior to his receiving his monthly pay; and the Officer by whom the pay is issued, after examining the articles, will enter in the Station Occurrence Book a certificate to the following effect:—

“I certify that on paying the men of this Station I carefully examined all the articles mentioned in their certificates, and find that they were all in good and serviceable order.”

249. In the event of any Member of the Force, on leaving the service, taking with him any of the articles mentioned in the certificate, he will be prosecuted for felony.

250. Any one losing or defacing the certificate will be charged one shilling for a new one, and it will be presumed that he had been provided with every article mentioned in it.

251. In case of any of the articles being lost or damaged through intention or neglect, the amount of the cost of the articles lost, or the damage, will be charged against him in proportion to their original cost, and the amount must be forwarded direct to the Officer of the Depôt, by whom it must be received before other articles can be supplied.

252. When any Sergeant or Constable receives his discharge, or is dismissed from the Police Force, the Officer in charge of the District will see that his arms, accoutrements, or any other Government property in his possession, are returned to store in a clean and proper state, and not used till his successor is appointed. On the back of his parchment certificate it should be stated in what condition the arms, &c., issued to him were returned, and his certificate should then be forwarded to the Depôt, from whence a new one will be supplied for his successor, without which the kit must not be issued.

253. Each man will be taught by the Sergeant or other Officer under whose immediate charge he is placed, the proper manner of cleaning and keeping his arms, &c., in good order.

254. He will be supplied with twenty rounds of ammunition, and in the event of the quantity being unaccounted for at any time the amount of sixpence for every missing cartridge will be deducted from his pay; when applying for more, he will state in writing how and when that previously issued had been expended.

255. A certain number of handcuffs will be supplied to each Watchhouse-keeper, for which he will be responsible, and to the office of each Officer in charge of a District twelve pairs, for which the Clerk will be responsible.

256. No Constable is to presume to load or discharge his firearms unless ordered to do so by his superior Officer, or in cases of emergency.

257. Such Officers as are mounted, are expected, in addition to their uniform, to supply themselves with a saddle, bridle complete, head collar and strap, breast-plate, crupper, a revolver, pouch, belt, &c., in accordance with the patterns at the Depôt.

258. Every mounted Constable will be held strictly responsible for the state of the saddlery in his charge, and any breakages or damage done to any of the articles, unless satisfactorily accounted for as having occurred in the execution of his duty, and not through any carelessness, will be repaired at his expense.

REQUISITIONS.

259. Requisitions for all supplies must be sent to the Office of the Inspector General.

260. In every case requisitions must be signed by the Officer, or Sergeant in charge of the Station where the supplies are required, and countersigned by the Officer in charge of the District; and no requisition whatever will be attended to, unless it contains particulars of former supply, how disposed of, and the quantity and condition of stock on hand.

261. For the purpose of providing for the supply of forage to Mounted Constables when at a distance from any Police Station, or procuring conveyance for Constables or prisoners, and other services of the kind, a Requisition Book is given to each Officer of the Force, who, in the case of any supplies or services of this nature being required, will fill up one of the forms, and give it to the party making the supply or performing the service.

262. Every such requisition, signed by an Officer of Police, will be honored by the Inspector General on being presented; but should it appear that a requisition has been given for any supply that was not required for the public service, or for any supplies for Constables, such as meals, beds, &c., which should be borne by the usual sum allowed them as night allowance, the amount will be deducted from the pay of the Officer signing the requisition.

263. In all cases wherein these requisitions are given, the full particulars must be entered in the counterfoil of the book, which must be carefully preserved for reference.

264. All Members of the Force below the rank of Sub-Inspector are strictly forbidden to sign these requisitions, as the Government do not hold themselves responsible for articles so obtained.

DRILL.

265. The liability at all times of the Police Force to be called upon, in case of internal disturbances, or from other causes, to act in concert as an armed body, and the nature of many of their duties, such as escorting and guarding treasure and prisoners, and other similar duties, render it necessary that they should receive instructions in the use of such arms as may be furnished to them, and that they should acquire such a knowledge of drill as will enable them, if required, to act with precision as a body.

266. For this purpose, every Constable who has been sworn in will, if circumstances permit, be instructed at the Depôt, in marching, the movements by files, threes, &c., and the platoon exercises.

267. Those selected for mounted duty will, in addition to these instructions, be taught riding and the sword exercise.

268. All Officers, whether in charge of Districts or Stations, will take occasional opportunities to exercise their men in these movements; but it is to be understood that such exercises are not in any way to interfere with the discharge of their regular Police duties.

269. It should be impressed upon all Members of the Police that they belong not to a Military, but to a Civil Force, and that all unnecessary Military parade and show, as well as the frequent and unnecessary parade of firearms or other weapons is discountenanced.

The

The principal object to be kept in view, in all exercises in drill and the use of arms, is to make the Force effective, and not to make it approximate in its character to a Military body, further than by introducing the promptness and uniformity of action attained in such bodies.

BARRACKS, STABLES, &c.

270. The Officer in charge of a Station will be held strictly responsible for the state of his quarters, which must always be orderly, cleanly, and fit for inspection; the arms, accoutrements, clothing, and barrack furniture, being regularly arranged, and kept in good and serviceable repair and order.

271. All damages must be promptly reported to the Officer in charge of the District; and when occurring through carelessness or negligence, the party in charge at the time will be responsible that the cost of the repairs is defrayed by the party through whose carelessness or negligence the damage has occurred, and in the event of his failing to discover the party, he will defray it himself.

272. A board, with a list of all articles the property of the Government, will be hung up in each room, and the Officer, Sergeant, or Constable in charge of the Station will be held responsible for the articles mentioned therein, and in the event of such Officer, Sergeant, or Constable being removed, the party relieving him will take care that the articles correspond with the list, and are in such condition as stated in the list; if not, a report must be forwarded to the Superintendent of the District.

273. If any man should report himself unable, from illness, to attend any parade or to perform any duty, the Officer in charge is to note the circumstance in his Occurrence Book.

274. He is to make an immediate report of any man who absents himself from any parade or duty (unless illness be the cause of such absence), or from quarters at night.

275. No man shall leave his barrack without acquainting the Sergeant or Constable on duty where he is to be found, nor go from his Station any greater distance than a quarter of a mile, without permission from the party in charge, nor be absent under such authority for more than two hours at one time.

276. Except when on duty, no greater number than one-half the Force at a Station shall leave their quarters, or their immediate vicinity.

277. No poultry, cows, horses, goats, pigs, or other animals are to be kept by the Police without permission.

278. The men are to keep every part of the barrack, its approaches, passages, and yards, clean and in good order; and are to study to uphold an appearance of neatness and regularity in everything connected with their post.

279. The Officer in charge is not himself to follow any trade or business, nor suffer his men to do so, for his time as well as theirs, and that of all the Force, belongs to the public, and must be wholly devoted to its service. The Officer in charge will be held strictly responsible for the due observance of this regulation.

280. The windows must be kept clean, and should be opened whenever the weather will admit of it, and must be instantly repaired whenever they require it.

281. If the Officer of the District at his inspection finds any article of bedding unduly dirty, he is to order it to be immediately washed at the expense of the person in whose use it has been.

282. As regards hours, the following should, where practicable, be observed at all Police Stations in the Colony. All Constables with the exception of those who have been employed on night duty, should rise in the morning not later than half-past five in the summer and half-past six in the winter; they should be dressed and their bedding neatly folded during the next half hour, and the rooms should be swept and set in order immediately afterwards.

283. No deviation from this rule will be tolerated except in cases of sickness. The hours for breakfast should be eight in the summer and half-past eight in the winter; for dinner half-past one in the summer and one in the winter; and for tea or supper, half-past six in the summer and six in the winter. At half-past nine such men as have not leave or are not on duty should go to bed, and all lights and fires, except such as are authorized to be kept up during the night, should be extinguished by ten o'clock.

284. Where the men are mounted they should attend morning stable parade at six in the summer and seven in the winter.

285. The horses should then be taken to water and after returning should be properly groomed, and receive the regulated allowance of food; this when water is in the neighbourhood, should not occupy more than one hour. At noon such horses as may not be on duty should be again watered and fed. The hours for evening stables should be in the winter at half-past four and in the summer at five, when the horses should be taken to water, and after returning be properly cleaned, fed, and bedded down for the night; every man's saddle and bridle being properly cleaned and carefully placed away on the saddle rack.

286. When an Officer is on the Station, he should always attend stable parade, to see that the men groom their horses properly.

287. From the very great variety in the different Police duties, it cannot be expected, nor is it intended that these hours should be adhered to in all cases and at all times, but only when regularity of hours does not interfere with the performance of Police duties.

288. During the summer months, no fire will be allowed in any of the apartments except the cook-house or kitchen.

289. Where it is possible, it is expected that the Police will supply themselves with wood and water, but where this is not practicable, the Officer in charge will make the most advantageous arrangement in his power, having due regard to economy in the expenditure of the public money.

290. The Officer in charge will be held strictly responsible that the relatives of Policemen, but more particularly discharged Constables, or other persons not connected with the Establishment, shall not be allowed to sleep in the barracks, and that no person except on business relating to the public service, shall be allowed to frequent Police premises.

291. A man who has been dismissed from the Force must never be allowed to enter Police quarters on any excuse whatsoever; nor is any Member of the Force to associate with such person, if the offence for which he was dismissed was of such a nature as to attach disgrace to the Force.

292. Smoking is strictly prohibited in the sleeping rooms of the barracks, and card-playing and every other species of gambling is forbidden.

293. As it is evident that the establishment of messes at the various Stations is advantageous to the men, in enabling them to obtain comfortable meals at a moderate cost, and to the Government in economizing the consumption of fuel, the Superintendents or other Officers in charge of Districts will pay particular attention to this subject, and insist on the Officers or Sergeants in charge of Stations taking proper steps for forming and supporting messes adapted to the requirements of the Constables under their charge, and so managed that those from other Stations, who may be passing on duty, can obtain their meals at a moderate cost, though somewhat in excess of the rate charged to members of the mess.

294. It is unnecessary that any particular regulation should be here laid down for the guidance of messes, as a great deal must be left to the management and discretion of the Officer or Sergeant in charge, but as a rule, regularity of hours (when possible), cleanliness, proper costume, and behaviour at meals must be strictly observed. In all matters relating to the expense and quality of food the minority must give way to the majority, but the Officer or Sergeant in charge will be held responsible that the food which is used, both as regards quality and quantity, will sustain the men in a fit state for active duty.

295. When the Station is too small to support a mess, or in the case of married men, the Officer, Sergeant, or Constable in charge will report any man who from penuriousness or other causes, subsists on food, the quality or quantity of which is insufficient to support him for the active and arduous duties to which he is at any time liable to be called.

296. Every article in a barrack room is to have its appointed place, and when not in use is not to be out of that place. Provisions are not to be exposed to view nor are mess utensils to be left unarranged or uncleaned.

297. The Officer in charge of a Station is to take into his possession the private effects of any Policeman who dies at such Station, and he is to make a careful inventory of such effects in the presence of a subscribing witness, and shall give a true copy of such inventory to the Superintendent of his Division, who is to transmit the same with all necessary information on the subject to the Inspector General, with a view to the proper disposal of such private effects, in accordance with the Police Regulation Act.

298. When the importance of the barrack regulations are duly considered, it will be observed that a great responsibility rests with the Officers in charge, for they will be held strictly responsible that the whole of the foregoing regulations are enforced, and that they immediately report any infraction of them.

HORSES.

299. Horses will be purchased for the Force by the Inspector General, or by some Officer appointed by him, and the horses so procured must, in all cases where practicable, be examined by a veterinary surgeon in conjunction with the Officer of the Force so appointed, and must be certified to by them as to soundness, age, and general fitness for service, before payment is made.

300. In the event of authority being given for the purchase of horses in remote Districts, the certificate must be signed by two Officers.

301. No pecuniary or other advantage whatever from such purchase is to accrue to any Member of the Police Force.

302. Each Member of the Mounted Force will be furnished with a horse which will be branded with the crown and the letter and number of the District to which it belongs, and the Officer or Constable taking charge of it will be held strictly accountable for the manner in which it is treated, and the general condition in which it is kept. Should it be found that any Member of the Force, either ill-treats or permits to be ill-treated or neglected, the horse told off to him, or any other horse under his charge, he will, in addition to such other punishment as may be inflicted upon him, be dismounted, and ordered to return to Foot Police duty, or in extreme cases, subject to dismissal.

303. No Member of the Foot Police is to be mounted, nor is any mounted Constable to be dismounted, without authority from the Inspector General.

304. Each Officer in charge of a District will keep a register of the horses under his charge, in which their age, height, distinctive marks, brands, letters, and numbers, are to be carefully entered, and on no occasion are the horses belonging to one District to be ridden or otherwise used by the Officers or men of another.

305. A similar register must be kept by the Officers in charge of Stations of the horses in their charge, for which they will be responsible to the Officer in charge of the District, who, in like manner, will be held accountable by the Inspector General.

306. It is expected that the Officers in charge of Districts will see that every horse under them, as well as its rider, shall have a fair share of the work to be done, and that they will not allow some horses to be petted and kept idle in the stables, while others are being injured by severe usage or neglect; nor are any of the horses to be kept clothed in the stables unless sick.

307. All Members of the Mounted Force will be particular to see that the saddles are carefully fitted to the horses' backs, and the Officers in charge of Districts will hold the men accountable for horses in their charge having sore backs or saddle galls (which in most cases are caused by hard riding, or inattention in not seeing that the saddles are properly fitted), as well as for any other diseases which could have been prevented by attention. No excuse will be received for a horse being rendered unserviceable from the above causes, unless it can be satisfactorily proved that some accidental and unlooked for circumstance has rendered it necessary that the horse should be so used; and unless the cause can be traced to some other source than neglect, the Constable to whom the horse was told off will be charged for the forage of the animal while unfit for use, in addition to such other punishment as may be awarded.

308. No horse is to travel at a pace exceeding five miles per hour, unless in cases of emergency, such as the pursuit of offenders, &c., where it is apparent that speed is absolutely necessary.

309. When on prisoner or other escort duty the pace must not exceed four miles per hour, and, in all cases, every opportunity must be taken by the rider to spare the horse as much as possible. Any Constable violating this rule will be severely punished.

310. When any horse, from disease or injuries received, becomes totally useless, a report of the circumstance should be forwarded to the Inspector General, when an order will be given for its disposal; but in the event of a limb being fractured, or any other such injury, the Officer in charge will at once put an end to its misery by killing it on the spot, forwarding a report of the case in the usual manner.

311. A table stating the prescribed daily ration for each horse will be issued, and a copy thereof is to be hung up in every stable wherein a Police horse is to be permanently foraged, and the party having the charge of a horse will be held responsible that the animal receives the authorized ration.

312. No Mounted Officer or Constable will, on any consideration, use in harness the horse set apart for him, unless ordered to do so for Government purposes by his superior Officer, nor is any Member of the Force to use his horse unless in the execution of his duty.

313. Any Officer who may particularly wish to use a private instead of a Government horse in the discharge of his duty, must forward to the Inspector General in the usual manner an application to that effect, accompanied by a certificate signed by the Superintendent of the District that the animal in question is of the proper height and appearance, and in every respect suited for the service; but he will not be allowed to make use of any Government horse in addition to his own private horse unless in a case of emergency, when it must be shewn that his own was injured in the service, or otherwise unequal to the duty required of it; nor will he be allowed to make use of the horse so kept at the Government expense in harness or for his private purposes, nor to dispose of it without the sanction of the Inspector General.

314. The Officers are not to ride the horses told off to the men under their command, nor are Police horses to be ridden by any other member of the community unless under special authority.

315. When a report is made by a Constable or other Member of the Force of the bad state or condition of his horse, the Officer in charge of the District will direct an immediate inquiry to be made, as to the amount of duty lately performed by it, and how it has been treated by its rider.

316. Should it appear that all that is required is a run at grass, the Officer will make arrangements accordingly, but if it is apparent that it is unfit for further service (after due inquiry that such unfitness does not proceed from any improper usage), he will direct that the animal shall be turned out in the nearest Police paddock until an order is received to forward it to the Dépôt, where it will be inspected by a Board to be appointed by the Inspector General, and will be disposed of in such a manner as they may recommend; exceptions to this may occasionally be necessary in remote Districts, but in these cases an order on the subject will be issued from the Inspector General's Office.

317. Draught horses will be frequently inspected by the Officer in charge of the Station to which they belong, as well as by the Officer in charge of the District; they must be driven steadily, and never on any account more than four miles per hour, and their collars and harness must be kept in proper repair, and so fitted as not to chafe or injure the horses.

318. In the event of any horse being sold from the Force, it will be disposed of by public auction in such a manner as the Inspector General may direct, but prior to the sale it will be branded with the "condemned" brand together with a private mark, for the purpose of preventing fraud.

319. A greater number of horses will be allowed in each District than are in actual use, that those requiring it may occasionally have rest; but should the number of mounted men in a District be reduced, the Officer in charge will cause the supernumerary horses to be turned out into the nearest Police paddock until he has received instructions as to their disposal; and should he be instructed to send them to the Dépôt, he will send
with

with them, addressed to the Officer in charge, a return, giving the names of the horses, their brands, colour, age, &c. Should additional horses be required in a District, an application to that effect must be forwarded to the Inspector General.

FORAGE.

320. Members of the Force in charge of Stations are expected to give due notice to local contractors, if any, stating the supplies of forage needed, in accordance with the terms of contract.

321. When forage is delivered at any Station by a contractor, the net weight must be ascertained, and the receipt signed for that quantity for which the Officer having charge, and who signs the receipt, will, in his issues, be held responsible.

322. If a Station be under the charge of a subordinate Member of the Force, he should permit no one but himself to issue forage; at large Stations one Constable only must be authorized to issue.

323. When a fresh supply of forage is received at a Station it must not be issued until the old stock in store is consumed.

324. The Police at every Station are to exert themselves to insure the supplies being stored in such a manner as to prevent any injury through the effects of weather or other causes, as, should any damage or loss occur, the strictest investigation will be made, and the party who, from negligence or other fault, allowed the same to take place, will be held personally liable for it.

325. At out-stations, where the stores are kept in a tent, or any insecure building, the Police on the Station must erect a strong fence round the same to prevent any damage by cattle, &c.

326. No forage is on any account to be issued from the Police stores to any Government Officer or other person whatever, without special authority, and in every instance where forage is issued for any other service than the Police, a requisition must be obtained from the party requiring the same, which order must be attached to the weekly Forage Return, in which also care must be taken to insert the particulars of the amount of forage drawn, the Officer's name, and on what duty engaged.

The regulation scale of a ration of forage is:—

| | |
|----|----------------------|
| 8 | lbs. of Maize |
| 4 | „ Bran |
| 12 | „ Hay |
| 4 | „ Straw for bedding. |

327. The Forage Returns will have to be entered up day by day, and the draft copy filed at the end of each week, thus obviating the necessity for keeping forage books (unless under special directions). One other copy of the returns only to be forwarded to Head Quarters for transmission to the Office of the Inspector General.

328. Should any errors appear in the returns, on examination, whereby the Government might be losers, the responsibility will rest with the Officer certifying to their correctness, he having recourse to the subordinate Officer by whom the return was compiled.

329. At every Station where there is grass in the neighbourhood, Officers in charge will when it is advisable turn out the duty horses to graze, issuing to them only half rations, or such other allowance as may be deemed necessary, due regard being had to their being kept in a serviceable condition.

330. If possible, in Districts where there is good grass, the horses should be kept without any forage whatever.

331. Police horses are not to be foraged or stabled at hotels oftener than is absolutely necessary; in cases where it is unavoidable, a requisition in the printed form for the purpose must be given by the Officer in charge of the Station to which the party belongs, and each horse must be groomed by its rider (and not by servants at the inn) in the same manner as if at a Police Station.

332. No disputed horses or cattle are to be foraged by the Police, unless the parties claiming are able beforehand to pay the regulation amount for the forage, otherwise the cattle must be turned into a paddock or handed over to one of the claimants on his giving a sufficient guarantee for the animal's production when required. But in the event of its being necessary to retain an animal in the possession of the Police, as ordered in a case of felony, and when if turned into a paddock it would probably be abstracted by the friends of the accused, such animal can be allowed half the usual ration of forage, and if possible the cost must be recovered from the owner.

333. On the charge of any Station being given over from one Member of the Force to another, the forage in the store must be weighed and receipts given for the actual weight, and any deficiency or surplus noticed in the weekly Forage Returns.

334. If any Constable absent from his Station draws more than one ration per diem for his horse, *en route*, he will be charged with the amount overdrawn.

ESCORTS.

335. Escorts form a very important part of the duty of the Police. In many instances on main lines of communication, where Stations are far apart, and in Districts in the interior, remote from main roads, it forms a very onerous and even harassing part of their duty; for this reason every means that experience, method, regularity, and systematic co-operation can devise must be brought to bear upon it, in order to render it as light as the necessities of the service will allow.

336. The first consideration, and that which must never be lost sight of by Escorts, is the security of the prisoners or commodities placed in their charge, to this all else must be

be secondary and subordinate. The first point therefore to be looked to by the Constabulary when employed on this duty is, that the prisoners or property they are to escort are delivered to them with due precautions for safe custody, and this they are to state in the receipt they give on taking them over.

337. Whoever delivers to any Escort prisoners or property, must at the same time prescribe the nature and degree of personal restraint to be imposed on prisoners and the description of boxes or packages containing and the fastenings securing property, and neither should be deviated from, or in any way altered by the Escort or successive Escorts in whose charge they are placed, unless under such circumstances of necessity as will fully justify the act. In all such cases the Escort, or person in charge of the Escort, making the alteration, will report clearly and at length upon the matter.

338. Having thus received their charge properly secured, it will be their duty to guard against that state of security being diminished or impaired; for this purpose they will frequently and closely inspect the handcuffs, chains, &c., placed on the prisoners, and the fastenings of doors, windows, &c., of any place of confinement. In like manner as regards property, they will inspect the locks, seals, or other means by which the boxes or packages are secured. Neither by day or by night must their charge be separate from or lost sight of by an Escort.

339. There may be occasions for Escorts to stop during the night at public-houses; this, however, must never be done when it can be possibly avoided, but when such a step is absolutely necessary an agreement must be made with the proprietor of the house for the use of a room and for meals supplied to prisoners on the most moderate terms.

340. In such cases they are not to drink nor allow the prisoners in their charge to drink any fermented or spirituous liquors whatever; they are to place the prisoners in the most secure and private room obtainable, and are to adopt all proper and necessary precautions against escape.

341. Escorts with prisoners or property in charge are not to call or halt at public-houses during the day. The necessary provisions and refreshments must be procured at, and taken with them, from the place they have stopped at on the previous night.

342. On the march they will keep the prisoners in the centre of the party, and will not allow them to separate or straggle, and therefore the rate of marching must be regulated according to the powers of the prisoners if on foot, and if in carts according to the pace at which the vehicles can conveniently proceed. Neither acquaintances of the prisoners nor other persons are to be allowed to mix with or accompany the prisoners and Escort.

343. The arms of an Escort are invariably to be loaded; they must be kept from wet as much as possible, and always in a state for instant use. After rain they must be examined, and if the powder in the nipples appears in the least damp the charge must be drawn and the arms thoroughly cleaned, dried, and reloaded. This of course applies more particularly to cases where treasure, or prisoners in custody on a charge of felony, are being escorted, but in escorting females, lunatics, or persons charged with some trifling misdemeanor, it will not for the most part be necessary that the Escort be provided with firearms.

344. It must, however, be clearly understood and constantly borne in mind that nothing short of absolute and inevitable necessity can justify the Police in firing upon prisoners endeavouring to escape, or upon other parties attempting to rescue.

345. As prisoners are not on any account to be left in the possession of money or other property when under Escort, everything belonging to them is to be made up into separate sealed packages, marked with the name of the prisoner and the amount, and these separate parcels (with a list) enclosed in a strong sealed cover a memorandum is to be delivered with this sealed parcel to the Officer in charge, his acknowledgment and signature being taken to a duplicate retained. This memorandum and the sealed parcel he is to hand, with the seal unbroken, to the person into whose charge he delivers the prisoners, taking his receipt for it.

346. The Officer in charge of a party on Escort duty should always march in the rear of such Escort, and enforce a strict attention to the duty on the part of the men, who should not be allowed to straggle under any pretence.

347. Before taking charge of prisoners, for the purpose of conveying them from one place to another, the Officer in charge of the Escort will be particular that they are searched in his presence, and that he receives the proper authority for their custody, whether they may be remanded from one Bench to another or under sentence. In every case the Officer in charge will examine the warrants or other authority, to see that they correspond with the prisoners handed over to their charge.

348. When taking charge of gold, specie, or other treasure, or Government parcels, he must be particular that the same are duly entered in the way-bill, and obtain a receipt for them from the party to whom he delivers the articles.

349. Where practicable, after having given up charge of property, or prisoners intrusted to them, the parties composing the Escort will return to their Stations by twos, starting at different hours, and where convenient by different roads, the Officer in charge of the Escort forming one of the last party, so that he may be able to check any irregularity that may take place. In this manner they will form an efficient patrol.

350. Any Constable accompanying a Judge when on Circuit, or any other Government Officer, as an Orderly, should be relieved at each Station, so as to avoid as much as possible taking any man to a distance from his Station or into another District.

351. No Superintendent or other Officer of the Force is under any circumstances to be accompanied by a Constable as Orderly. When an Officer has to perform any duty in which his personal safety is endangered, he may take with him one or more Constables;

as the necessity of the case may require ; but under such circumstances the Constable or Constables will precede instead of following him, as the attendance of Constables on Officers as a mark of honour is strictly forbidden.

PATROLS.

352. The duties of a District cannot be performed efficiently without the establishment of a proper system of Patrolling, which should be carried out under the general instructions of the Superintendent, so that the Patrols from the different Stations may be regulated with a view to general co-operation.

353. The particulars of every Patrol made from a Station will be entered in the "Occurrence Book" of the Station, the hours at which Patrols have been made from each Station, the places visited, and the incidents which have occurred to the Patrols, so that the Officers in charge may be enabled to form a return of the patrolling which has taken place at Stations. He can then regulate it with a due regard to the requirements of the service and the extent of duty which the men are called on to perform.

354. This duty, to be performed efficiently, must be performed silently, and without any sign of preparation which can attract attention, and put ill-disposed persons upon their guard.

355. Patrols are not to go out on stated nights, or at particular hours, but at irregular periods, and are always to visit suspected places, and observe suspicious houses and persons.

356. They will not confine their attention to the main lines of road only, but will occasionally proceed through the bush, calling at the houses of the settlers to find out what is going on, to ascertain if their assistance is required, or to obtain any information they can relative to horse and cattle stealers, or any other offenders.

357. If disorderly and suspicious persons are met by Patrols at unseasonable hours they are to be apprehended and brought before a Magistrate for examination.

358. In certain cases it may be more conducive to the objects of Patrols to conceal themselves near suspected passes or places than to prolong their march along a public road ; when so concealed the strictest silence must be observed.

359. When on Patrol duty Constables are not to smoke, to separate, nor talk loudly, or enter public-houses except in the performance of their duty.

DUTIES AT THE WATCHHOUSE.

360. A Sergeant, senior Constable, or Constable, must always be on duty at the Station-house, who is on no account to quit it during his time of duty.

361. He will receive all charges against prisoners brought in by the different Constables or other individuals, ascertain their nature, and when he is satisfied that it is a proper charge, cause the name of each prisoner to be entered, with the particulars of his offence, in a book which he shall keep for the purpose, to be called the "Charge Book."

362. He will not receive into custody any person brought in by a Police Constable on the vague charge of *obstructing* the Constable in the execution of his duty, unless it be accompanied by a specification of particulars.

363. He may admit to bail persons charged during the night time with any petty misdemeanor, such as trifling assaults, committing trifling wilful mischief, and others of a similar description ; also, persons charged with drunkenness may, when they become sober, be admitted to bail, as in other cases of petty misdemeanor.

364. Persons against whom charges for assault attended by cutting and wounding have been received, or for felonies or aggravated misdemeanors, when the charge has been received and entered in the "Charge Book," are to be detained in custody at the Watchhouse until they can be taken before a Magistrate for examination ; and no prisoner can be detained in the custody of the Police after he has been once brought before a Magistrate to answer the charge preferred against him, without a warrant for his detention.

365. Persons apprehended on warrant charged with offences not indictable should only be admitted to bail with the sanction of the Magistrate by whom the warrant was signed, or, in his absence, by an Officer of Police. In all cases of persons being taken into custody for indictable offences, whether by warrant or otherwise, they are not to be discharged on bail until they have been brought before the Bench, and bail ordered by the Magistrates.

366. When a party is accused of having committed a felony or a misdemeanor (as the case may be), and there is reasonable ground for preferring the complaint, inquiry as to the facts is to be made only of the person who prefers the complaint (who does so on his own responsibility), and is not to be made of other persons, although they may be cognizant of them ; but in a subsequent stage of the proceedings, before the Magistrate, they may be heard as witnesses. For this purpose their names and addresses, if they are in attendance at the Watchhouse, should be entered in the "Charge Book."

367. If a complainant, after having given a person into custody on a criminal charge, should refuse to sign it in the "Charge Book," supposing the charge to have been made in the first instance to a Constable, the Constable shall, if he has seen the offence committed, enter and sign the charge himself, and the complainant may be summoned before the Magistrate to substantiate it. The Sergeant on duty, or Watchhouse-keeper, is, for this purpose, always to ascertain the name and address of the party complaining previously to his making any inquiry of him. If the Constable is himself unable to establish the charge, and the complainant refuses to support it, the party accused is not to be detained, save when the offence is serious, and there are grounds to suppose the prisoner guilty, notwithstanding the prosecutor's refusal to sign the charge.

368. If the complaint in the first instance is not made by a third person, but by a Constable on his own view, the charge is to be received, entered in the "Charge Book," and submitted to the Magistrate; but if it should turn out, upon the statement of the Constable, that in point of fact there are not reasonable grounds for suspecting that the offence has been committed by the party, then the party must be discharged, and a full report of the particulars of the case must be made in writing to the Superintendent. This power of inquiry and discharge by the Officer on duty is necessary to protect the public against the ignorance or improper behaviour of Constables.

369. If any property be brought to the Constable on duty at the Watchhouse, either taken from persons apprehended or otherwise, he will immediately make an entry of the same in the "Charge Book," and the several articles of property are to be marked at the time they are received, so that they may be afterwards certainly known to be the same. They should be taken by the Watchhouse-keeper himself from the party bringing them, and not allowed to be out of his sight until marked in the manner directed; they should then be locked up in the place for the purpose, or in certain cases when required as evidence, given back to the charge of the Constable who took possession of them.

370. When any person who may be brought to the Watchhouse in a state of intoxication is searched, which should be at the Watchhouse (except in particular cases when immediate search becomes necessary), the articles should always be taken by one person, and called out distinctly and entered in the book by another; and when the person from whom they are taken is discharged, he should sign a book or receipt for the whole. No part of such property is to be returned to the prisoner until the decision of the Magistrate on the case is known. In the case of persons of known respectability being arrested for some trifling misdemeanor, they need not be searched, but should be requested to produce such property as they may have on their persons, and should if possible be placed in a cell by themselves.

371. As a confession from a prisoner in custody on a charge of felony, to be admissible as evidence against himself, must be free and voluntary, that is, must not be extracted by any sort of threat or violence, nor obtained by any direct or implied promises, the Police in receiving a confession which a prisoner may be desirous of making, should warn him that it may be used either for or against him. It is advisable that in such cases, the Constable shall fix in his memory any conversation immediately preceding the confession, so as to be able to prove it in connection with the detailed confession.

372. The daily ration allowed by Government to prisoners in Solitary Cells or Watchhouses is 24 ounces of third quality bread, or 20 ounces of the same quality flour, and to prisoners *in transitu*, awaiting trial, or under committal, 12 ounces of bread third quality, 12 ounces of maize meal, 4 ounces of fresh meat, 8 ounces of vegetables, half an ounce of salt, half an ounce of soap. In cases where maize meal or vegetables cannot be obtained, 12 ounces is to be added to the allowance of flour, and 12 ounces to the allowance of fresh meat. The Officers in charge of Police at the Stations where there are Lock-ups, and where no Government contract exists, will call for tenders for these supplies, according to the above scale, and will transmit such tenders as they may receive to the Inspector General's Office, in the usual manner. As soon as the acceptance of any tender has been notified, the rations may be ordered by the Officer in charge of the Station, and the account rendered to the Superintendent of the District, and by him forwarded to the Inspector General's Office for payment.

373. No person in the employment of Government shall have any interest in such contracts.

374. When it is necessary for prisoners in confinement to have other refreshments than what is provided by Government, no beer or spirits can be admitted into the cells, but only tea or coffee, with such eatables as are usually given in those cases; but this cannot be permitted without the sanction of an Officer.

375. Prisoners in the Watchhouse must be frequently visited, and immediate attention given to any case requiring assistance or medical aid.

WITNESSES AND PROSECUTORS.

376. In all trials wherein the Police may be either witnesses or prosecutors, they should give their testimony in a manly straightforward manner, without caring, or appearing to care, about the effects of it, either as to the conviction or acquittal of the accused in criminal matters, or as to its result in any civil or other suit.

377. They should merely and briefly answer the questions put to them, without remark or commentary, and if cross-examined, they should carefully avoid making a disrespectful or intemperate reply; for if their testimony be fairly and honestly given they need not fear, and should not be annoyed at any ordeal to which they may be subjected.

378. It must, however, be clearly understood that no man can be considered as a worthy Member of the Force who is not a respectable witness, and that any instance of prevarication before any Court of Assize, Sessions, Inquiry, or other tribunal whatsoever, will insure the immediate punishment of the witness who prevaricates, or gives partial or vindictive evidence.

379. Any Member of the Police who shall have arrested an individual committed or bound for trial at Assizes or Quarter Sessions must be considered a witness in the case, whether summoned or not.

380. When Members of the Force are subpoenaed as witnesses in civil cases, the amount of their expenses should be paid by the party who has subpoenaed them.

CONVEYANCE

CONVEYANCE OF LETTERS AND DESPATCHES.

381. When it is absolutely necessary to send a letter or other document from one part of the country to another by despatch, it should be sent by a Mounted Constable to the next Police Station, to be given over to the Officer in charge there, when the Constable will return to the Station from which he started, and the Officer to whom the letter was delivered will, in like manner, forward it to the next Station, and it will thus be forwarded to its destination without any Constable being taken further from his own Station than to the next.

382. When despatches are thus forwarded from Station to Station, written instructions, called a "Route," will accompany the despatch, and in it should be stated the time of starting, the rate per mile at which it is to be carried, and whether it is to be conveyed during the night. The time of the receipt of the letter, and of its despatch from each Station, will be entered in the "Route" by the Officer in charge of the Station, who will also make such remarks as he may consider advisable as to the condition in which the man and horse arrived. This "Route" should be carefully preserved, in case of its being necessary to refer to it.

383. No Officer is to forward a despatch by means of a mounted man, unless it is of so urgent a nature as to require a more speedy delivery than could otherwise be obtained; and every such letter shall be indorsed "Urgent," and have the name of the writer written on its cover, and every Officer so forwarding a despatch will be held responsible that there was a sufficient cause of urgency to justify his having done so. If the line of Stations is not specified, the Officer in charge of each Station where the despatch arrives will use his discretion in forwarding it to the next, by the best line for its reaching its destination.

384. The weekly Reports, Returns, &c., when not sent by post, can for the most part be forwarded to Head Quarters by the usual patrols, without the necessity of despatching a special messenger.

INSTRUCTIONS RESPECTING CORRESPONDENCE, REPORTS, ETC.

385. All letters and reports from any District, for transmission to the Inspector General's Office, should be forwarded through the Superintendent of the District, except in case of outrage, serious breach of the public peace, or in any matter of an urgent nature, when Officers in charge of Stations or Divisions are to report direct to the Inspector General.

386. All correspondence and reports must be expressed in clear and concise terms, and should be written in a neat and legible hand on foolscap paper, with one-third margin.

387. Reports from subordinate Members of the Force should be drawn up in the third person, according to the following form:—

| | | |
|--------------|--|-------|
| | " Police Station, | 185 . |
| " No. " | " Constable (or Sergeant, &c., as the case may be), reports | " |

388. With the exception of Officers in charge of Districts, who are each allowed the services of a Member of the Force as a clerk, it is expected that all Members of the Force will make out their reports in their own handwriting, and all Members of the Force except those in charge of Districts and important Stations, will supply themselves with stationery.

389. Reports relating to outrage upon person or property, or to the peace of the country, although conveyed in concise terms, should embrace a full statement of facts, and of such other particulars as may enable the Government to form a correct opinion upon the case. In every instance of crime the Officer should state in his report, whether any and what clue has been obtained to the discovery of the perpetrators, and the steps which have been adopted to trace out the offenders, and should also inform the Police of the neighbouring District or Station of the particulars of the offence.

390. Such occasions afford the Head of the Department a fair opportunity of judging of the zeal, intelligence, and ability of the Members of the Force, who should bear in mind that in estimating their claims to promotion due reference will be had to the manner in which they have been accustomed to acquit themselves of this immediate branch of their duties, and to the success which has attended their efforts to bring criminals to justice.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

P O L I C E .

(REPORT OF THE PROGRESS OF FORMATION OF THE POLICE ESTABLISHMENT SINCE THE NEW
POLICE ACT CAME INTO OPERATION.)*Ordered by the Legislative Assembly to be Printed, 12 August, 1862.*

INSPECTOR GENERAL OF POLICE to THE UNDER SECRETARY.

*Police Department,**Inspector General's Office,**Sydney, 11 August, 1862.*

SIR,

I do myself the honor to submit, for the information of the Honorable the Colonial Secretary, the following Report of the progress of formation of the Police Establishment since the Police Regulation Act of last Session came into operation, on the 1st of March last.

I commence by drawing attention to the attached Statement, marked A, showing the number of Mounted and Foot Police drilled, instructed, and equipped, at the Police Depot in Sydney, and forwarded since the above date to the several Police Districts named. These constables were all appointed after careful personal examination and scrutiny of their testimonials by myself, and I believe I am fully justified in stating that they are a fine, active, and intelligent body of men, and would compare favourably with those employed in any similar service elsewhere.

New Police Stations have, during the same period, been formed at the places named in the list marked B, and mounted men have been also added to the Stations, as distinguished in the same Return.

My endeavours to distribute the Mounted Police have, of course, been circumscribed, by the difficulty experienced in obtaining quarters and stabling; by the fact of the existing force being, on the 1st of March, nearly equal to that provided on the Estimates; and the vacancies occurring, from time to time, not being sufficiently numerous to meet the requirements for Mounted Police.

It will also be borne in mind, that unexpected demands for mounted men for the Gold Fields have been made, and also for Escort purposes.

I further append a Statement, marked C, showing some of the places at present unprotected, where Police Stations are urgently required; these I am prevented from forming, from want of men and means to provide accommodation.

At the same time, I am far from desiring to involve the Colony in an increasing expenditure for Police, as I am of opinion that, when proper Stations are formed at reasonable distances apart, the protection will be greater, even with a smaller body of men, as the duty will be less harassing to Police and horses, though far more efficiently performed; moreover, there are still a large number of men in the Force, who, from age and infirmity, are not equal to the active duty required of the Police in this Colony.

I should here remark, that it cannot be expected that constables newly appointed should be at once acquainted with the country in the districts where they are stationed; a reasonable period must elapse before they can be made thoroughly efficient in this respect.

During the last five months, 13 sergeants, 8 senior constables, and 18 constables, have been certified by the Medical Board unfit for service, and have been awarded pensions or gratuities from the Police Reward Fund, according to their length of service, as provided by the Act, to the amounts mentioned below.

29 members of the Force under 15 years service have received
gratuities from the Police Reward Fund, amounting to £2,339 4 5
17 members over 15 years service, pensioned,—total amount per
annum £1,561 11 8

Although there have been, unhappily, of late, several cases of serious crime, yet, considering the elements of the population, extent and nature of the country, and the bad characters attracted to the Gold Fields from other Colonies, crime has not been more prevalent than might have been expected.

Of the officers appointed to the various ranks in the Police Force, several had Police experience; and among those who were not possessed of that advantage, many have shown a considerable aptitude for duty; and as far as I have been yet able to judge, I see reason to congratulate myself and the Government upon the selection of the officers placed under my orders; but the number considered necessary by me to carry out the system having been so materially reduced by Parliament, I have been unable to station officers at all the places I should desire, through the large area of country over which their supervision is required.

The Escort Service having been proved to be on an unsatisfactory footing (for which I may be pardoned in saying, in passing, I was not responsible), I was directed to take steps for providing an efficient mounted guard. This made a considerable inroad into the force at my disposal.

Under existing contracts, the horses of the mounted guard could not stand the rate of travelling, and it therefore became a question whether the Government should provide conveyance for the gold; but considering the great expense attendant upon such a system, and the loss by the delay in transit, I have thought it advisable to recommend that some modification only should be made of the present arrangement, that is to say,—that the contract vehicle conveying the gold should travel only by daylight, and at a pace which mounted men can accompany without overtaxing the horses, and that there shall be a guard, to consist of the force specified in the margin.

In the vehicle alone—
1 Conductor,
3 Constables.

Mounted—
1 Sen. Constable,
2 Constables.

This would allow of a weekly escort, and be perhaps nearly as economical in the end as a fortnightly service, if conducted entirely by Government.

With the view of carrying out this arrangement, I have been authorized to invite tenders for the service, on the Southern and Western lines.

An officer having been appointed by the Government to act for me during my absence, in carrying on the official routine in Sydney (as provided by the Police Regulation Act), I have been enabled to take a short tour of inspection to the Southern District, and purpose shortly visiting the Gold Fields and other important stations in the Western and South-eastern Districts; but am desirous of knowing first what resources will be placed at my disposal for forming other stations, and perfecting present arrangements.

Among matters of detail which have occupied my attention, I may mention the following:—

The preparation of Departmental Regulations.

The introduction of a complete system of Books and Returns, of a simple description, throughout the Colony, to check the duty of the men, issue of forage, stores, and other expenditure.

Devising a new system of Accounts, with the view of placing the same on a more satisfactory basis, and to insure prompt payment with as little trouble as possible to claimants. I annex printed Regulations, marked D, explaining the arrangement.

POLICE.—REPORT FROM INSPECTOR GENERAL.

3

I have also submitted to the Government a proposal for an alteration in the present system of Contracts, so far as it affects supplies of forage and prisoners' rations, and which will simplify the arrangements, and I am satisfied ultimately prove economical.

In conclusion, it is probably unnecessary for me to observe, that although these alterations may not yet have been in operation long enough to work smoothly, or to show such a marked improvement as perhaps anticipated by some persons, yet I have every confidence that the purposes desired and expected to result from the Police Regulation Act will be ultimately satisfactorily accomplished, if I meet with the support I have every hope will be accorded to me.

I have, &c.,

JNO. M'LERIE,

Inspector General of Police.

APPENDIX.

A.

POLICE DÉPÔT.

RETURN of Police drilled, equipped, and transferred to the undermentioned Districts, from 1st March to 31st July, 1862.

| DISTRICT. | MOUNTED. | | | FOOT. | | | TOTAL. |
|---------------------|------------|--------------------|-------------|------------|--------------------|-------------|--------|
| | Sergeants. | Senior Constables. | Constables. | Sergeants. | Senior Constables. | Constables. | |
| Eastern ..... | .... | 4 | 9 | .... | .... | .... | 13 |
| South-eastern ..... | .... | .... | 6 | .... | .... | .... | 6 |
| North-eastern | 1 | 4 | 12 | .... | .... | .... | 17 |
| Western | 1 | 6 | 25 | .... | .... | .... | 32 |
| South-western ..... | .... | 2 | 4 | .... | .... | 2 | 8 |
| North-western ..... | .... | 1 | 7 | .... | .... | 2 | 10 |
| Northern ..... | .... | 2 | 9 | .... | .... | 2 | 13 |
| Southern ..... | .... | 1 | 12 | .... | .... | 2 | 15 |
| Metropolitan ..... | .... | .... | .... | .... | .... | 34 | 34 |
| TOTALS | 2 | 20 | 84 | .... | .... | 42 | 143 |

JNO. M'LERIE,
I. G. P.

B.

B.

RETURN of Police Stations formed since the 1st of March, and of those augmented.

| NEW STATIONS FORMED. | | | | | PREVIOUS STATIONS ADDED TO. | | | | |
|----------------------------|-----------|------------|-------------|------------------|-----------------------------|-----------|------------|-------------|------------------|
| STATIONS. | Officers. | Sergeants. | Constables. | Mounted or Foot. | STATIONS. | Officers. | Sergeants. | Constables. | Mounted or Foot. |
| <i>Eastern District :—</i> | | | | | <i>Eastern District :—</i> | | | | |
| East Bargo | .. | .. | 2 | M. | Campbelltown | 1 | 2 | 1 | M. |
| | | | | | Picton | .. | .. | 2 | M. |
| | | | | | Parramatta | 1 | .. | 1 | M. |
| | | | | | Windsor | .. | .. | 1 | M. |
| | | | | | Wollongong | 1 | .. | 1 | M. |
| | | | | | Shoalhaven | .. | .. | 1 | M. |
| <i>South-eastern :—</i> | | | | | <i>South-eastern :—</i> | | | | |
| Bogo Bogolong | .. | 1 | 3 | M. | Goulburn | .. | 1 | 8 | M. |
| | | | | | Marulan | .. | .. | 1 | M. |
| | | | | | Young | 1 | .. | .. | M. |
| | | | | | Marengo | .. | .. | 3 | M. |
| | | | | | Murrumburrah | .. | .. | 1 | M. |
| | | | | | Tumberumba | .. | .. | 3 | M. |
| | | | | | Adelong | 1 | .. | .. | M. |
| <i>North-eastern :—</i> | | | | | <i>North-eastern :—</i> | | | | |
| Nil. | | | | | Maitland | 1 | 1 | 2 | M. |
| | | | | | Muswellbrook | .. | .. | 1 | M. |
| | | | | | Newcastle | 1 | 1 | 10 | M. |
| | | | | | Merriwa | .. | .. | 1 | M. |
| | | | | | Scone | 1 | .. | .. | M. |
| <i>Western :—</i> | | | | | <i>Western :—</i> | | | | |
| Toogong | .. | 1 | 2 | M. | Hartley | 1 | .. | 2 | M. |
| Coonamble | .. | 1 | 2 | M. | Bathurst | .. | 1 | 4 | M. |
| Wargen | .. | .. | 1 | M. | Mudgee | 1 | .. | 1 | M. |
| Bree | .. | .. | 1 | M. | Merrindie | .. | .. | 1 | M. |
| | | | | | Forbes | 2 | .. | 14 | M. |
| | | | | | Do. | .. | 3 | 14 | Foot. |
| | | | | | Dubbo | 1 | .. | 3 | M. |
| <i>South-western :—</i> | | | | | <i>South-western :—</i> | | | | |
| Narrandera | .. | .. | 3 | M. | Deniliquin | 1 | 2 | 4 | M. |
| | | | | | Albury | 1 | 1 | 5 | M. |
| | | | | | Hay | .. | 1 | 1 | M. |
| | | | | | Wentworth | 1 | 1 | 2 | M. |
| | | | | | Moulamein | .. | .. | 2 | M. |
| | | | | | Balranald | 1 | .. | 1 | M. |
| | | | | | Billyong | .. | 1 | 1 | M. |
| | | | | | Kyamba | .. | .. | 2 | M. |
| <i>North-western :—</i> | | | | | <i>North-western :—</i> | | | | |
| Nil. | | | | | Wee Waa | 1 | .. | .. | M. |
| | | | | | Barraba | .. | .. | 1 | M. |
| | | | | | Bingera | .. | .. | 1 | M. |
| | | | | | Tamworth | 1 | 2 | 4 | M. |
| <i>Northern :—</i> | | | | | <i>Northern :—</i> | | | | |
| Woodsreef | .. | .. | 1 | M. | Armidale | .. | 2 | 2 | M. |
| | | | | | Tenterfield | 1 | 1 | 1 | M. |
| | | | | | Grafton | 1 | .. | 6 | M. |
| | | | | | Kempsey | .. | 1 | .. | M. |
| | | | | | Port Macquarie | 1 | .. | 4 | M. |
| <i>Southern :—</i> | | | | | <i>Southern :—</i> | | | | |
| Gingery | .. | 1 | 1 | M. | Cooma | 1 | .. | 5 | M. |
| Bungendore | .. | .. | 2 | Foot. | Braidwood | 1 | 1 | 3 | M. |
| Gundaroo | .. | .. | 2 | Foot. | Queanbeyan | .. | .. | 2 | M. |
| Nerrigundah | .. | 1 | .. | M. | Mongarlow | .. | .. | 1 | M. |
| Gingery | .. | .. | 1 | Foot. | Eden | 1 | .. | .. | M. |
| Nerrigundah | .. | .. | 6 | Foot. | Moruya | 1 | .. | 4 | M. |
| Total | .. | 5 | 27 | | Total | 26 | 22 | 128 | |
| Including 11 Foot. | | | | | Including 17 Foot. | | | | |

JNO. M'LERIE,
I. G. P.

C.

NAMES of New Stations proposed to be formed throughout the Colony.

Eighteen-mile Hollow,
Pulpit Hill,
Fish River,
Cadiangullong Copper Mine,
Guyong,
Warren,
Canonba,
Two stations between Canonba and
Fort Bourke,
Coonamble,
Wingellon,
Taralga,
Breadalbane Plains,
Yeo Yeo,
Coyal Nalu,
Corowa,
Mulwalla,
Murray Crossing (near Swan Hill),
Euston,
Moorna,

Oxley,
Booligal,
Urana,
Warrego,
Culgoa,
Raymond Terrace (additional),
Tulbragar,
Narrabri,
Moree,
Burradine,
Falkner,
Stonehenge,
Severn,
Bolivia,
Tabulam,
Urara,
Wallabadah,
Nerriga,
Junction of Colo Road and Bell's
Line.

JNO. M'LERIE, I. G. P.

D.

POLICE ACCOUNTS.

The following Regulations respecting the manner of preparing Police Accounts and obtaining payment of the same, are notified for general information :—

1. No accounts are in future to be made out in duplicate.
2. Salaries and Allowances to be drawn on the Abstract Forms, (Nos. 36 and 41.)
3. All accounts for Contingencies to be on one form, (No. 3.)
The particulars to be made out in detail, quantities in figures only.
Forage.—By weight, to agree with the quantities acknowledged to be received in the weekly forage return.
Prisoners' Rations.—The total number supplied for the period according to the different scales, and to agree with issues entered on the back of the Station Duty Reports. No returns of the issues in detail will be required to accompany such accounts.
Conveyance of Prisoners.—No special certificates will be required that prisoners were unable to walk, as the accounts will be certified by the Superintendents as correct in every particular, but a note should be indorsed on such accounts explaining the necessity for the expenditure.
Accounts for prisoners' rations, forage, and farriery, should quote the No. of the General or Departmental Contract for the supply, otherwise a note should be indorsed by the Superintendent on the face of the claim explaining why no Contract was taken.
4. Postage stamps will be supplied, on requisition, from the Inspector General's Office, to each Superintendent, he distributing the same as required to out-stations and seeing that a proper account is kept of the appropriation of the same.
5. No account will be passed unless supported by the requisition (No. 13), given by the member of the Force incurring the expenditure, and the certificate of the Superintendent in charge of the District to the account will be indispensable.
6. *No receipts to be signed under any circumstances until the money is actually paid.*
7. The claimant will be required, in rendering his account, to sign his name opposite the total, as a guarantee of its correctness.
8. Payment will be made in either of the following courses :—
(a.) If in Sydney, on presentation of the account by the claimant at the Office of the Inspector General.
(b.) If the amount be under £4, it will be paid in cash by the Superintendent of Police in charge of the District (from its contingent advance.)
(c.) By filling up the authority in favour of an Agent in Sydney, who will be paid the amount on application at the Inspector General's Office, and then sign the receipt.
(d.) By filling up the authority to pay the sum into any bank, to any branch and credit named.
9. An advance not to exceed £50 will be made by the Inspector General of Police to each Superintendent, to enable him to pay when on tours of inspection, and at other times, in cash, accounts for services or supplies, incurred under proper authority and not exceeding £4, such as forage at inns, conveyance of prisoners, fuel, light, and water, rations, farriery, &c., the general account-form (No. 3) being completed for each payment.
10. All such vouchers to be collected at the end of each month (or earlier if the advance be expended), and sent with a list to the Inspector General of Police, the total amount being equal to the advance made, or the balance to accompany the accounts in adjustment.
11. If the accounts be found correct on examination, the amount will be again promptly placed to the Superintendent's credit.
12. No account is to be rendered a second time without a written report that the original has been lost or mislaid, and stating the circumstances.
13. In order to reduce as far as possible the number of accounts, the Superintendents should endeavour (when the claimants do not object to such a course) to let small running accounts, under contract, &c., accumulate to the end of each quarter.

Police Department,
Inspector General's Office,
Sydney, 9th July, 1862.

JNO. M'LERIE,
Inspector General.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE.
(RETURN RELATIVE TO THE DETECTIVE POLICE.)

Ordered by the Legislative Assembly to be Printed, 17 October, 1862.

RETURN containing the names of all the Detectives employed in the Police Service of this Colony, from the 1st January last up to the present time, and the amount of Salary or Remuneration paid to each.

| RANK. | NAMES. | SALARY. | |
|------------------------|---|------------|----------------|
| | | Per Annum. | Per Diem. |
| Sub Inspector..... | Charles E. Harrison | £250 | s. d. |
| 1st Class Detective .. | Christopher Carnes .. .. . | ..... | 9 0 |
| Do. | Alexander T. Scott—Dismissed, 21 June, 1862 | ..... | 9 0 |
| Do. | George Scarlett—Died, 29 March, 1862 .. | ..... | 9 0 |
| Do. | Patrick Lyons .. .. . | ..... | 9 0 |
| Do. | Charles Downham .. .. . | ..... | 9 0 |
| Do. | William Camphin.. .. . | ..... | 9 0 |
| Do. | Richard Elliott .. .. . | ..... | 9 0 |
| Do. | John Sanderson .. .. . | ..... | 9 0 |
| 2nd Class Detective .. | John Rolston .. .. . | ..... | 8 0 |
| Do. | William Clark .. .. . | ..... | 8 0 |
| Do. | Alexr. R. M'Martin .. .. . | ..... | 8 0 |
| Do. | James Swainson ... .. . | ..... | 8 0 |
| Do. | Daniel M'Glone .. .. . | ..... | 8 0 |
| Do. | Andrew Box—Discharged, 1 March, 1862 .. | ..... | 6 3 |

*Police Department,
Inspector General's Office,
14 October, 1862.*

JNO. M'LERIE,
Inspector General of Police.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CHARLES PHILLIPS LAWRENCE.

(PETITION OF.)

Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of Charles Phillips Lawrence, of Bathurst, in the Colony of New South Wales, late Sergeant-Major in the Western Mounted Patrol,—

HUMBLY SHEWETH :—

That your Petitioner was, for eight years prior to the twentieth day of December, one thousand eight hundred and sixty, Sergeant-Major of the Western Mounted Patrol, during which long period your Petitioner acted with satisfaction to his superior officers.

That your Petitioner was, on the twentieth day of December, one thousand eight hundred and sixty, apprehended, without any previous inquiry from your Petitioner, under a warrant charging him with forging the name of one John Chesher to a voucher for two pounds and eight shillings, for forage supplied to Trooper William Rorisson, and was committed, on the twenty-fourth day of December, one thousand eight hundred and sixty, to take his trial at the following Bathurst March Circuit Court.

That your Petitioner was tried on the eighth day of March, one thousand eight hundred and sixty-one, at the Bathurst Circuit Court, when the Jury, without calling on your Petitioner for his defence, pronounced a verdict of "not guilty," and the Chief Justice, Sir Alfred Stephen, who tried the case, stated that your Petitioner left the dock without the slightest stain on his character.

That your Petitioner, who was suspended from his duties on his apprehension, immediately after his acquittal reported himself to the Commandant of the Western Patrol as ready to return to his duty, when your Petitioner was informed that he must still continue suspended.

That your Petitioner was, on the eighteenth day of April, one thousand eight hundred and sixty-one, dismissed from the Western Mounted Patrol, on the alleged grounds that your Petitioner refused to prosecute Trooper William Rorisson, the principal witness for the Crown, on the trial of your Petitioner, for perjury on the said trial.

That your Petitioner was always ready and willing to give evidence and to procure evidence against the said Trooper William Rorisson, for committing perjury, but your Petitioner was advised by his solicitor that the charge against Trooper William Rorisson should be initiated by the Government, to which effect your Petitioner wrote to the Police Magistrate at Bathurst.

That your Petitioner, moreover, on his dismissal, was informed that all arrears of pay due to him, both before and since the time of his suspension, had been forfeited to the Government.

That your Petitioner then mentioned the case to Henry Rotton, Esquire, one of the Honorable Members of your Honorable House, who kindly undertook to endeavour to obtain redress for your Petitioner, and, if necessary, to bring the matter before your Honorable House.

That

That the said Honorable Member, Henry Rotton, Esquire, brought your Petitioner's case under the notice of the Honorable the Colonial Secretary, who consented to have the case investigated by a special Commission to be appointed by the Government.

That a Commission was appointed by the Government, consisting of the Chief Gold Commissioner for the Western Gold Fields, the Commandant of the Western Mounted Patrol, and Thomas J. Hawkins, Esquire, J. P., who held an inquiry, in the month of November, one thousand eight hundred and sixty-one, into your Petitioner's case, when witnesses were examined, both against and for your Petitioner.

That the Commissioners, after a careful investigation, forwarded to the Government a report favourable to your Petitioner, entirely exonerating him from blame on the charge for which he was dismissed the service, namely, refusing to prosecute Trooper William Rorisson, and strongly recommending your Petitioner to the favourable consideration of the Government.

That, notwithstanding this favourable report, the Government, acting, as stated to your Petitioner, upon the suggestion of the Inspector General of Police, still refuse to reinstate your Petitioner in his former position.

That your Petitioner was, besides the shame of being placed in the dock on a charge of forgery, put to a very heavy expense in defending himself on his trial.

That your Petitioner would humbly submit that his dismissal from the Western Mounted Patrol, wherein he had served so long and faithfully, and the depriving him of his pay, was an act of injustice, as your Petitioner had been so honorably acquitted on the false charge of forgery brought against him.

Your Petitioner therefore humbly prays that your Honorable House will be graciously pleased to take your Petitioner's case into consideration, and will grant unto your Petitioner such relief as to your Honorable House may seem fit.

And your Petitioner, as in duty bound, will ever pray, &c.

C. P. LAWRENCE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CHARLES PHILLIPS LAWRENCE.
(PETITION TO BE HEARD BY COUNSEL.)

Received by the Legislative Assembly, 4 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of Charles Phillips Lawrence, of Bathurst, in the Colony of New South Wales, late Serjeant Major in the Western Mounted Patrol,—

HUMBLY SHEWETH :—

That on the fifth day of August, one thousand eight hundred and sixty-two, on the motion of Henry Rotton, Esq., one of the Members of your Honorable House, your Honorable House granted a Select Committee, to inquire into and report upon the circumstances attending the dismissal of your Petitioner from the Western Mounted Patrol.

That the decision to be arrived at by your Honorable House will be of the utmost importance to your Petitioner, as vitally affecting his character, and your Petitioner is therefore desirous of having legal professional assistance.

Your Petitioner, therefore, humbly prays that your Honorable House will graciously permit your Petitioner to appear, by his counsel, attorney, or agent, before the Select Committee appointed by your Honorable House to inquire into your Petitioner's case.

And your Petitioner will ever pray, &c.

C. P. LAWRENCE.

Bathurst, 2nd September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SERGEANT-MAJOR LAWRENCE.
(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 30 July, 1862.

SCHEDULE.

| NO. | PAGE. |
|--|-------|
| 1. Inspector General of Police to Under Secretary, respecting the removal of Sergeant-Major Lawrence from the Mounted Patrol. 11 April, 1861 | 2 |
| 2. Telegram from Police Magistrate, Bathurst, to Inspector General of Police, reporting result of Lawrence's trial. 8 March, 1861.. .. . | 7 |
| 3. Telegram from Inspector General to Police Magistrate in reply. 8 March, 1861 | 7 |
| 4. Police Magistrate, Bathurst, to Inspector General of Police, inquiring as to Lawrence's suspension. 12 March, 1861.. .. . | 7 |
| 5. Telegram from Inspector General of Police to Police Magistrate, Bathurst, in reply. 16 March, 1861 | 8 |
| 6. Under Secretary to Inspector General of Police, in reply to No. 1. 18 April, 1861 | 8 |
| 7. Under Secretary to the Inspector General of Police, appointing a Board to make further inquiry into the case of Lawrence. 4 November, 1861 | 8 |
| 8. Inspector General of Police to the Under Secretary, forwarding a Report of a Board appointed to inquire into the circumstances connected with the removal of Lawrence from the Police. 3 December, 1861 | 8 |
| 9. Mr. Rotton, M.P., to the Colonial Secretary, requesting a copy of the Report of the Board. 19 December, 1861 | 11 |
| 10. Under Secretary to Mr. Rotton, in reply. 24 December, 1861 | 11 |
| 11. Mr. Rotton to the Under Secretary, on the subject of the removal of Sergeant-Major Lawrence. 30 January, 1862 | 12 |
| 12. Under Secretary to Mr. Rotton, in reply. 11 March, 1862 | 12 |
| 13. Mr. Rotton to the Under Secretary, further respecting the case of Sergeant-Major Lawrence. 6 April, 1862 | 12 |
| 14. Under Secretary to Mr. Rotton, in reply. 14 April, 1862 | 14 |

SERGEANT-MAJOR LAWRENCE.

No. 1.

INSPECTOR GENERAL OF POLICE to THE UNDER SECRETARY.

*Office of Inspector General of Police,
Sydney, 11 April, 1861.*

SIR,

Having reference to the recent trial at the Bathurst Assizes of Sergeant Major Lawrence, of the Western Patrol, upon a charge of forgery, in which one Trooper Rorison was the principal witness, and which resulted in Lawrence's acquittal, I do myself the honor to state, for the information of the Chief Secretary, that the evidence given by Rorison before His Honor the Chief Justice, as compared with that he adduced before the committing Magistrates, appearing so widely discrepant, I felt morally certain that collusion between these men had existed; and therefore considered it my duty to suspend both until the Police Magistrate at Bathurst had gone through both depositions alluded to.

2. This has been done, and, as reported in the enclosed letter, "great discrepancy is found," but not sufficient to proceed against Rorison for "perjury, unless he (Lawrence)" would lay the information; but this, under date 28th ultimo, Lawrence positively declines doing. Thus Rorison escapes prosecution, and the ends of justice are defeated.

3. Taking the case in all its bearings under consideration, the judgment can arrive at no other conclusion than that it is necessary to the credit and moral status of the Force that both Lawrence and Rorison be removed; and I therefore beg to recommend that His Excellency the Administrator of the Government be advised to exercise the power vested in him by the 4th section of the Police Regulation Act, 16th Vict, No. 33, and annul their appointments accordingly.

JNO. M'LERIE,
I. G. P.

[Enclosures in No. 1.]

*Police Office,
Bathurst, 3 April, 1861.*

Sir,

I have the honor to forward a letter from Charles Lawrence, late Sergeant-Major in the Western Patrol.

With your permission I will explain the meaning of the letter. After Lawrence's trial, in accordance with your instructions, I informed him he was still suspended. I then very carefully went through the depositions taken before the Bench, and compared them with the evidence given by Trooper Rorison at the trial; I found great discrepancy in the evidence, but not sufficient to proceed against Rorison for perjury, unless Lawrence would lay the information; I accordingly sent for him and explained the matter to him; he seemed most anxious to prosecute, and said he would see me again. I have since had several interviews with him, but he has always put it off, and at last sent me the enclosed letter.

He is fully aware that he need be at no expense in the prosecutions, as I have told him several times the Government will bear all that. He has evidently had advisers.

I have again gone carefully through the depositions, but cannot see my way clear to file an information against Rorison; for if I did do so, I must be dependent upon Lawrence's evidence for a committal, and he might probably turn round and not prove what he says he can, and so the conviction would be quashed.

Will you give me instructions respecting Rorison, whether he is still to be suspended or to return to duty; also please to say what is to be done about Lawrence's suspension?

I have, &c.

W. HALL PALMER, P.M.,
Acting Superintendent, Western Patrol.

The Inspector General of Police, Sydney.

Bathurst, 23 March, 1861.

To Dr. Palmer, P.M.

Sir,

I beg most respectfully to state that I am prepared any moment to give evidence, and also to produce evidence, for the Crown, against Trooper Rorison; but it occurs to me that I am not the proper person, after recent occurrences, coupled with my present arrest upon the same charge, to initiate proceedings.

If the Government consider the ends of justice are not met through my prosecution, then it becomes (so it strikes me) the Government to begin *de novo* at Rorison. Moreover, my now very slender means preclude all thought of my throwing away any more money in legal expenses, which a fresh prosecution would entail upon me.

I have, &c.,

C. LAWRENCE.

Colony of New South Wales. }
Bathurst, to wit. }

BE it remembered, that on the eighteenth day of December, in the year of our Lord one thousand eight hundred and sixty, at Bathurst, in the Colony of New South Wales, personally came and appeared before me, W. Hall Palmer, Esq., one of Her Majesty's Justices of the Peace in and for the Colony aforesaid, resident and acting in and for the Colony aforesaid, and duly authorized in this behalf, Edward Montagu Battye, of Bathurst, Superintendent of the Western Patrol, and gave me the said Justice to understand he informed and complained that Charles Lawrence, Sergeant-Major of the Western Patrol

did,

did, as the complainant is informed and verily believes, feloniously forge the name of one John Cheshier, to the voucher hereunto annexed and marked A, with intent thereby to defraud Her Majesty of the sum of two pounds eight shillings, contrary to the Act of the Governor and Council of New South Wales in such case made and provided. Wherefore the said Edward Montagu Battye prays that the said Charles Lawrence may be brought before one of Her Majesty's Justices of the Peace, to answer the said charge and make defence thereto, and that justice may be done in the premises.

E. M. BATTYE, Capt.

Sworn at Bathurst, in the Territory of
New South Wales, this eighteenth
day of December, A.D., 1860, before
me,

W. HALL PALMER, P.M.

(M. 11 & 12 Vic., cap. 42.)

Depositions of Witnesses.

Bathurst, New South }
Wales, to wit. }

The examination of John Merrin, of Bathurst, in the Colony of New South Wales, Edward Montague Battye, John Cheshire, and William Rorison, of Bathurst, in the said Colony, trooper, taken on oath, this 24th day of December, in the year of our Lord one thousand eight hundred and sixty, at Bathurst, in the Colony aforesaid, before the undersigned, one of Her Majesty's Justices of the Peace for the said Colony, in the presence and hearing of Charles Lawrence, who is charged this day before me, for that he, the said Charles Lawrence, on a day of . . . at . . . in the said Colony, did feloniously forge the name of John Cheshire to a document, with intent to defraud Her Majesty.

Bathurst, New South }
Wales, to wit. }

Charles Lawrence charged with forging the name of John Cheshier to a voucher, with intent to defraud.

And this deponent, *John Merrin*, a constable of the Bathurst Police, upon oath, states:—I produce a warrant, in virtue of which I apprehended Charles Lawrence, before the Court, on Thursday evening, the twentieth of December, 1860, at the Abercrombie; I showed him the warrant; I brought him in and lodged him in the lock-up on Saturday evening, the twenty-second instant.

JOHN MERRIN.

Sworn before me, at Bathurst, this }
24th day of December, 1860. }

W. HALL PALMER, P.M.

And this deponent, *Edward Montague Battye*, Superintendent of the Western Police, being duly sworn, states:—The information now read is my information; the document marked A I have seen three times; the body of the document is in the handwriting of Sergeant-Major Lawrence; the signature as witness is his signature; the first time I saw the voucher was on my own table; it was not then in the same state as it is now; it was afterwards added by Sergeant-Major Lawrence, on my seeing Sergeant-Major Lawrence, and asking him upon what service and what trooper it was for, "The above forage was supplied to Trooper Rorison, of Carcoar, when in search of highway robbers and 'cattle-stealers'; the document was signed 'John Cheshier,' and witnessed by Lawrence, before I attached my signature; the voucher being completed, when the money was paid to me I should have paid it to Rorison, if he was in town, or I should have paid it to Lawrence to pay to Rorison, prior to inquiry; had no inquiry been made, I should have sent the money by cheque through post to Cheshier, unless I was satisfied that the money had been actually paid by Rorison or any other person to Cheshier; I do not think that Lawrence mentioned to me from whom he got the information; I depended upon Sergeant-Major Lawrence; I have a strong idea that Rorison was in town at the time I transmitted the voucher in duplicate to the Inspector General; in consequence of an interview with the Inspector General, and from other facts, I have instituted the present proceedings.

By Mr. Sergeant, for Lawrence:—I believe Lawrence's book is in the hands of the Police Magistrate; that is the chief diary, (*diary produced*); I can't recollect which trooper came in with Rorison on the 16th or 17th of October; most likely the monthly forage returns would shew what day Rorison was in Bathurst; (*witness referred to voucher*); I do not know the signature "John Cheshier" attached to the voucher; I certainly do not believe it is the hand-writing of Sergeant Lawrence; Sergeant Lawrence's name appears as witness; it is not a witness to my signature, it is a witness to Cheshier's receipt; we are obliged to get a receipt witnessed, before the person entitled to the money can get it from Sydney; I know from Rorison, and it agrees with his own statement of 1st December, that Rorison was employed on the days and at the places mentioned in his diary. By Rorison's diary it appears that, on the 23rd of July, 1860, he was at Long Swamp; on the 24th, at Corrawa, and thence to Bathurst, by order of Sergeant-Major Lawrence. (*Entries in diary read marked B.*) The voucher A was made out by returns furnished to the Sergeant-Major; I compared the voucher with the diaries, and found that Rorison was actually away from his station, and did not draw forage at his station on those days; it is not usual that the troopers themselves sign a money voucher for another person; I do not recollect an instance of it; I did not know the signature to the voucher was not Cheshier's till I saw Captain M'Leerie on Monday or Tuesday last; the vouchers are sometimes signed in the bush, and brought in and filled up afterwards; if I had received that money I should not have known, unless inquiries had been made, that it was paid actually to Cheshier; either Rorison or Lawrence would have been paid the money; Rorison, if he had been in town—if not, it would have been paid to Lawrence, or a certificate for Rorison, or otherwise it would have been sent by post to Cheshier, up to 1st December, 1860; after that I would have paid it to Rorison or Sergeant-Major Lawrence; on paying moneys to Sergeant-Major Lawrence, I should pay it upon his own authority; the Sergeant-Major's word is ample for payment to a trooper; the alteration of the payment after the 1st December, 1860, was in consequence of the statement I got from Rorison on that day; it has not happened for a long time, that where a trooper has been at various places on one journey the whole expense for the various places have been put into one voucher; then it was necessary to attach the receipts for the money, and for the trooper himself to sign the voucher; when the voucher A was returned to me the first time from Sydney, I was told by Rorison, in Lawrence's presence, that he had included in the voucher Rorison's accounts at other places, and that only two nights were due to Cheshier out of it. [*Rorison's statement put in, and marked C, dated 1st December, 1860; also, copy of letter to Mr. Beardmore, Police Magistrate, Carcoar, dated 1st December, 1860, marked D; Mr. Beardmore's answer, dated 5th December, 1860, marked E.*] Rorison's statement (marked C) was made to me in consequence of what I heard from Sergeant-Major Lawrence; upon hearing his report I immediately sent for Rorison.

By

SERGEANT-MAJOR LAWRENCE.

By Crown: When I got the voucher produced first, I was led to believe the signature was that of John Cheshier's, and that the whole of the money was due to him; when Lawrence first told me that only two nights were due to John Cheshier, I made him account to me for the other sums; I did not ask him why the name of John Cheshier was signed to the voucher, as the amount was not due to him, but I gave certain directions to Rorison; I have had no vouchers from Jemalong, for the dates mentioned in the voucher marked A; if I was aware that the amount charged in the voucher had not been paid or charged, I should certainly not have sent the voucher; I ordered Rorison, on the 1st December, 1860, to go and get certificates of his having paid for his horse from the publicans from Jemalong; I have not received them yet.

E. M. BATTYE, Capt.

Sworn before me, at Bathurst, this }
24th day of December, 1860. }
W. HALL PALMER, P.M.

A.

Voucher, No.
The Department of the Inspector General of Police,
Dr. to John Cheshier, Long Swamp.

| Date. | For the undermentioned articles supplied for the public service, viz. :— | Amount. |
|-----------------|--|---------|
| 1860. | | £ s. d. |
| July 3 | To forage supplied to two troop horses, one night | 0 16 0 |
| " 4 | To forage supplied to one troop horse, one night | 0 8 0 |
| " 7 | To forage supplied to two troop horses, one night | 0 16 0 |
| " 23 | To forage supplied to one troop horse, one night | 0 8 0 |
| " 24 | | |
| August 10 | | |
| | Total | £2 8 0 |

The above forage was supplied to Trooper Rorison, of Carcoar, when in search of highway robbers and cattle-stealers.—JOHN CHESHIER.

I certify that the quantities of the above-mentioned articles were duly supplied as stated by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

E. M. BATTYE, Captain.

Received on the _____ day of _____ 186, from _____ the sum of _____ pounds _____ shillings and _____ pence, sterling, in full payment of the above account.

JOHN CHESHIER.

Witness—C. LAWRENCE, St. Mr., M. P.

I hereby authorize the amount of the above account to be paid on my behalf to Capt. Battye,
JOHN CHESHIER.

B.

Carcoar Station Mounted Patrol.
RETURN of Forage for the Month of July, 1860.

| Day. | No. of Horses present. | Ration of Forage issued. | Remarks explanatory of alterations in the numbers of Rations of Forage issued daily, arising from the absence of Horses from the Station, Horses turned out to grass, or from any other cause. |
|-------|------------------------|--------------------------|--|
| 1 | 0 | 0 | Trooper Rorison in pursuit of a horse-stealer to Cheshire's, &c. |
| 2 | 1 | 1 | Returned to quarters. |
| 3 | 0 | 0 | Trooper Rorison to Canowindra, on duty at the Races; and thence down the Lachlan River with a warrant for the apprehension of John Chaloner. |
| 4 | 0 | 0 | |
| 5 | 0 | 0 | |
| 6 | 0 | 0 | |
| 7 | 0 | 0 | Apprehended John Chaloner at Jimmalong, on a charge of cattle-stealing. |
| 8 | 0 | 0 | |
| 9 | 0 | 0 | |
| 10 | 0 | 0 | |
| 11 | 0 | 0 | |
| 12 | 2 | 2 | Trooper Rorison returned to Carcoar with Chaloner. |
| 13 | 1 | 1 | |
| 14 | 2 | 2 | |
| 15 | 1 | 1 | |
| 16 | 1 | 1 | |
| 17 | 1 | 1 | |
| 18 | 1 | 1 | |
| 19 | 0 | 0 | Trooper Rorison on patrol duty to Nanima, thence to Togong. |
| 20 | 0 | 0 | |
| 21 | 1 | 1 | Trooper Rorison returned to quarters. |
| 22 | 1 | 1 | |
| 23 | 0 | 0 | Trooper Rorison to the Long Swamp and Corrowa, and thence to Bathurst by order of Sergeant-Major Lawrence. |
| 24 | 0 | 0 | |
| 25 | 1 | 1 | Captain Battye and Orderly in Carcoar. |
| 26 | 2 | 2 | |
| 27 | 2 | 2 | |
| 28 | 1 | 1 | |
| 29 | 1 | 1 | |
| 30 | 1 | 1 | |
| 31 | 1 | 1 | |
| Total | 21 | 21 | |

WILLIAM RORISON,
Non-Com. Officer in charge of Station.
Carcoar

SERGEANT-MAJOR LAWRENCE.

Carcoar Station, Western Mounted Patrol. RETURN of Forage for the Month of August, 1860.

Table with 4 columns: Day, No. of Horses present, Ration of Forage issued, Remarks explanatory of alterations in the numbers of Rations of Forage issued daily, arising from the absence of Horses from the Station, Horses turned out to grass, or from any other cause.

C.

Trooper William Rorison states:—I am stationed at Carcoar; last Friday evening week a constable came down with a message from Mr. Beardmore, the Police Magistrate, stating that he wanted to see me at the Court House; I immediately went, and concluding he wanted me on business, I rode down; I went into his office with the Chief Constable, whom Mr. Beardmore told to remain in the room; Mr. Beardmore then commenced by asking me if I knew the Campbell's River country; I replied I did, as I had been stationed there nine months; he then asked me if I knew my way across to there, which I told him I did, as I had been oftentimes; he then asked which way I would go; I said there were two routes—one by Triangle Flat and Long Swamp, and the other by Dunn's Hall; he then asked me what sort of a place it was to stop at—the Long Swamp Inn—that he meant Cheshire's; I replied I never had seen anything wrong there; he said, "Then you have stopped there?" I told him I had frequently, and that I always saw the place orderly; he then asked me if I had stopped there all night; I said I had twice, and at those times there was only Cheshire's family; and to other questions, which I could not understand why they were put to me, I replied that Mr. Cheshire had never charged me for anything for myself, that I had stabled my horse each night and did not pay for him; that I was on Government duty, looking out after a man for robbing, and also took a message to a witness regarding horse-stealing; that I had never received any money from any person to pay for my horse at Cheshire's, and if any person had said so it was false; that I was positive I had never stopped more than twice at Cheshire's; that I had not stopped six times there; Mr. Beardmore then handed me a voucher to look at; I told him I knew the writing; he said, "Look at the dates, and tell me where you were then"; I replied I could not, as I had not my diary with me, upon which he replied "Oh! then you do keep a diary, and if you had it here you could tell me, and if you were hereafter put on your oath you can swear to the truth of what you have said"; Mr. Beardmore then wrote a piece of paper (I now produce), "Did you draw forage for July 3, 4, 7, 23, 24, and August 10th," telling me to bring an answer back from the diary on the following Monday morning, and shewing where I was on those dates; he then said, "Take care, you must not say a word to any one about it"; the Chief Constable was in the room all the time; I went away after a Government horse the following day, and have not seen Mr. Beardmore since; I have seen the Chief Constable since, whom I told that the account was perfectly correct as to the dates; that I had not drawn forage for those dates; that the expenses incurred were correct, but had been placed in one voucher as due to Cheshire, as I had not paid him, but had the others.

Made before me, this 1st December, 1860, at Bathurst, E. M. BATTYE, Capt., J.P.

WILLIAM RORISON.

Table with 4 columns: Date, Location, Amount, Total. Rows include July 3 To the Diggings with Mr. Icely, July 4 Thence to Canowindra Races, July 7 At Jimmalong, July 21 At Cheshire's, July 24 To Corrowa, thence to Bathurst, August 10 At Cheshire's.

Examination in re a certain Voucher belonging to the Western Patrol.

Mrs. John Cheshier:—Did any mounted troopers ever stop with you? Yes; shortly after we opened, last July, Trooper Rorison stopped two or three nights with us. Do you ever charge constables? No. Did you charge Rorison? No. Do you know this signature, and is it your husband's? No, it is not his.

How

How do you spell your name? Cheshier, without an i. I now give you his signature.

Trooper Rorison:—Did you ever stop at John Cheshier's? Yes, twice.

Have you the dates of stopping there? Yes, I keep a diary, and that will show.

Was any other trooper with you on either occasion? No.

Did you pay for your horse? No.

Did you ask what they charged? Yes; they said nothing—did not charge a policeman anything.

Were you on public duty? Yes; once to warn a party to appear at Bathurst, and again in search of a thief.

Did the Sergeant-Major know of your absence? Yes, I told him; he would also know it from my forage list.

Have you ever paid Cheshier anything? Never; got nothing to pay him.

Did you ever pass six nights at Cheshier's? Never.

How much did you receive to pay the voucher I now show? Nothing; I never gave the Sergeant-Major such an account; on the 3rd and 4th July I was at home.

John Cheshier:—Do you recollect any trooper stopping at your house after you opened? I do; Trooper Rorison stopped with me; I opened in July last.

How many nights did Rorison stop? Twice, at different times.

Was any mounted man with him? No.

What did you charge for his horse? Nothing.

Did you ever charge a constable? Never.

Is the signature I show you your own? No; I do not spell my name that way.

Have you received anything for the two occasions Rorison stopped with you? Nothing; never was offered anything by anybody.

These are correct answers to my questions. •

O. C. B.

Carcoar, 23/11/60.

Form of Notice of Application for a Publican's General License for an Inn or Public house.

I, John Cheshier, of the Long Swamp, grazier, do hereby give notice that it is my intention to apply at the next Annual Licensing Meeting to be holden for the District of Carcoar, for a publican's general license, for the sale of fermented and spirituous liquors, in the house and appurtenances thereunto belonging to Mr. John Nowlan, situated at the Long Swamp, in the District of Carcoar, on the 6th December next. I am married, and have a wife and one child. The house contains two sitting-rooms, two bed-rooms, exclusive of those required for the family. I have never held a license before.

JOHN CHESHER.

1. George Stammers.
2. Robert Kirkpatrick.
3. James Kirkpatrick.
4. John Brooks.
5. E. J. C. North, Esq.

D.

Bathurst, 1 December, 1860.

Sir,

Trooper Rorison has reported to me the examination you put him under on Friday evening week last, regarding his stopping at Cheshire's and elsewhere, and regarding a certain account to cover those expenses for his horse. The roundabout and detective way in which you appear to have put your questions (if Trooper Rorison's statement is correct) was so extremely unbecoming, that I must request your informing me why such an examination took place, without communicating with me first, the Commanding Officer of the Mounted Police—and upon what authority you have gone. I have since more fully inquired into the matter myself, and find that the voucher signed by Cheshire includes other accounts at other places on those dates which Rorison paid, he (Rorison) not having money enough to pay Cheshire, and to save a multiplicity of vouchers for small amounts, the Sergeant-Major put the lot into one voucher for Rorison.

Mr. Beardmore, P.M., Carcoar.

I have, &c.,

E. M. BATTYE, Capt.

E.

Carcoar Police Office,
5 December, 1860.

Sir,

Being an old soldier like yourself, I always obey orders (without asking questions) from my superiors. I received orders from my superior to put certain questions to Rorison, and did so, and I don't see that it should cause you and me to fall out.

I don't care myself one farthing about the voucher, or who signed it.

Capt. Battye, Mounted Patrol, Bathurst.

I have, &c.,

OWEN C. BEARDMORE, P.M.

And this deponent, John Cheshier, a publican, residing at Long Swamp, in the Carcoar District, upon oath, states:—I know Trooper Rorison, and also Sergeant-Major Lawrence; I see the voucher produced; the names John Cheshier are not in my hand-writing; I have not seen that document before; I spell my name "Cheshier"; there is no "i" in my name at all; I recollect Rorison staying at my house some time after I opened; he stayed two nights since the 1st July last; I did not charge him for his horse or for himself; the two nights were at different times; Rorison asked me in the morning what he had to pay; I said "Nothing"; he said, "You may as well take it, that won't pay license"; I said, "No, I will charge no trooper that resides in the district"; I did not authorize any charge for any troop horse; I did not authorize Sergeant-Major Lawrence, Trooper Rorison, or any person, to put my name to the voucher now produced.

JOHN CHESHER.

Sworn before me, at Bathurst, this }
24th day of December, 1860. }

W. HALL PALMER, P.M.

No questions by defendant.

And

SERGEANT-MAJOR LAWRENCE.

7

And this deponent, *William Rorison*, a trooper of the Western Police, upon oath, states:—I am stationed at Carcoar; I went there on the 4th day of June, 1860; I know the last witness, John Chesher; he is a publican, residing at Long Swamp; I recollect being at his place in July once; I believe I was there in August; I stabled my horse there; I asked Mr. Chesher in the morning what I was in his debt; he replied, I can afford without charging you—made no charge; I asked on both occasions; I sent in an account to Sergeant-Major Lawrence for six nights for my horse—two nights at Canowindra, one at Jemalong, one at Nanima, and two at Long Swamp, at Mr. Chesher's; it was my return to show where I had been, and the nights I had not drawn forage from the Government; it is the return I have to send in monthly; I have seen a voucher of the same amount as that produced marked A; I did not see the names John Chesher attached to it; the first time I saw it, it was handed to me by Mr. Beardmore, at Carcoar, on the 23rd of November, 1860, on a Friday; I told Lawrence that Chesher had not been paid—that if he made the demand I was the person who was there; I have not been applied to for payment; I have not seen Chesher since till to-day.

By Defendant: I do not recollect telling Sergeant Lawrence that there was one night's money due to me for my horse at Orange at that time—having been previously paid by Captain Battye; I signed a voucher for washing blankets; it was on the 17th October; I was in Bathurst that day; I came into Bathurst on the 15th October; I left on the 17th; Trooper Day, of Cowra, and O'Rourke and an aboriginal, came in with me; I gave Lawrence the account in Captain Battye's office; it was there I signed the voucher for washing the blankets; Day was present; I do not remember if the clerk was there or not; to the best of my belief he was there; I can't say if the Sergeant-Major wrote in about the blankets or not; it was two shillings a blanket, I believe; it was due by the Government to me; I could not get it without a voucher; Sergeant-Major asked me to sign a voucher and he would get the money for me; the usual rate I pay when I stable my horse is 8s. a night.

WILLIAM RORISON.

Sworn before me at Bathurst, this }
24th day of December, 1860. }

W. HALL PALMER, P.M.

And this deponent, *John Chesher*, recalled upon his former oath, states:—I saw Sergeant-Major Lawrence about a month ago; he said if I made out a bill of what I charged he would pay it to me; it was since Mr. Beardmore called upon me to know if the names like that to the voucher marked A were my signature; I said no; I told Lawrence I charged nothing; he said I might as well, and if any other troopers staid at my place he would pay me. I had told him that Mr. Beardmore had been there and asked me if I had charged anything, and I had said no; he did not say that he had signed my name to any paper.

By Defendant: I did not speak to Lawrence first about the matter.

JOHN CHESHER.

Sworn before us at Bathurst, this }
24th day of December, 1860. }

W. HALL PALMER, P.M.

Prisoner declines to make any statement, and calls no witnesses. Charles Lawrence committed for trial at the Circuit Court to be holden at Bathurst on the first Wednesday in March, 1861. Bail allowed; self in £500, two sureties in £250 each.

Dated 24 December, 1860.

W. HALL PALMER, P.M.

No. 2.

TELEGRAM FROM THE POLICE MAGISTRATE, BATHURST, to INSPECTOR GENERAL OF POLICE, SYDNEY.

8 March, 1861.

Lawrence is acquitted. The case broke down on Rorison's evidence.

No. 3.

TELEGRAM FROM THE INSPECTOR GENERAL OF POLICE, SYDNEY, to POLICE MAGISTRATE, BATHURST.

8 March, 1861.

Lawrence is not to resume his duty as Sergeant-Major of Patrol; if Rorison's evidence, given at the trial, differs from that given before the Magistrates, suspend him.

No. 4.

POLICE MAGISTRATE, BATHURST, to INSPECTOR GENERAL OF POLICE.

Police Office,
Bathurst, 12 March, 1861.

SIR,

In accordance with your instructions, I caused Trooper Rorison to be suspended from duty. Since then I have applied to the Attorney General for the depositions (taken before the Bench), for the purpose of going carefully through them, and see if there is sufficient evidence to proceed against Rorison. I will attend to it as soon as the Circuit Court is over.

Will

SERGEANT-MAJOR LAWRENCE.

Will you please to say what steps are to be taken with respect to Lawrence? You will perceive, by the report of the trial, that the Judge, on Lawrence being acquitted, stated "that he (Lawrence) left the dock without any stain upon his character." In consequence of the above statement, is Lawrence to remain under suspension, or is he to be reinstated? Please send me an answer at your earliest convenience.

I have, &c.,

W. HALL PALMER, P.M.

No. 5.

TELEGRAM FROM THE INSPECTOR GENERAL OF POLICE, SYDNEY, to POLICE MAGISTRATE,
BATHURST.

16 March, 1861.

Lawrence is still to be suspended.

No. 6.

THE UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 18 April, 1861.*

SIR,

In acknowledging the receipt of your letter of the 11th instant, recommending, under the circumstances therein stated, the removal from their situations of Sergeant-Major Lawrence and Trooper Rorison, of the Western Mounted Patrol, I am directed to inform you that His Excellency the Administrator of the Government has been pleased, under the 4th section of the Act 16th Victoria, No. 33 to annul their appointments accordingly.

I have, &c.

W. ELYARD.

No. 7.

THE UNDER SECRETARY to INSPECTOR GENERAL OF POLICE.

*Colonial Secretary's Office,
Sydney, 4 November, 1861.*

SIR,

A charge having been made against the late Sergeant-Major Lawrence that he had forged the name of John Cheshier to a voucher for forage, he was recently tried at the Circuit Court at Bathurst, and acquitted. There was, however, reason to suppose that the evidence given by Trooper Rorison was incorrect, and it was desired to proceed against this man for perjury, which could not be done without an information from Lawrence, who evaded taking any step in the matter, and was in consequence removed from the service.

2. Some representations having been made on behalf of Lawrence, the Colonial Secretary wishes that a further inquiry should take place, in order to ascertain whether his conduct was or was not such as justifies his dismissal from his situation; and I am, therefore, directed to request that you will instruct the Superintendent of the Mounted Patrol, Mr. Chatfield, to meet Mr. Hawkins as Chairman, and Mr. McLean, the Commissioner of the Western Gold Fields, to make the investigation, and to report to this Office whether they consider this to be the case or not.

3. The papers on the subject, including the voucher (forged), the original depositions and exhibits in the case, and the letter from the Police Magistrate, Bathurst, reporting his communication with Lawrence respecting the evidence given by Trooper Rorison at the trial, are transmitted herewith, to be forwarded to Mr. Chatfield, to be laid before the Board. They should be carefully returned with their report.

4. It will be desirable that the Board should examine the Police Magistrate of Bathurst, and the Police Magistrate of Carcoar, also John Cheshier, and, if procurable, Trooper Rorison.

I have, &c.,

W. ELYARD.

No. 8.

INSPECTOR GENERAL OF POLICE to THE UNDER SECRETARY.

*Police Department of New South Wales,
General Branch,
Sydney, 3 December, 1861.*

SIR,

Having reference to your letter of the 4th ultimo, enclosing depositions and other papers connected with the trial of one Charles Lawrence for forgery, in order to their being laid before the Board appointed to inquire into the circumstances attending his removal from the Patrol, I now do myself the honor to transmit, for the information of the Chief Secretary, the report of this Board upon the matter referred to; to which is appended, notes of evidence taken, and an expression of the opinion they have arrived at, "that, under all the circumstances of the case, and having in view the former good character of Lawrence, together with the long period and activity of his service, they beg to recommend his case to the favourable reconsideration of the Government;" but from which, with all due deference, I *entirely* dissent.

2. Without reference to the *moral* evidence of *collusion* (most systematic and complete) between Lawrence and the Trooper Rorison, to defraud the Government and yet escape the consequences of the crime,—to the assumption of inimical feeling between them, to blind justice,—to the discrepancies which their depositions and subsequent statements exhibit,—I pass at once to the *acknowledged* fact (acknowledged by Lawrence himself) that he filled up a voucher purporting to be for forage supplied to Patrol horses, which was *not* supplied, and that he witnessed Trooper Rorison forge the Innkeeper Chesher's name to this voucher, with a view to the payment of the amount therein included being obtained from Mr. Superintendent Battye. Thus are fraud and forgery combined; fraud, as regards the filling in the document with false and *excessive* quantities, (the act of Lawrence); forgery, the affixing a signature, presumptively John Chesher's, that of Rorison. To all this—(not simple irregularity, but absolute crime)—is urged by the Board the weak plea that, to a certain extent, "irregularity" in such matters had obtained in the Superintendent's office. To my mind such excuse is worthless; it certainly does not justify nor even palliate the offence; and how the Board could arrive at the conclusion they have, I am at a loss to conceive.

3. Having these facts before me, that Lawrence colludes with a forgery and compasses a fraud, I certainly feel it my duty to express a hope that, should this man be restored again to the service of the Government, it may not be to any branch of the department of which I am the head. Were such the case, I could place no reliance either in his reports or vouchers of account; should be unable to attest their accuracy; and thus confusion, irregularity, and possibly insubordination, would shortly ensue.

I am, &c.,

JNO. M'LERIE,
Inspector General of Police.

[Enclosure in No. 8.]

Bathurst, 22 November, 1861.

Sir,

We have the honor to report, for the information of the Honorable the Chief Secretary, the result of our inquiry as to the circumstances which led to the removal from the Patrol of Mr. Charles Lawrence, late Sergeant-Major, for which purpose we were appointed a Board.

2. We return herewith the papers which were referred to us with our instructions, and we transmit the notes of evidence taken before us at the enquiry. It will be observed that the evidence of Mr. Chesher, mentioned in our instructions as desirable to be taken, is not included. That person failed to attend at the request of the Board, and we did not consider his testimony to be material.

3. The verdict of the Jury, coupled with the remark of the Chief Justice "that Mr. Lawrence left the Court without any stain upon his character," disposes of the original charge of forgery, in the criminal sense of the term.

4. We have, however, found it to be quite impossible to separate entirely this part of the case from that on which our report is mainly required—as to the circumstances following the trial, in consequence of which Mr. Lawrence was removed.

5. With respect to the signing of Chesher's name to the voucher, we have, after a careful consideration, to express our conviction that it was signed by Rorison himself in the manner stated by Mr. Lawrence. It does not appear to us that Mr. Lawrence had any intention of fraud, nor that he could have expected to derive any pecuniary benefit from the transaction. At the same time we are of opinion that, in witnessing the signature by another person purporting to be that of Chesher, he committed a grave irregularity, not warranted by the very improper practice formerly obtaining, to a certain extent, in the Patrol Office.

6. The matter, therefore, for our further report appears to be, the conduct of Lawrence in respect to the desire of the Police Magistrate, then also in charge of the Patrol, that he should *initiate* proceedings for perjury against Rorison after the trial.

7. The views of Dr. Palmer on this head are stated in his letter of the 3rd April, enclosing that of Lawrence, dated the 28th March, and which together formed the enclosures to that of the Inspector General of Police to yourself, dated the 11th April, in consequence of which the appointment of Lawrence was annulled. To those three letters we beg to direct special attention.

8. Because of Lawrence having declined to *lay the information*, Dr. Palmer evidently had the impression that he was actuated to that line of conduct by some improper motive, as shewn by his remark that he (Lawrence) had "bad advisers." This impression his letter would seem also to have conveyed to the Inspector General, who was further of opinion, as shewn by his letter of the 11th April, that "collusion" had existed between Lawrence and Rorison.

9. Having given a careful attention to the explanation of Lawrence, and to those of his legal advisers (whose advice we think it unfortunate that he did not at the time communicate to Dr. Palmer), we have arrived at the conclusion that he was deterred from filing the information by the very decided advice of those gentlemen, having regard to probable ulterior legal proceedings against himself by Rorison for malicious prosecution on the almost certain failure of the case against Rorison, and not by any improper motive. So far as we can judge, in the absence of the notes taken at the trial, we are disposed to concur in the opinion that there was not a sufficient case for proceeding against Rorison; and we doubt also whether it was not rather the province of the Crown Prosecutor, had there been discrepancies in his opinion amounting to perjury, to have directed the taking of the necessary steps to initiate proceedings. From the opportunities we have had of looking through the whole matter, we are satisfied that between Lawrence and Rorison there was no collusion, and that the feeling existing between them was, and now is, most inimical; and we conceive that Lawrence is still willing, as stated in his letter of the 28th March, "to give and procure," or endeavour to procure, evidence against Rorison.

10. Under all the circumstances, and having in view the former good character of Lawrence, together with the long period and activity of his service, we beg to recommend his case to the favourable reconsideration of the Government.

We have, &c.,

THOS. J. HAWKINS,
Chairman.

HAROLD MACLEAN,
Commissioner, Western Gold Fields.

WM. CHATFIELD,
Superintendent, Western Patrol.

The Principal Under Secretary,
Sydney.

[Sub-Enclosures to No. 8.]

Notes of Evidence taken before Board of Inquiry respecting circumstances leading to dismissal of Sergeant-Major Lawrence.

THOS. J. HAWKINS, Chairman.

*W. Hall Palmer, Esq., P.M., Bathurst, states:—*I recollect a trial of the late Sergeant-Major Lawrence, at the March Assizes, respecting a voucher alleged to have been forged; he was acquitted, the presiding Judge (Chief Justice) remarking that he left the Court without any stain upon his character. At the time of the trial I was in charge of the Western Patrol; Mr. Lawrence was under suspension; after the trial I communicated with the Inspector General of Police, for instructions as to whether he should be reinstated; under instructions received Mr. Lawrence did not resume duty, and Trooper Rorison, who had given evidence at the trial, was suspended, in consequence of, as it appeared to me, material discrepancies between his evidence at the Police Office examination and the trial, which in my opinion did involve a case of perjury against Rorison; I wished Lawrence to lay an information against Rorison, and I had conversations with him on the subject; the results are embodied in my letter to the Inspector General, dated 3rd April, enclosing Lawrence's letter of 28th March. I believe that in consequence of my communication Mr. Lawrence and Trooper Rorison were dismissed; Lawrence distinctly stated to me his belief that a case of perjury respecting the signing of the voucher could be established against Rorison, and he mentioned some person formerly in the Police, whose name I do not recollect, who could prove it; the case to be established against Rorison was that he was present at the signing of the voucher, which, at the Police Office examination, he swore to having seen for the first time in the hands of Mr. Beardmore, to whom it had been sent from Sydney; to the best of my recollection, Lawrence stated that the witness above referred to could prove that Rorison was present and signed, or saw signed, the voucher; in the first instance Lawrence was anxious to afford every assistance to a prosecution of Rorison; he subsequently became unwilling to do so, as shown by his letter of the 28th March; I told him at the time that he was badly advised; I cannot say whether Lawrence was aware that I would not take any steps in the prosecution of Rorison unless he laid the information.

*By Lawrence's advocate:—*When I say that Lawrence became unwilling to assist in the prosecution, I mean that he declined to lay the information; he might have suggested that the Chief Constable Shearman could file the information, and that he would give evidence; I do not remember his having done so; previous to the occurrences referred to I have had charge of the patrol; I always considered Lawrence a trustworthy and efficient officer; I had, and have still, a high opinion of him; I see the voucher marked A belonging to the depositions; the body and his own signature are in Lawrence's handwriting; the three signatures "John Chesher," are not, I believe, in his handwriting.

*By Board:—*I did not consider it judicious to initiate a case against Rorison without first having the sworn information of Lawrence; I conceive that he might be either unwilling or unable to establish his statements to me, and did not therefore feel satisfied to proceed.

W. HALL PALMER.

*Owen C. Beardmore, Esq., Police Magistrate of Carcoar, states:—*Some time in the month of November, 1860, I recollect having proceeded to Mr. Chesher's, at Long Swamp, to make some inquiry respecting a voucher, which I believe to be the same as that now in my hands marked A; the voucher purported to have been signed by Chesher; he denied the signature, and stated that he had made no charge; I afterwards had communication with Trooper Rorison on the subject; he denied ever having seen the voucher before; he most strenuously denied ever having reported an expense, as charged in the voucher, to Sergeant-Major Lawrence, or even to have rendered a memorandum of it; he admitted to having been at Chesher's, but said that he was not charged; he said his diary would contradict the charges for some of the nights named in the voucher; I have no further knowledge of the matter.

OWEN C. BEARDMORE, P. M.

*Francis William Rorison, late of Mounted Patrol, states:—*I know the voucher marked A I saw it first in the hands of Mr. Beardmore, again at the Police Office in Bathurst, and then at the trial at the Assizes; the body is in the handwriting of Lawrence, as also his own signature; I do not know in whose handwriting are the signatures "John Chesher"; I believe they are not in Lawrence's; from circumstances I have formed the opinion that they were written by a trooper then in the Force, named Walter O'Rourke; I formed this opinion because Lawrence, being in the office, after filling up a voucher for washing some blankets, which I signed, sent me for O'Rourke, and I told him to go to Lawrence in the office; I believe that I had previously given to Lawrence a memorandum including the charges for my expenses at Chesher's, with others; I had a conversation with Lawrence about Chesher's account; I told him that I owed for two nights for my horse; Chesher had told me that he would not charge me; I considered that he referred to myself alone, and not for my horse; we paid for ourselves, and the Government for the horses; it was a general custom at public-houses to charge for the horses alone; I considered at the time I rendered the memorandum that Chesher had to be paid for the horse; I have served for some time under Sergeant-Major Lawrence, and was always on good terms with him; I estimated myself the charge for the horse at Chesher's according to charges in the neighbourhood; the memorandum marked B is in my handwriting, and is the memorandum above referred to; by the wording of the document, and my explanation to Lawrence, he must have understood that I had either paid already or was responsible for all the items; according to the voucher the whole amount would have been paid to me or to Chesher by Captain Battye, either direct or through Lawrence; if the money had not been paid to Chesher, and he had asked for it, I would have made inquiry at the office; I would have inquired for all the rest which was coming to myself; there was only 16s. coming to Chesher; had it been paid through Lawrence he must have passed it on either to myself or Chesher; at the time the voucher was made out Lawrence could not have known that Chesher would not receive the money for the horse, but he believed, as I did, that he would; I do not believe that I could have told Mr. Beardmore that Chesher made no charge for the horse, because I did not then know that he could not charge; I cannot recollect whether I said anything to Mr. Beardmore about having rendered an account to Lawrence; when Mr. Beardmore asked me about Chesher having charged, I thought he was referring to my own private charge, and not to that for the horses on account of the Government; when I told Mr. Beardmore that I never rendered "such an account" to Lawrence, I meant for six nights at Chesher's; I was there only two nights; previous to the trial a trooper said to me "Look out for yourself, the Captain and Lawrence are trying to get you in for it;" I have kept aloof from Lawrence ever since; I used formerly to go to his house; I am not aware of any difference between my evidence at the Police Office and at the trial, except that at the latter I mentioned my suspicion of O'Rourke, which I did not refer to at the Police Office, having confined myself to answering the questions asked; at the trial I stated that I believed I had not rendered an account shewing Chesher's account as "paid" by me; I saw afterwards, by memorandum B, that I had included it with other items which I had paid, and the memorandum was marked accordingly.

FRANCIS WILLIAM RORISON.

B.

SERGEANT-MAJOR LAWRENCE.

11

B.

Account of Moneys paid by Trooper Rorison for horse-feed.

| | | |
|------------|--|--------|
| July 3. | One horse one night at Mr. Hibberson's, at Canowindra | £0 8 0 |
| .. 4. | To a feed of corn | 0 2 0 |
| .. 7. | To one night at Mr. Law's Jimmalong | 0 8 0 |
| .. 10. | To one night at Mr. Shaughnessy, at Nanima | 0 8 0 |
| .. 23. | To one night at J. Cheshire's, Long Swamp, <i>en route</i> to Tom Burn's, Corrowa | 0 8 0 |
| August 10. | —To one night at J. Cheshire's, Long Swamp, while in search of Mann.. | 0 8 0 |
| | | £2 2 0 |

Samuel Wadeson Esq., Solicitor, of Bathurst, states:—I defended Mr. Lawrence at his trial for On the part of
forgery, on 8th March last; some day or two after the trial Lawrence came to me, for the purpose of instituting proceedings against Rorison with regard to his evidence; Lawrence was most anxious to proceed; I pointed out to him that, in my opinion, there would not be a sufficient case against Rorison, and that he (Lawrence) would lay himself open to an action for malicious prosecution; I am still of the same opinion as I then gave; I understood that Lawrence accepted my advice, but I had great difficulty in inducing him to do so; I was well acquainted with the whole case, both at the Police Office and the Supreme Court, and I am convinced that there was no discrepancy in Rorison's evidence to justify proceedings against him.

SAM. WADESON.

Charles Lawrence states:—I know the voucher marked A; it was filled in and witnessed by me; it is all in my handwriting except the signatures E. M. Battye and "John Cheshier"; the names of Cheshier were signed by Trooper Rorison in my presence; the voucher purports to be entirely for sums due to Cheshier, but I was aware contained items stated to have been paid to other persons by Rorison; the voucher was drawn from the memorandum marked B rendered to me by Rorison; when I had prepared the voucher I handed it across the table to Rorison, instructing him to get it signed by Cheshier; he said, "I have got Cheshier's authority, and I told him that I would sign the voucher for him"; he then did so, and I attested the signature; it was an occasional practice to include in one voucher items due to different people, when the money had been paid by the troopers; I have not been on good terms with Rorison since my committal; I have barely spoken to him; Trooper Wylie was in the room when the voucher was signed; I afterwards learned that he denied having been there; when I first communicated with Dr. Palmer after the trial, I was anxious to prosecute, and thought I could establish a case against Rorison; I was deterred from initiating the proceedings by the advice of my legal adviser, Mr. Wadeson; when I wrote to Dr. Palmer the letter of the 28th March, I was willing to give and procure evidence; the evidence I proposed to procure was that of Wylie, Day, and O'Rourke; I was aware at the time that Wylie had denied having been in the room, but I thought that if put on his oath he might tell the truth; my letter of the 28th March was written by the advice of my solicitor; I am willing now to endeavour to do as proposed in my letter; I did not abstain from laying the information from any disrespect to the service, nor any feeling of resentment at the prosecution against myself; had the money been paid to Captain Battye, it would not have been passed through my hands unless under a written order from Rorison; it was not in my line of duty to receive money for payments to troopers or other persons.

C. LAWRENCE.

Kenneth Price, Esq., managing clerk in Mr. Wadeson's office, states:—I gave much attention throughout to the case of Lawrence; I had frequent conversations with him about prosecuting Rorison; he was most anxious to do so; I urged upon him that if he initiated proceedings he would be liable to an action for malicious prosecution; Lawrence's letter of 28th March was written by my advice, to shew his willingness to assist in the matter.

KENNETH PRICE.

No. 9.

HENRY ROTTON, ESQ., M.P., to COLONIAL SECRETARY.

Blackdown,

19 December, 1861.

SIR,

Having been favoured by you with a perusal of the Report of the Commissioners appointed to inquire into Sergeant-Major Lawrence's case, which seems to me to be very favourable to that officer, I take the liberty of asking you if it is the intention of the Government to reinstate him.

Having taken considerable interest in this case, and it having been at my instance you were kind enough to appoint the Commission, it may not be considered out of place for me to ask if you will oblige me with a copy of the Commissioner's Report, and Captain M'Leerie's letter thereon.

I have, &c.,

HENRY ROTTON.

No. 10.

THE UNDER SECRETARY to HENRY ROTTON, ESQ., M.P.

*Colonial Secretary's Office,**Sydney, 24 December, 1861.*

SIR,

In compliance with the request preferred in your letter of the 19th instant, I am directed to forward herewith, a copy of the Report of the Board appointed to inquire into the circumstances that led to the removal of Mr. Charles Lawrence from the situation of Sergeant-Major in the Western Road Patrol, and to inform you that the Colonial Secretary

is

is not prepared at once to adopt the recommendation of the Board, but that, as soon as Parliament is prorogued, Mr. Cowper will give the matter full consideration.

2. I am desired further to state that the Inspector General of Police has remonstrated against Lawrence being forced again upon his department; and that, concurring as he does with Captain M'Lerie in his view of the case, the Colonial Secretary has great doubts whether he can consent to reinstate a man who, it is admitted, has been a party to great irregularities. That these irregularities, if not frauds, had been so long tolerated as to have become systematic, is no palliation, in Mr. Cowper's judgment, of Lawrence's connivance at them.

I have, &c.,

W. ELYARD.

No. 11.

HENRY ROTTON, ESQ., M.P., to THE UNDER SECRETARY.

Blackdown,

Bathurst, 30 January, 1862.

SIR,

Referring to your letter of the 24th December last, 61-5396, I have to request that, as Parliament is now prorogued, you will be good enough to bring Sergeant-Major Lawrence's case under the notice of the Colonial Secretary, with a view to his decision thereon.

I am, &c.,

HENRY ROTTON.

No. 12.

THE UNDER SECRETARY, to H. ROTTON, ESQ., M.P.

Colonial Secretary's Office,

Sydney, 10 March, 1862.

SIR,

I am directed to acknowledge the receipt of your letter of the 30th January last, wherein, with reference to my communication of the 24th December, 1861, respecting Mr. Charles Lawrence, who was removed from the situation of Sergeant-Major in the Western Road Patrol, you requested that Mr. Lawrence's case might be brought under the notice of the Colonial Secretary.

2. I have received instructions to apprise you, in reply, that Mr. Cowper has again referred to the Inspector General of Police, and finds that officer as strongly opposed as ever to the readmission of Lawrence into the Police—his opinion of Lawrence's merits being directly at variance with that of some other persons.

3. The Colonial Secretary's impression is, that in an interview which he had with you, you expressed a desire that Lawrence might be paid the salary during the time of his suspension. Captain M'Lerie does not consider Lawrence as entitled to this, but in deference to the strong opinions which have been expressed to Mr. Cowper in his favour, he is disposed to take an exception in his case, and to authorize this payment.

I have &c.,

W. ELYARD.

No. 13.

H. ROTTON, ESQ., M.P., to THE UNDER SECRETARY.

Blackdown,

Bathurst, 6 April, 1862.

SIR,

I have the honor to acknowledge the receipt, in due course, of your communication 62-856, of the 10th March instant, have reference to the case of Sergeant-Major Lawrence.

I beg to state that Mr. Cowper appears to have forgotten a portion of the conversation which transpired between him and myself. The request I made on behalf of Lawrence was not only that he should be paid his salary, but that, for the sake of establishing his character, he should be reinstated; but that as Captain M'Lerie appeared to be so much prejudiced, against him, he would feel uneasy in holding office under Captain M'Lerie, and intended immediately after his reinstatement to resign. Mr. Cowper remarked that Captain M'Lerie had strong opinions regarding Lawrence's conduct, and vehemently objected to having him in the Force again, but that if Lawrence would resign immediately after being reinstated, he thought there could be no objection to his being reappointed. Lawrence does not care so much for the pay—although that is an object of some importance to him—as he does for the re-establishment of his character. He is highly connected, his father was an attorney of considerable repute, and his two sisters are married to Officers—one to Colonel Skilly, and the other to Captain Brown, of the 12th Bombay Infantry; reports of his case may have reached them; he is therefore anxious for their sakes, as well as for his own and family's, to obtain a full vindication of his character.

I cannot help remarking that I think Lawrence has been very harshly treated up to the

the present time. Captain M'Lerie was sent up to Bathurst to investigate charges made against Captain Battye, and it was in making such investigation Captain M'Lerie discovered what he supposed was a grave case against Lawrence. It is stated that it was explained to Captain M'Lerie that Lawrence had done nothing more than follow a practice which had previously obtained in the office, but notwithstanding that, he caused a warrant to be taken out against Lawrence, without first questioning him or asking any explanation from him, and the warrant was executed by one of his own subordinates, he was taken into custody when he was absent on duty, having at the time charge of a prisoner and a number of stolen cattle, being thereby submitted to all the indignity it was possible to heap upon him. Captain M'Lerie then suspended him, and placed him on his trial. He was committed, and subsequently tried at the Circuit Court at Bathurst, before Sir Alfred Stephen, C.J.; the Jury acquitted him without leaving the box, and the Judge publicly proclaimed that he left the Court without a stain upon his character. Notwithstanding this, Captain M'Lerie continued him in suspension, and afterwards insisted upon his prosecuting Trooper Rorison (who was a witness in the case against Lawrence) for perjury. Lawrence was advised by his attorneys not to do so, as in the event of the case against Rorison breaking down, and it has been subsequently shown that that result would have been almost certain (*vide Report of Commissioners*), he would render himself liable to an action. He therefore respectfully declined to undertake a prosecution against Rorison, but offered both to give and procure evidence (*vide Lawrence's letter to Dr. Palmer*). This was construed by Captain M'Lerie into a grave offence, and for which he procured Lawrence's dismissal, at the same time depriving him of all his arrears of pay and allowances, and all the advantages he was entitled to under the Police Superannuation Act; and, worse than all, blasting the character of an innocent man.

These circumstances having come to my knowledge, I considered it my duty to seek redress for Lawrence, and intended to have moved in the Assembly for a Select Committee to inquire into and report upon the case; but before doing so, thought it would be more courteous in the first instance to appeal in his behalf to the Government. I accordingly had an interview with Mr. Cowper, who consented to appoint a Commission to investigate the case. The Commission was appointed and an investigation made in due form, and the Report, which is highly favourable to Lawrence, is long since in the hands of the Government. The Report casts some censure upon Lawrence, for the laxity which he adopted in reference to the signing the accounts and vouchers which had to pass through his hands, but admits that he only followed a practice which was prevalent in the department; but it must be borne in mind that Lawrence had been placed upon his trial and honorably acquitted of that charge. The charge which the Commission was more particularly appointed to investigate, and for which Lawrence was dismissed the service, the Report entirely exonerates him from. It also makes special mention of his services and previous good character, and concludes with a strong recommendation in his favour. Now, it certainly was understood between Mr. Cowper and myself, that all parties should abide the result of the investigation by the Commission. Had it been unfavourable to Lawrence, he would have had to submit to it, and I certainly should never have dreamt of taking the case into the Assembly, or troubling the Government any more about it; but as it is favourable, I have a right to expect that the Report should be acted upon by the Government, and justice be done to Lawrence; and I hope I may be forgiven for remarking, that I certainly shall consider that Mr. Cowper will not be acting in good faith towards me if he does not follow that course.

I hope I may be excused for having written at such length. I have done so with the view of bringing the whole case under the notice of Mr. Cowper, and under the impression that Mr. Cowper has not made himself fully acquainted with it, but has rather suffered himself to be prejudiced against Lawrence. I don't wish to say one word to the prejudice of Captain M'Lerie, but I submit that in this case he is scarcely the proper person for Mr. Cowper to take advice from; there is no doubt but that, in reference to Lawrence, he has acted both hastily and harshly—perhaps the result of his military education and ideas of military discipline—and it may be expecting too much from human nature to suppose that he could now view Lawrence with any degree of favour.

I should mention that Lawrence has been entirely out of employment ever since his first suspension; considering himself up to the present time in the service of the Government, he has not felt himself at liberty to accept any offers of employment from private persons until his case should be finally settled. He has, besides, been put to enormous expenses in defending himself from the charges preferred against him, and but for the assistance of friends, would now be entirely destitute, with a wife and family depending upon him. He has received no pay since his first suspension; there are, besides, other moneys due to him from the department, for which he has made applications, but his applications have been either refused or remain unanswered.

I have to request that you will be good enough to lay this letter before Mr. Cowper, and I solicit from him an attentive perusal of it, and an impartial consideration of Lawrence's case; and I now appeal to him for the last time for his final decision thereon; but before concluding, I desire to remind Mr. Cowper that there were no general charges against Lawrence. The charges were specific; for them he has been tried by two tribunals—one of Mr. Cowper's own creation—and of them honorably acquitted. Can there then remain any valid reasons for so long withholding from him the justice he is entitled to?

I have, &c.,

HENRY ROTTON.

No. 14.

THE UNDER SECRETARY to H. ROTTON, Esq., M.P.

*Colonial Secretary's Office,
Sydney, 14 April, 1862.*

SIR,

I am directed to acknowledge the receipt of your letter of the 6th instant, with reference to my communication of the 10th ultimo, respecting the case of Sergeant-Major Lawrence.

2. In reply, the Colonial Secretary desires me to inform you, that he has read and carefully considered your communication, but must beg to differ with you altogether in the view you take of Lawrence's case, of which it appears to him, Captain M'Lerie's statement is the more correct. With reference to the Report of the Board, Captain M'Lerie remarks thus:—"Without reference to the moral evidence of collusion (most systematic and complete) between Lawrence and the trooper Rorison, to defraud the Government, and yet escape the consequences of the crime—to the assumption of inimical feeling between them, to blind justice—to the discrepancies which their depositions and subsequent statements exhibit—I pass at once to the acknowledged fact (acknowledged by Lawrence himself) that he filled up a voucher, purporting to be for forage supplied to patrol horses, which was not supplied; and that he witnessed Trooper Rorison forge the innkeeper Cheshier's name to this voucher, with a view to the payment of the amount therein included being obtained from Mr. Superintendent Battye; thus are fraud and forgery combined; fraud, as regards the filling in the document with false and excessive quantities (the act of Lawrence); forgery, the affixing a signature, presumptively John Cheshier's, that of Rorison. To all this (not simple irregularity, but absolute crime) is urged by the Board the weak plea that, to a certain extent, 'irregularity' in such matters had obtained in the Superintendent's office."

3. You state that the Colonial Secretary appears to have forgotten a portion of the conversation which took place between him and yourself, on the subject of Lawrence's being reinstated in the Western Patrol. Mr. Cowper cannot admit that he has forgotten any part of his communication with you, and according to his recollection, he distinctly declined to entertain the proposal to reinstate Lawrence, with the understanding that he would resign immediately afterwards. The Colonial Secretary objected, because he was not willing to do anything which would imply that, in his opinion, Lawrence had not been guilty of something more than irregularity; nor does Mr. Cowper admit that, in appointing the Board, he was prepared to adopt implicitly their recommendation, whatever it might be. It was suggested by you that, if opportunity were afforded by inquiry on the spot, Lawrence could exculpate himself from the charge of having acted improperly; but the Board have reported that the charge is practically sustained; and if such delinquencies as those of which Lawrence is proved to have been guilty, are to be justified or palliated on the ground that others have acted in a similar way without being convicted or punished, the Colonial Secretary fears there is no crime that would be dealt with as it deserves.

4. Your comments upon Captain M'Lerie are, in Mr. Cowper's judgment, wholly undeserved; and the allusion to that gentleman's military career might, he conceives, have been spared. If Captain M'Lerie were to reply to your remarks in a similar style of argument, the Colonial Secretary is sure that you would feel that you were not very courteously treated.

5. I am desired to add, that Lawrence has, so far as Mr. Cowper can form an opinion, not been in any way harshly dealt with.

I have, &c.,

W. ELYARD.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

MR. CHARLES PHILLIPS LAWRENCE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
29 October, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 1s. 2d.]

568—

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 41. TUESDAY, 5 AUGUST, 1862.

15. Mr. Charles Phillips Lawrence:—Mr. Rotton moved, pursuant to notice,—
(1.) That the Petition of C. P. Lawrence, presented by him on Friday, 11th July, be referred to a Select Committee, to inquire into and report upon the allegations therein contained; and that such Committee have power to send for persons and papers.
(2.) That such Committee consist of Mr. Cowper, Mr. Macleay, Mr. Sadleir, Mr. Driver, Mr. Hart, Mr. Windeyer, Mr. Watt, Mr. Lackey, Mr. Wisdom, and the Mover.
Debate ensued.
Question put and passed.

VOTES No. 59. THURSDAY, 4 SEPTEMBER, 1862.

2. Mr. Charles Phillips Lawrence:—
(1.) Mr. Rotton presented a Petition from Charles Phillips Lawrence, of Bathurst, late Sergeant Major in the Western Mounted Patrol, praying for leave to appear by his Counsel, Attorney, or Agent, before the Select Committee now sitting on his case. Petition received.
(2.) Mr. Rotton then moved, That Mr. Lawrence have leave to be heard by his Counsel, Attorney, or Agent, before the said Committee.
Question put and passed.

VOTES No. 79. THURSDAY, 9 OCTOBER, 1862.

3. Mr. Charles Phillips Lawrence:—Mr. Rotton, *with the concurrence of the House*, moved (without notice), That Mr. Morrice be appointed a Member of the Select Committee now sitting in the case of Mr. Charles Phillips Lawrence, in the room of Mr. Watt, resigned.
Question put and passed.

VOTES No. 90. WEDNESDAY, 29 OCTOBER, 1862.

9. Mr. Charles Phillips Lawrence:—Mr. Rotton, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom the Petition of Mr. Charles Phillips Lawrence was referred on 5th August.
Ordered to be printed.

CONTENTS.

| | PAGE. |
|---|-------|
| Extracts from the Votes and Proceedings | 2 |
| Report | 3 |
| Proceedings of the Committee | 4 |
| List of Witnesses | 8 |
| List of Appendix | 8 |
| Minutes of Evidence | 1 |

1862.

MR. CHARLES PHILLIPS LAWRENCE.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 5th of August last, "to inquire into and report upon the allegations contained in the Petition of Charles Phillips Lawrence, with power to send for persons and papers," have agreed to the following Report:—

Your Committee having had the Petition of Charles Phillips Lawrence referred to them by your Honorable House, after a very patient investigation of his case, during which the witnesses named in the margin (whose evidence is appended) were examined, and various papers relating to the case were perused, the most important of which appear to your Committee to be the Judge's Notes of the evidence given at Lawrence's trial at the Circuit Court, at Bathurst, and His Honor's indorsement thereon, and the Report of a Commission subsequently appointed by the Government (consisting of the gentlemen named in the margin), to inquire into the charge for which Lawrence was dismissed, have come to the conclusion that the allegations contained in Lawrence's petition are generally sustained.

Your Committee are of opinion that Lawrence was guilty of a grave irregularity in having witnessed a signature not affixed by the person whose signature it purported to be. Your Committee cannot, of course, excuse such an act, but in this case it is clearly proved that Lawrence had no guilty intention; that he did it on the assurance of the trooper that it was correct, and with the view of facilitating the progress of the accounts through the office; that it was to some extent a practice prevailing in various Government departments, and that he had the example of his superior officer, whose signature was attached to the same document.

After the punishment the Petitioner has suffered, and considering his previous good character, your Committee recommend his being restored to a position equivalent to the one he previously held in the Public Service.

Your Committee cannot but strongly condemn the practice which, according to the evidence of Mr. Lawrence, has prevailed, of issuing blank warrants. Such a practice is not only illegal, but is an exercise of magisterial authority which nothing can justify.

HENRY ROTTON,
Chairman.

Legislative Assembly Chambers,
Sydney, 29 October, 1862.

Mr. C. P. Lawrence.
T. J. Hawkins, Esq.
Captain M'Leerie.
E. A. Rennie, Esq.
K. Price, Esq.
Sir A. Stephen, Knt. C.B.
Jno. M'Intosh, Esq.

Thos. J. Hawkins, Esq.,
Chairman.
Harold M'Lean, Com-
missioner, Western
Gold Fields.
Wm. Chatfield, Esq.,
Superintendent,
Western Patrol.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 8 AUGUST, 1862.

MEMBERS PRESENT:—

| | | |
|--------------|--|-------------|
| Mr. Rotton, | \| | Mr. Lackey, |
| Mr. Sadleir, | \| | Mr. Watt. |

Mr. Rotton called to the Chair.
Committee deliberated as to their course of procedure.
Re-assembling of the Committee to be arranged by the Chairman.
[Adjourned.]

WEDNESDAY, 13 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Rotton in the Chair.

| | | |
|-------------|--|--------------|
| Mr. Cowper, | \| | Mr. Wisdom, |
| Mr. Lackey, | \| | Mr. Sadleir. |

Committee met pursuant to summons.
Witness not being in attendance,—
Committee deliberated.
Captain M'Leric to be summoned as a witness, To-morrow, at 12 o'clock.
[Adjourned to To-morrow, at *Eleven* o'clock.]

THURSDAY, 14 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Rotton in the Chair.

| | | |
|-------------|--|--------------|
| Mr. Cowper, | \| | Mr. Macleay. |
|-------------|--|--------------|

In the absence of the principal witness, Mr. C. P. Lawrence,—
Committee deliberated.
Re-assembling of the Committee to be arranged by Chairman.
[Adjourned.]

TUESDAY, 9 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rotton in the Chair.

| | | |
|---------------|--|-------------|
| Mr. Windeyer, | \| | Mr. Wisdom, |
| Mr. Sadleir, | \| | Mr. Driver, |
| Mr. Cowper. | | |

Committee met pursuant to summons.
Petition from Charles Phillips Lawrence, praying for leave to appear by his Counsel, Attorney, or Agent, before the Committee,—together with the Order of the House referring the same,—by direction of the Chairman, read by the Clerk.
Present as Solicitor for Petitioner—Mr. W. Hellyer.
Mr. W. Hellyer, *Solicitor*, briefly stated to the Committee the case of Petitioner.
Judge's Notes on the Trial *handed in* to the Committee.
Before proceeding to examination of witness,—
Strangers requested to withdraw.
Committee deliberated as to whether it is desirable that Mr. Windeyer, at present a member of the Committee, should be present during the inquiry, inasmuch as he had been in some way connected with the case on the trial.
And there being no objection on the part of the Committee for the said member to remain,—
Parties called in.
Mr. C. P. Lawrence examined by Mr. Hellyer.
Several letters, &c, handed in. (*Vide List of Appendix.*)
Letter from War Office to Sergeant Major Lawrence, *produced*, ordered to be printed, and returned to witness. (*Vide List of Appendix.*)
Witness then examined by the Committee.
Mr. T. J. Hawkins examined.
[Adjourned to Thursday next, at *Ten* o'clock.]

THURSDAY,

THURSDAY, 11 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rotton in the Chair.

Mr. Macleay, | Mr. Cowper.

Present for Petitioner:—

Mr. Hellyer, *Solicitor*.

Capt. McLerie, *Inspector General of Police*, called in and examined by Mr. Hellyer.
Witness handed in several documents. (*Vide List of Appendix.*)

[Adjourned to Tuesday next, at *Eleven o'clock.*]

TUESDAY, 16 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rotton in the Chair.

Mr. Macleay, | Mr. Hart,
Mr. Sadleir, | Mr. Cowper.

Capt. McLerie, *Inspector General of Police*, called in and further examined.

In the course of examination Mr. Hellyer, *Solicitor for Petitioner*, entered the room.

The evidence just given having been read from the shorthand writer's notes,—

Examination continued by Mr. Hellyer,—

And Mr. Hart objecting to the style in which Mr. Hellyer was conducting the evidence,—

Strangers requested to withdraw.

Committee deliberated, and decided that Mr. Hellyer should confine himself strictly to questions of fact, without making passing comments on the evidence.

Parties called in.

Mr. Hellyer informed of the decision of the Committee,—

Examination proceeded with.

Witness further examined by the Committee.

[Adjourned to Friday next, at *Half-past Ten o'clock.*]

FRIDAY, 19 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rotton in the Chair.

Mr. Cowper, | Mr. Hart,
Mr. Macleay, | Mr. Lackey.

Present for Petitioner:—

Mr. Hellyer, *Solicitor*.

Mr. E. A. Rennie, *Chief Clerk, Audit Office*, called in and examined.

Certain vouchers, &c., &c., *produced.*

Mr. Kennett Price, and Mr. C. P. Lawrence, then examined.

Committee deliberated.

Ordered, That Mr. Hellyer be furnished with a copy of the Evidence when printed.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 10 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Rotton in the Chair.

Mr. Cowper, | Mr. Lackey,
Mr. Sadleir, | Mr. Morrice.

Committee met, pursuant to summons, and deliberated.

Parties called in.

Present for Petitioner:—Mr. W. Hellyer, *Solicitor*.

His Honor Sir Alfred Stephen, *Knt. C. B.*, and Mr. J. N. McIntosh, severally examined by the Committee, and cross-examined by Mr. Hellyer.

[Adjourned.]

FRIDAY,

FRIDAY, 24 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Rotton in the Chair.

| | | |
|--------------|--|--------------|
| Mr. Cowper, | | Mr. Morrice, |
| Mr. Driver, | \| | Mr. Sadleir, |
| Mr. Macleay, | | Mr. Hart. |

Committee met pursuant to summons.

Printed copies of Evidence (complete) *circulated* during the interval of adjournment.Mr. Hellyer, *Solicitor for Petitioner*, addressed the Committee upon the whole case,

And then withdrew.

Whereupon, the Chairman submitted a Draft Report—printed copies of which were laid upon the Table.

Draft Report read 1°.

Committee deliberated, and decided upon further considering the Report at the next meeting.

[Adjourned to Tuesday next, at *Twelve* o'clock.]

TUESDAY, 28 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Rotton in the Chair.

| | | |
|-------------|--|--------------|
| Mr. Cowper, | | Mr. Hart, |
| Mr. Lackey, | \| | Mr. Sadleir, |
| | | Mr. Morrice. |

Draft Report read 2° paragraph by paragraph.

Paragraph 1 read and *verbally* amended.

Committee deliberated.

Amendment proposed (*Mr. Sadleir*), That the word "fully" in the last line of the paragraph be omitted, with the view of inserting in its stead the word "generally."*Question*,—That the word proposed to be omitted stand part of the paragraph—*put*.
Committee divided.

| | | |
|--------------|--|--------------|
| Ayes, 2. | | Noes, 3. |
| Mr. Cowper, | \| | Mr. Sadleir, |
| Mr. Morrice. | | Mr. Hart, |
| | | Mr. Lackey. |

Word omitted.

Question then,—That the word proposed to be inserted in place of the word omitted be so inserted—*put*.

Committee divided.

| | | |
|--------------|--|--------------|
| Ayes, 3. | | Noes, 2. |
| Mr. Sadleir, | \| | Mr. Cowper, |
| Mr. Hart, | | Mr. Morrice. |
| Mr. Lackey. | | |

Word inserted.

Motion made and *Question put*,—That the paragraph, as amended, stand part of the proposed Report.

Committee divided.

| | | |
|--------------|--|--------------|
| Ayes, 3. | | Noes, 2. |
| Mr. Sadleir, | \| | Mr. Cowper, |
| Mr. Hart, | | Mr. Morrice. |
| Mr. Lackey. | | |

Paragraph 2 read, viz. :—

Your Committee are of opinion that "the only blame which can attach to Lawrence is that of indiscretion" in having witnessed a signature not affixed by the person whose signature it purported to be. Your Committee cannot, of course, excuse such an act, but in this case it is clearly proved that Lawrence had no guilty intention; that he did it on the assurance of the trooper that it was correct, and with the view of facilitating the progress of the accounts through the office; that it was to some extent a practice prevailing in various Government departments, and that he had the example of his superior officer, whose signature was attached to the same document.

Committee deliberated.

Amendment proposed (*Mr. Sadleir*), That the words "the only blame which can attach to Lawrence is that of indiscretion" be omitted, with the view of inserting in their place the words, "Lawrence was guilty of a grave irregularity."*Question*—

Question—That the words proposed to be omitted stand part of the paragraph—*put*.
Committee divided.

| | |
|--------------------------|---|
| Ayes, 2. | Noes, 3. |
| Mr. Hart, Mr. Lackey. | Mr. Cowper, Mr. Sadleir, Mr. Morrice. |

Words omitted.

Question then—That the words proposed to be inserted in place of the words omitted be so inserted—*put*.

Committee divided.

| | |
|---|--------------------------|
| Ayes, 3. | Noes, 2. |
| Mr. Cowper, Mr. Sadleir, Mr. Morrice. | Mr. Hart, Mr. Lackey. |

Motion made and *Question put*—That the Paragraph, as amended, stand part of the proposed Report.

Committee divided.

| | |
|--|-------------|
| Ayes, 4. | No, 1. |
| Mr. Sadleir, Mr. Hart, Mr. Lackey, Mr. Morrice. | Mr. Cowper. |

Clause 3 read, viz. :—

After all the annoyance and indignity the Petitioner has been subjected to, and the great expense he has been necessitated to incur, your Committee are of opinion that nothing short of his reinstatement, and reimbursement of all his arrears of pay, will meet the justice of his case.

Motion made (*Mr Lackey*) and *Question proposed*—That this Paragraph be omitted, with the view of inserting the following new paragraph :—

“ After the punishment the Petitioner has suffered, and considering his previous good character, your Committee recommend his being restored to a position equivalent to the one he previously held in the Public Service.”

Question—That the words proposed to be omitted stand part of the proposed Report—*negatived*.

Question then—That the words proposed to be inserted be so inserted—*put*.
Committee divided.

| | |
|--|-------------|
| Ayes, 4. | No, 1. |
| Mr. Sadleir, Mr. Hart, Mr. Lackey, Mr. Morrice. | Mr. Cowper. |

New paragraph inserted.

Amendment proposed (*Mr. Hart*)—That there be added to the paragraph the following words :—“ And that he be reimbursed all arrears of pay.”

Question—That the words proposed to be added be so added—*put*.
Committee divided.

| | |
|---------------------------|--|
| Ayes, 2. | Noes, 3. |
| Mr. Sadleir, Mr. Hart. | Mr. Cowper, Mr. Lackey, Mr. Morrice. |

Motion made (*Mr. Hart*), and *Question proposed*—That the following new paragraph be here inserted in the proposed Report :—

Your Committee cannot but strongly condemn the practice which, according to the evidence of Mr. Lawrence, has prevailed, of issuing blank warrants. Such a practice is not only illegal, but is an exercise of magisterial authority which nothing can justify.

Question put—That the proposed new paragraph stand part of the proposed Report.
Committee divided.

| | |
|--|-------------|
| Ayes, 4. | No, 1. |
| Mr. Sadleir, Mr. Hart, Mr. Lackey, Mr. Morrice. | Mr. Cowper. |

Motion made and *Question put*—That the Report, as amended, be the Report of this Committee.

Committee divided.

| | |
|--|-----------------------------|
| Ayes, 3. | Noes, 2. |
| Mr. Sadleir, Mr. Hart, Mr. Lackey. | Mr. Cowper, Mr. Morrice. |

Chairman to report.

LIST OF WITNESSES.

| | PAGE. |
|--|--------|
| Hawkins, Thomas J., Esq. | 10 |
| Lawrence, Mr. Charles Phillips | 1, 37 |
| McIntosh, John N., Esq. | 44 |
| M'Lerie, John, Esq. | 12, 23 |
| Price, Kennett, Esq. | 34 |
| Rennie, Edward Alexander, Esq. | 32 |
| Stephen, His Honor Sir Alfred, Knt. C.B. | 39 |

LIST OF APPENDIX.

(To Evidence given by Mr. C. P. Lawrence. 9 September, 1862.)

| | |
|---|----|
| A. | |
| Copy of Judge's notes, with endorsement by Chief Justice | 8 |
| B. | |
| C. P. Lawrence to Inspector General of Police, Sydney. Dated Bathurst, 19 March, 1862 | 9 |
| C. | |
| Same to same. Dated Bathurst, 27 March, 1862 | 9 |
| D. | |
| Memo. from F. M'Martin (for Inspector General of Police) to Mr. Charles Lawrence, in answer to the two preceding letters. Dated Sydney, 1 April, 1862 | 9 |
| E. | |
| Letter from H. D. Stocks (late 1st Battalion Rifle Brigade) to Charles Lawrence, transmitting a medal from the Queen. Dated War Office, 18 May, 1858 | 10 |
| F. | |
| Memo. (<i>imperfect</i>) of Captain Battye's, containing the customary order for the discharge of duty. Dated 25 June, 1860 | 10 |

(To Evidence given by Captain M'Lerie. 11 September, 1862.)

| | |
|--|----|
| A. | |
| John M'Donald to Inspector General of Police. Dated Jerrong, Abercrombie River, 16 November, 1860 | 18 |
| B. | |
| Inspector General of Police to J. M'Donald, in reply. Dated Sydney, 23 November, 1860 | 19 |
| C. | |
| John M'Donald to Inspector General of Police. Dated Jerrong, 6 December, 1860 | 19 |
| D. | |
| Inspector General of Police to Superintendent of Mounted Police, Bathurst. Dated Sydney, 27 December, 1860 | 19 |
| E. | |
| Captain Battye to Inspector General of Police, in reply. Dated Bathurst, 26 January, 1861 | 19 |
| F. | |
| John M'Donald to Captain M'Lerie. Dated Jerrong, 24 January, 1861 | 20 |
| G. | |
| Inspector General of Police to J. M'Donald. Dated Sydney, 11 February, 1861 | 20 |
| H. | |
| John M'Donald to Inspector General of Police. Dated Jerrong, 20 February, 1861 | 20 |
| I. | |
| Inspector General of Police to John M'Donald, in reply. Dated Sydney, 1 March, 1861 | 20 |
| K. | |
| Same to same. Dated Sydney, 14 March, 1861 | 20 |
| L. | |
| Inspector General of Police to Police Magistrate, Bathurst. Dated Sydney, 15 March, 1861 | 21 |
| M. | |
| Memorandum of Inquiry held by W. Hall Palmer, Esq., respecting the purchase of a horse by C. P. Lawrence from Mr. M'Donald, of Jerrong | 21 |
| N. | |
| Letter from C. P. Lawrence to Dr. Palmer. Dated Bathurst, 22 March, 1861 | 22 |
| (To Evidence given by Captain M'Lerie. 16 September, 1862.) | |
| W. Elyard to Inspector General of Police. Dated Colonial Secretary's Office, Sydney, 14 December, 1860 | 31 |

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF C. P. LAWRENCE.

TUESDAY, 9 SEPTEMBER, 1862.

Present:—

| | | |
|-------------|--|---------------|
| Mr. COWPER, | \| | Mr. SADLEIR, |
| Mr. DRIVER, | \| | Mr. WINDEYER, |
| Mr. ROTTON, | \| | Mr. WISDOM. |

HENRY ROTTON, Esq., IN THE CHAIR.

Mr. Hellyer appeared as Solicitor for the Petitioner.

Mr. Charles Phillips Lawrence called in and examined:—

1. *By the Chairman*: You are the Charles Phillips Lawrence who was formerly sergeant-major in the Western Mounted Patrol? I am.
2. You are the person who presented this Petition to the Assembly? I am.
3. You have also presented another Petition in which you have asked to be heard by 9 Mr. C. P.
Lawrence.
Sept., 1862. counsel, and as your advocate is now present, perhaps it will be better that you should be examined by him.
4. *By Mr. Hellyer*: When were you first appointed to the Western Patrol? In 1854.
5. How long did you remain in the patrol? I remained from 1854 until April, 1860.
6. Until April, 1860 or 1861? 1861.
7. Then you were dismissed, I believe? I was dismissed.
8. You were sergeant-major of the patrol? I was.
9. How long did you occupy that position previous to your dismissal? About five years.
10. Do you know what led to your dismissal? It was in consequence of my arrest my dismissal took place.
11. You were arrested upon a charge of forgery? Yes.
12. And tried? Yes.
13. At Bathurst? Yes.
14. Before Sir Alfred Stephen? Before Sir Alfred Stephen.
15. Do you know the handwriting of the Chief Justice? I do not.
16. Did you procure a copy of the Judge's notes? Yes, through my solicitor.
17. Is this a copy of the Judge's notes? (*Handing a document to the witness.*) Yes.
18. That indorsement upon it, do you believe that to be in the handwriting of the Chief Justice? Yes. (*Mr. Hellyer read the paper. Vide Appendix A.*)
19. After the trial, when you were acquitted, did you report yourself to the superintendent in charge? I reported myself to Dr. Palmer the next day.

- Mr. C. P. Lawrence.
- 9 Sept., 1862.
20. What did he tell you? He told me I was still suspended.
 21. Did any conversation occur between Dr. Palmer and yourself relative to Trooper Rorison? Frequently.
 22. Was any request made to you to prosecute him? Dr. Palmer advised me to prosecute him.
 23. *By Mr. Windeyer*: What did he advise you to prosecute Rorison for? For perjury.
 24. What was the precise accusation respecting which he wished you to prosecute him for perjury? He did not tell me.
 25. Did he say how he had committed perjury? I believe he had a conversation with my solicitor afterwards about it.
 26. *By Mr. Hellyer*: Did Dr. Palmer say what was the particular false statement? Rorison stated that he had never seen the voucher before he had seen it at Carcoar.
 27. Did you consult with your attorney as to the propriety of prosecuting Rorison? I did.
 28. With his advice did you write a letter to Dr. Palmer? I did.
 29. Is the letter in page 2 of the printed correspondence, dated Bathurst, 28th March, 1861 a copy of that letter? That is a copy. (*Mr. Hellyer read the same.*)
 30. In consequence of your refusal to prosecute were you dismissed the force? Yes.
 31. Were you paid your arrears of pay? No.
 32. What was the amount of pay due to you at the time of your dismissal? I considered that there was pay due from the date of my arrest up to the date of my dismissal.
 33. What did that amount to? I could not exactly tell you the amount.
 34. What was your pay? My pay as sergeant-major was 8s. 3d. a day, from the 20th December to the 8th March.
 35. *By the Chairman*: Was there any pay due to you previous to that? After my arrest; I was paid up to the 20th—the time of my arrest.
 36. *By Mr. Hellyer*: Do you know of any commission having been appointed afterwards to inquire into your case? Yes.
 37. Mr. Thomas Hawkins, Mr. Harold M'Lean, and Mr. William Chatfield were the parties? Yes.
 38. And a report was made by them? Yes.
 39. Has that been communicated to you in any way, or do you know it from the printed papers? I received a copy of it myself.
 40. Is the report at page 9, and the evidence on the two following pages, what you refer to? That is the one I refer to—"Enclosure in No. 8."
 41. Were you present during the inquiry? Yes.
 42. Were the witnesses named there examined? Yes, these are the witnesses who were examined.
 43. Was there anything more due to you at the time of your dismissal? Yes, there was a small amount in my books, but I never could get my books to copy them out, although I applied for them to Dr. Palmer the following day—after my acquittal.
 44. There was some amount due to you? Yes, a small amount.
 45. That amount is entered in your books, which have not been returned to you? Yes.
 46. Was there anything due to you for night money? Yes.
 47. Did you communicate with the Inspector General upon the subject? I did.
 48. Will you look at that letter and see whether that is a copy of the letter forwarded? (*Handing a letter to the witness. Vide Appendix B.*) It is.
 49. Is that a copy of a second letter? (*Handing a letter to the witness. Vide Appendix C.*) It is.
 50. Did you receive that in reply? (*Handing to the witness—letter. Vide Appendix C.*) Yes.
 51. Do you remember the amount due to you for night money? About £8 4s.
 52. Has that ever been paid to you? Never. (*Mr. Hellyer read the several letters marked B, C, and D.*)
 53. That memorandum from the Inspector General's Office refers to the superintendent;—who was the superintendent for the time being? Captain Battye; I applied to him, and he tells me he never received it.
 54. *By the Chairman*: That money you did not receive? No; Captain Battye says it has been disallowed.
 55. *By Mr. Hellyer*: You formerly, I believe, served at the Cape of Good Hope, did you not? Yes.
 56. Were you attached to the 1st battalion of the Rifle Brigade? Yes.
 57. How long did you serve? I served very nearly two years at the Cape, and I then had my discharge.
 58. Did you receive a medal from the Queen for your services? I did; it was sent out to this Colony to me.
 59. Is that the letter and envelope that accompanied it. (*Handing a letter to witness. Vide Appendix E.*) It is.
 60. Can you say how soon after your suspension your office was filled? The following month after my arrest. My office as sergeant-major was not at once filled up, but a sergeant from Sydney was sent up, who took my place.
 61. Do you know his name? Sergeant Granger.
 62. Had he been in the force previously? Not in Bathurst.
 63. Do you know when he received his appointment? In January.
 64. When you were discharged by the Judge your position was filled up? Soon afterwards.
 65. Then you mean that in the first instance it was temporarily supplied—was he appointed sergeant-major? Yes.

66. *By the Chairman*: He was acting sergeant-major first of all, and then his appointment was confirmed? Yes, it was confirmed afterwards.

Mr. C. P.
Lawrence.

67. Are you not aware whether he was in the police force before? Only by hearsay; I have heard so; I do not know the man myself.

9 Sept., 1862.

68. It appears by the Judge's notes that you called at Chesher's? Yes.

69. Were you directed to do so by Captain Battye? Yes. I was not directed by Captain Battye to call at Chesher's, but I was directed to go to Mulgunnia, and that was the only route.

70. Was that direction in writing? Yes.

71. Is that it? (*Handing a paper to witness. Vide Appendix F.*) Yes.

72. Part of that is destroyed; can you supply the rest? I had to go to a place called Back Creek, to Kaloolah Creek, and to Mulgunnia, in the caves at the back, in search of some persons who had escaped from Campbelltown.

73. Is this the handwriting of Captain Battye? Yes.

74. That is the customary order for the discharge of duty? Yes.

75. With reference to the voucher marked A printed at page 4, before you signed that voucher —? Before I witnessed it.

76. Before you witnessed that voucher did Rorison tell you that he had the authority of Chesher to sign it? Most distinctly, before the clerk.

77. Before Day? Before Wiley; I do not think anyone else was present. I might be mistaken; I know Trooper Day was outside the door.

78. Before you witnessed that signature did Rorison give the voucher printed at page 11? That was given me the night before at my own house, in the presence of Sergeant Price and Trooper Day.

79. Rorison was absent from the barracks on the days mentioned in the voucher? That I did not know at the time; I could not tell whether he was absent. Since then I have referred, and I find he was.

80. During the time he was absent from the barracks would the forage be drawn from the contractor? No.

81. The forage supplied would be absolutely necessary for his horse? Yes.

82. Had you any interest in that document? Not the slightest—I considered it a matter of duty on my part to make out the voucher, the man bringing me a written statement that he had paid the money.

83. Look at the foot of the first certificate—"I hereby authorize the amount of the above account to be paid on my behalf to Captain Battye"—could you have received that money? I could not; it was impossible I could have received it—Rorison at this time had not got the publican's receipts, and he was distinctly told by me to bring these receipts to Captain Battye.

84. Is it not necessary to send the vouchers in the first instance to the Inspector General, before the money is paid to the commandant for the time being? Yes.

85. The money still being then in the possession of the officer in command of the patrol until the receipts of the publicans or parties supplying stores, would it come away from the hands of the Government? No; Captain Battye would not pay it unless he had the publican's receipts.

86. *By the Chairman*: Has that money been ever paid to anyone? Not that I am aware.

87. Not even to Rorison? Not that I am aware.

88. After your acquittal, was your feeling friendly towards Rorison? No, not very.

89. Do you mean not at all? Decidedly not.

90. I believe you were restrained from following him that night? Yes.

91. Had you any communication with him before the sitting of the commission of which Mr. Hawkins was a member? One day he met me in the street in Bathurst; I was just turning round the corner in William-street, and he said "I hear you are going to bring that case of yours before the Council." I said "Yes, a gentleman is going to do what he can for me below."

92. Did you consider yourself badly used by him? I did, grossly used—I did this out of kindness.

93. You could have no interest in the matter? None whatever.

94. Then the hostile feeling between you was not assumed for any purpose? No purpose on my part; I have been grossly abused by the same man since in Bathurst.

95. Did you ever attempt to defraud the Government in any way with reference to the vouchers? Not that ever I knew of in my life.

96. Did you forge Chesher's name? No.

97. Have you yourself, at the request of Captain Battye or of any person else, signed your name as a witness for vouchers that have been sent in for payment? I have, frequently.

98. Do you know any vouchers so signed? Yes, they have been signed by Captain Battye himself and every man in the force.

99. Will you name any instances where you have signed them yourself, or have known them to have been signed by others? Almost without exception it has been done. Every publican around Bathurst has done it.

100. It was a general thing? I have seen Captain Battye do it frequently. I have witnessed as many as fifty of a morning; they used to accumulate, and I would sit down and sign them on Sunday morning.

101. The signing was merely that the money might be transferred from the Treasury to the commandant? Yes, or to the person to whom it was owing.

102. They were always vouchers for what you knew had been supplied? Yes.

103. *By the Chairman*: Are you aware of any vouchers having been signed in blank? I have

Mr. C. P. Lawrence. have known abstracts to be signed in blank—pay abstracts—in fact it is an invariable course; it must be done in some cases.

- 9 Sept., 1862. 104. *By Mr. Hellyer*: They must be signed before the money can be obtained? Yes.
105. *By Mr. Sadleir*: Do you not sign your pay lists before receiving your pay? Yes.
106. *By Mr. Windeyer*: Unless this is done delays occur in sending in abstracts of payment? Yes, the pay might be kept back a couple of months.
107. Sometimes you cannot find your men at the time? The men may be a hundred miles from one another.
108. *By the Chairman*: With regard to signing abstracts in blank—do you know if Captain Battye, when in charge of the Western Mounted Patrol, took blank vouchers with him when travelling, and got publicans to sign them; afterwards filling them up when he returned home? Yes, that was the plan generally adopted. I sometimes carried vouchers with me, sometimes I did not. The publican's bill would be attached to the voucher, and the voucher would be filled in from the bill when I got to the office; the voucher itself was signed in blank.
109. *By Mr. Hellyer*: When you were out on duty were you supplied with money to pay for your forage? No.
110. You were bound to obtain credit in this way? Frequently.
111. The witnessing you have referred to was done by you to facilitate payment to the parties who had supplied the forage? Yes.
112. And the witnessing this voucher for Rorison was with the same view? That was all; I distinctly understood that he had paid the money; I had no doubt about it at all.
113. *By the Chairman*: Are you not aware that many of the publicans will not charge the police with their expenses when they stay at their houses? Very few; I never found one yet but charged me.
114. You do not know of instances? I do not; I know a circular was put into my hands after my arrest, asking the publicans if they were willing to supply the police without charging, and to send their names; however, I do not think there were many who did so.
115. *By Mr. Hellyer*: Do you know a person named M'Donald? I do.
116. Where was he residing? On the Abererombie, near the Wyrong Mountain.
117. When in the discharge of your duty, searching for prisoners, did your horse knock up near his place? Yes.
118. Had you received any directions from Captain Battye to replace or to purchase horses in such cases? Captain Battye told me to do so, and in one or two instances I have done so. I have bought ten or twelve horses; in some cases under a written authority from Captain Battye.
119. Did you buy a brown colt from Mr. M'Donald, on the 30th February, 1860? Yes.
120. Was that horse recognized as a troop horse? He was; he was brought home to barracks.
121. Was forage drawn for him? He was put on the books, and forage was drawn for him.
122. Was he subsequently lent to Mr. Cole, of the Colonial Architect's Office, by Captain Battye? Yes.
123. That horse was subsequently exchanged, I believe? He knocked up with Mr. Cole somewhere between Wellington and Stony Creek.
124. Where he was exchanged with Mr. Hughes for another horse? Yes; Captain Battye advised that he should be exchanged for a grey horse.
125. That horse died subsequently? It died the very first journey—the next day.
126. Were you required to supply any certificate of its death? Yes.
127. Did you report its death at head quarters? Not only so, but I took a veterinary surgeon with me, who saw the horse and gave Captain Battye a certificate.
128. A few days before your trial at Bathurst, did you see Mr. M'Donald? Yes.
129. Had you any conversation with him? Yes.
130. Did he show you a letter? Yes.
131. From whom? Captain M'Lerie.
132. What was the purport of that letter? To prosecute me for obtaining a horse under false pretences.
133. Do you know whether the report and certificate of the horse's death had been forwarded to the Inspector General? I have no idea; it was given to Captain Battye for that direct purpose.
134. *By Mr. Driver*: By whom? By myself; my own certificate, and one from the veterinary surgeon.
135. Were you paid for that horse? Never.
136. *By Mr. Hellyer*: What sum did you pay for it? £20.
137. This was urged upon you at the time you were preparing for your defence? This was the Saturday previous to the Monday when my trial came on.
138. *By Mr. Wisdom*: Have you a receipt for the payment of that? Yes.
139. *By Mr. Hellyer*: Is that the receipt (*handing a paper to the witness*)? Yes.
140. *By the Chairman*: Did you see the letter Mr. M'Donald told you he had received from Captain M'Lerie? Yes, after he told me.
141. Do you know that it was from Captain M'Lerie? Yes.
142. Did it state the grounds upon which the advice was given? I think it did; that Captain Battye had denied having ever given me authority to purchase a horse; that he had said he had never done such a thing while I was in the force.
143. And you had purchased many? Yes.
144. *By the Chairman*: That horse had been used for a troop horse? Yes.
145. Upon whose authority was it exchanged for the other horse that died? Mr. Coles took up

- up the other horse, and he knocked up between Wellington and Stony Creek; he remained there three or four weeks, and was then brought down in a very low condition. Mr. Hughes looked at him and thought he would do better for a draft than for a saddle horse, and exchanged him for a grey horse.
146. Who gave the authority for that exchange? Captain Battye.
147. *By Mr. Driver*: Was any person present? I was present, and Mr. John Hughes, the contractor.
148. *By Mr. Hellyer*: I believe you bought five horses for the Government, did you not? Yes.
149. All the horses have been paid for except this one? Yes.
150. *By the Chairman*: The other horses have been paid for by Government, through Captain Battye? Yes.
151. *By Mr. Hellyer*: Do you know whether there was any investigation before Dr. Palmer with reference to this horse? Yes, after my trial.
152. After you had paid for it? Yes.
153. *By the Chairman*: You have stated, in your Petition to the House, with reference to your trial at Bathurst, that the jury "pronounced a verdict of 'not guilty,' and the "Chief Justice, Sir Alfred Stephen, who tried the case, stated that your petitioner left the "dock without the slightest stain upon his character"—Is that the fact? Yes.
154. *By Mr. Hellyer*: His Honor did so state? Yes.
155. Was Dr. Palmer then present? He was.
156. *By the Chairman*: Has your dismissal from the service, affected you in a pecuniary way, besides the actual loss of your pay? It has affected me greatly.
157. *By Mr. Hellyer*: Will you state how? The expense I was obliged to incur was a great loss to me.
158. What had you to pay for your trial? Not a halfpenny under £250.
159. Have you not obtained any employment since? None.
160. Your father, I believe, is an attorney? He was; he is dead now.
161. You had some property? I had, and I have some at present.
162. Have you been compelled to sacrifice a portion of that? Yes, for one-fourth of its value.
163. Is that real property? Yes, in South Wales.
164. I believe you have some members of your family who are officers in Her Majesty's service at the present time? One brother-in-law, Colonel Skelly, is in India with his regiment; I have another brother-in-law, Lieutenant-Colonel Stroode; my own brother was Adjutant in the 12th, and died in the service.
165. Then you have a name and character to support? Yes.
166. These proceedings have been exceedingly injurious to you? Very much so.
167. *By Mr. Driver*: Where were you arrested? I was out on duty at the Abererombie.
168. At what distance from Bathurst? I was at a man named Dillon's place, who was a jockey, I think, in Sydney.
169. At what distance from Bathurst? Between sixty and seventy miles. We had sixty-seven head of cattle, and there were other two men with me —
170. By whom were you arrested? By a constable that went out with me; he had to come back to attend the Quarter Sessions at Bathurst.
171. You were arrested by one of your subordinates? He belonged to the foot police. I told him to be there to meet me, and said I would have the cattle there and the men too—
172. Was Bathurst your head quarters at this time? Yes.
173. *By Mr. Hellyer*: Were you handcuffed? No, they did not handcuff me.
174. *By Mr. Driver*: Was it known to the authorities at Bathurst that you were out on police duty? Yes, I had a warrant on a sworn information.
175. You were acting under a warrant at the time of your apprehension? Yes.
176. *By the Chairman*: Would you not, if you had remained in the police, have been entitled to some benefit arising from the superannuation fund? After a certain length of service.
177. Your dismissal deprived you of any benefit you might have had under that? Yes.
178. Supposing you had been incapacitated for service, and had been in a position to claim under that fund, what pension would you have been entitled to? It all remains, I imagine, with the Board; there is no fixed scale, I think.
179. *By Mr. Wilson*: If you were reinstated now, would the time during which you have been suspended count? No, I should imagine not. I never heard of such a case; of course I cannot tell.
180. *By Mr. Cowper*: What were you angry with Rorison for? For telling untruths, in the first place, to Mr. Beardmore at Careoar.
181. What untruth did he tell him? He told Mr. Beardmore that he had never seen the voucher in his life until he saw it in the office.
182. Did he sign Chesher's name in your presence? Yes.
183. And told you an untruth too? Yes, he told an untruth.
184. He told you that Chesher desired you to charge this money? Yes.
185. That was an untruth too? Yes. Chesher told me he never charged him anything.
186. *By Mr. Driver*: You did not know it to be an untruth at the time? No.
187. *By Mr. Cowper*: What did you think was the value of these certificates—did you look upon them as a mere matter of form; as a means of getting money from the Government, without reference to whether the service was performed for the Crown;—I allude to the statement made by you that vouchers were signed in blank and sent to the Government, without reference to the actual fact whether the service was supplied or not? I did not say that; I never intended to say that.

Mr. C. P.
Lawrence.

9 Sept., 1862.

188. In this particular case of Chesher the voucher was sent in without any charge having been made by the individual? That was found out afterwards.

189. Supposing Captain M'Lerie had not detected the fraud, the public would have been defrauded of this amount? Rorison would have been found out.

190. How would it have been found out if the fraud had not been detected by Captain M'Lerie? If there had been no inquiry made it might not have been, but I might have mentioned it to Mr. Chesher, and it would then have been found out.

191. Did I not understand you to say that it was a common practice in the service to make out these accounts, and to get certificates without reference to the supplies? Not without reference to the supplies; if people charge they expect to be paid.

192. When you signed these you believed the money to be due to the parties? Yes.

193. You are not aware that the practice was to send in fraudulent documents, and to get Captain Battye's signature to them? No.

194. *By Mr. Windeyer*: You trusted the officers and men under your control, in their statements that they had spent these amounts? My object in getting this statement from Rorison was that I might make out my vouchers, as he had not the publican's bill.

195. *By Mr. Hellyer*: He must produce the bills before he could be paid? Yes, I told him most distinctly that he must get them.

196. *By Mr. Wisdom*: At the time he signed Chesher's name, he did not produce any bill? No, he must have produced the publican's bill before the account would have been finally paid.

197. *By Mr. Driver*: Although the amount might have been received from the office of the Inspector General, it could not have been received by him without the publican's signature? No, not without he got a receipt from the publican.

198. *By Mr. Sadleir*: Look at No. 1—a letter signed John M'Lerie, the Inspector General of Police. He says, the ends of justice are defeated because you declined to prosecute this man Rorison? He does.

199. If you turn to another document, at page 9, paragraph 9, it is stated that your legal adviser told you that if you did prosecute Rorison you might be subject to serious personal consequences;—was that the reason you did not prosecute? Yes.

200. Was there any other reason assigned for your being dismissed than your refusal to prosecute this man? No other.

201. *By Mr. Driver*: Then you were merely suspended, in the first instance? Yes, from duty.

202. And upon declining to prosecute, you were dismissed? Yes.

203. You acted in that matter under the advice of your solicitor, Mr. Wadson, did you not? Yes.

204. You stated that there was a sum of £8 4s. due to you, which was never paid? Yes.

205. Has it never been paid up to the present time? Never.

206. What was the other amount? Letter money, for stamps; that is in the books.

207. Have you ever applied for permission to refer to the books? I applied for the books to Dr. Palmer.

208. He declined to let you have them? He would not let me have them.

209. Did you apply by letter or verbally? Verbally.

210. These books, if produced, would enable you to make out your accounts in full? For the letter money it would.

211. Besides the letter money, and this sum of £8 4s., is there any other sum due to you by the Government? The £8 4s. is for night money.

212. Is there any arrears of pay? I was paid up to the date of my arrest—the 28th December—and I was kept under arrest until the 16th April.

213. During the whole of that time you were kept without pay? Without pay.

214. When did you say the sergeant was sent up from Sydney? In January.

215. That was before your trial? Yes; I was not tried till March.

216. Shortly after your arrest and before your trial? Yes.

217. How soon after was he appointed? Soon after my dismissal.

218. *By Mr. Wisdom*: Did anyone tell you that you would not be put to any expense in prosecuting Rorison for perjury? When I was first asked by Dr. Palmer, I was under the impression that I should have to pay the whole expenses, but afterwards he told me it would cost me nothing; he said if I would go up to Mr. Naylor he would get him to draw out the information, which would cost me nothing. This was on the cricket-ground. I said, "If my solicitor will advise me to take that course, I will do it." I then went to Mr. Wadson, who drew out the letter in which I declined.

219. *By Mr. Windeyer*: You were not given to understand that if the prosecution failed, and an action were afterwards brought against you, that you would be indemnified for that? No.

220. *By Mr. Wisdom*: It was the fear of anything of that kind that induced you not to prosecute? Yes.

221. Were you ever in the habit of paying money on the representation of troopers, without getting any bills? No.

222. You never paid in any case? I have paid publicans when I have been out.

223. When a trooper has been out on duty, and has represented that he has paid money to a publican, have you paid the trooper without having some guarantee that it was actually paid? Never.

224. Therefore, in this case of Rorison, he would not have been paid unless he had produced something? No, he could not have got the money unless he had the publican's bills.

225. *By Mr. Windeyer*: You stated something about Captain M'Lerie suggesting you should be prosecuted for obtaining a horse under false pretences? Yes.

226. When was that suggestion made? A little previous to the time that I saw Mr. M'Donald. Mr. C. P. Lawrence.
227. At what time with reference to your trial? On the Saturday previous to my being tried on the Monday. 9 Sept., 1862.
228. Will you state briefly the circumstances under which such suggestion arose with regard to this horse? Mr. M'Donald came to my house late at night, and he told me that the Government repudiated all idea as to their paying for the horse. I said, "I suppose if they will not pay I must." He said, "Yes, you will have to do so." I almost forget the exact words he made use of; but at the time I made a written statement of the whole affair to Dr. Palmer. The case was investigated by Dr. Palmer in Court.
229. *By Mr. Driver*: With reference to this horse? Yes.
230. What was the result? I never heard—I never could hear.
231. *By Mr. Windeyer*: What was the nature of the investigation? I do not know for what reason the investigation was made; I suppose to see whether a case could be brought against me.
232. Were you present when the investigation took place? I was sworn.
233. Was there any information laid? I believe the investigation was in consequence of instructions Dr. Palmer received from Sydney. Dr. Palmer said to me, "I have received instructions from Sydney to investigate this case of M'Donald's, respecting the horse."
234. *By Mr. Hellyer*: Was this after you had paid for him? Yes.
235. *By Mr. Windeyer*: Was this a proceeding in open Court? Yes, it was in Dr. Palmer's room in the Police Office.
236. *By the Chairman*: In his own room? In the room where the police business is generally conducted.
237. Who gave evidence besides yourself? Captain Battye.
238. *By Mr. Sadleir*: Was any information read to you, or a charge against you from any one? None whatever.
239. *By Mr. Driver*: Were the public admitted? It was in the afternoon, after the ordinary business was over.
240. Were you sworn? Yes, both Captain Battye and myself were sworn.
241. *By the Chairman*: You have not stated the amount due to you; you say you cannot say the exact amount;—can you give somewhere near the amount that is actually due to you from the Government? Altogether?—I consider that I ought to be paid for the horse, for one thing—
242. *By Mr. Windeyer*: The case of the horse I understand to be this:—you were in the habit, if a horse were wanted in a case of emergency, of buying a horse? Yes.
243. You had done so in former cases? Yes.
244. You bought this in consequence of another horse knocking up? Yes.
245. It was used by Government for Government purposes? Yes.
246. Afterwards the Government would not adopt the horse, and you had to pay for it? Yes.
247. *By Mr. Wisdom*: This voucher for things supplied by Cheshier is certified to by Captain Battye? Yes.
248. Did Captain Battye certify to that? Yes, when he came back from Hartley; he was not there at the time.
249. What inquiry did Captain Battye make before he certified to it? He asked me what it was, and I said it was an amount that Rorison had paid.
250. Before he signed did he ask for any bill from Cheshier? No; he knew that I had this account of Rorison for £2 2s., and there was 6s. besides.
251. *By Mr. Windeyer*: You have stated that the signing of blank forms was frequent;—have you ever known forms of more importance than these, attesting the expenditure of money, to have been signed in blank? Yes, frequently.
252. For instance, what kind have you known? Warrants, arresting warrants and search warrants; I always took two or three when I was in the bush, and I filled them up any way that was necessary. I found them exceedingly useful.
253. Were they signed by Captain Battye? Yes.
254. Have you got any such documents? I have one here. (*The witness produced the same.*) They are very useful to the police.
255. This is a search warrant signed in blank by Captain Battye? Yes; I used always to take some with me.
256. Do you not know that it is illegal to issue such warrants? I know that they are of great value to the police in the bush; if I received information I could follow it up at once.
257. However, you got them from Captain Battye? Yes, and I filled them up frequently.
258. *By Mr. Wisdom*: It appears that Captain Battye signed this voucher merely upon your representation, without any bill being produced? Yes.
259. He just did what you did in the case of Rorison? Yes.
260. You accepted Rorison's representation, and Captain Battye accepted yours? Yes, I took Rorison's written statement.
261. Captain Battye had no other means of knowing whether this money was paid or not, except from what you stated to him? No, unless he had written to Cheshier.
262. *By Mr. Driver*: He had in some measure to trust to you, as you had in some measure to trust to Rorison? Yes.
263. *By Mr. Hellyer*: As sergeant-major had you been engaged in the arrest of criminals and defaulters? Yes, my principal duty consisted in being away in the bush.
264. You were often in circumstances of peril? Yes, many times; sometimes I have been fired at.

- Mr. C. P. Lawrence. 265. You never thought it necessary to run away? No.
- 9 Sept., 1862. 266. *By the Chairman*: I wish to know near about the amount due to you for arrears of pay, &c., exclusive of the horse? About £80.
267. Do you calculate up to the time of your dismissal? No, it was more than that then—about £90.
268. How long is it since your dismissal? I was dismissed on the 16th April, 1861.
269. Then from that time up to the present you have not been in any other service? None whatever.
270. You have been making solicitations to the Government for your reinstatement? Yes.
271. Why have you not taken any other service or engaged in any other occupation to obtain a living? Because I considered when that investigation took place that it would result in my reinstatement.
272. You thought it would not be proper for you to enter into any other employment until the case should be finally decided? Yes.

APPENDIX.

A.

CORAM STEPHEN, C.J.

Friday, 8 March, 1861.

Charles Lawrence—1st. Forging an acquittance and receipt for money. 2nd. Uttering same.

John Merrin:—Took prisoner on a warrant, on 20th December, at the Abercrombie Rooms.*Cross-examined*:—He was then on duty there.

Edward M. Battye:—Commanding Mounted Police in October last, and long previously; on 22nd October sent this paper to the Inspector General, at Sydney; I had previously seen it on my table without this certificate now here, but all of it was there when I forwarded it to Sydney; excepting the signatures John Cheshier and my own signature, all the paper is in writing of the prisoner; don't know whose writing is this, the name Cheshier; on finding this paper, without the certificate, I spoke to prisoner, who was then sergeant-major of the force, and asked who was the trooper, and "why was he at Cheshier's so long?" and, on his explanation, I told him to add a certificate, and he did so; I then signed the paper and sent it down. (The paper is a voucher for supplies to a trooper by John Cheshier.) The prisoner had previously informed me that Trooper Rorison had begged him to make out the account for him, and that he had done so accordingly; prisoner had been accustomed to make out similar papers; the result of this voucher in the ordinary course would have been a payment by the Inspector General into the Bank of New South Wales to my account; it was returned to me by the Inspector General in a few days for investigation.

Letter of Battye of 22 Oct., '60.

Cross-examined:—Can't recollect prisoner's exact words; I asked him who the trooper was, and what was the service; he told me that it was Trooper Rorison, and that he had been supplied when he was in search for cattle-stealers; I will not swear that he said it was at Cheshier's for six days; both prisoner and Rorison told me, when the voucher was returned to me, that the forage, &c., was only for two nights at Cheshier's, and the rest at other places; it was sent back to me for investigation; I said, then I should require receipts from the persons there; it was Rorison who told me so, in plaintiff's presence; can't say if I had any conversation with either before the voucher came back; I might or might not; I should not have been likely to speak to Rorison, but to the prisoner; if the money had been paid in to my account, it would, in the ordinary course, have been sent up by me to Cheshier; I have known several instances of small sums paid by troopers being included in one large sum and voucher, in order to save a multiplicity of vouchers. "Has it or not been the habit for troopers to sign the name of the party supplying, to similar vouchers?" [*Objected to—but I receive it.*] It has not been ordinarily done to my knowledge; I have detected an instance of it subsequently to this case. "Has the person so acting ever been prosecuted for it?" [*Objected to—I reject this.*] "Have you not known two or three instances—Costello and Nightingale?" [*Admitted, after objection.*] I have not known those instances—nor Foster, nor Oliver; I don't recollect any instance where any of those persons had been paid in vouchers not signed by themselves; I don't, of my own knowledge, know that they personally signed; I don't believe that the signatures John Cheshier are in the prisoner's handwriting; this prosecution is directed by Government; the prisoner has been in the troop seven or eight years, six years as sergeant-major; nothing could be better than his conduct; he has been always a zealous officer; according to the diary for the troop, Rorison was in fact absent on the six nights mentioned on duty; he is in attendance; sometimes troopers pay for themselves, and then put in all the items in one voucher; but in every case the receipt of the publican (party supplying) is requisite before the Government pays; Rorison is still in the force, then and still at Carcoar; the prisoner when the voucher came back was out on duty; (it was sent back about the 5th or 6th November, and I returned it with explanations, about a week following;) in the course of it he would go near Cheshier's—in that neighbourhood; I have occasionally given prisoner money to pay parties.

Costello, Nightingale, Foster, Oliver.

Letter of 12 Nov., '60.

Re-examined:—"If the money had been paid in to your account, would the invariable course have been to send the money to Cheshier?" [*Allowed, after objection.*] If the voucher had been returned for inquiry, and I had found that only two nights were due to Cheshier, and that the other four had been paid for by Rorison, I should have given the money to Rorison; I have in many instances paid Lawrence moneys due to him for sums paid by himself.

John Cheshier, publican at Long Swamp, 30 miles from Bathurst and 20 from Carcoar:—Remember Trooper Rorison stopping two nights last year, one night on two occasions, at my house; he did not pay anything, nor did I charge any; I had a conversation with him before he went; I know of no other publican of this name; these signatures are none of them mine; I was never asked to make a charge; in November, 1860 (about the end of the month), the prisoner called on me and asked if Rorison had been at my house, and I told him that he had—two nights; prisoner then said, "How much was it; and was it paid?" I said that I had made no charge; prisoner said, "You may as well make a charge, and I will pay for it now"; I refused; the Police Magistrate at Carcoar had been with me previously, and I had told him the same; I told the prisoner so, and that I could not then send in a charge.

William Rorison:—I was stationed at Campbell's River in June, and was removed to Carcoar in July; I know Cheshier's public-house; stopped there a night on two occasions; he made me no charge, and I paid him nothing; I sent in a return to the prisoner of my having been there those two nights; this is it; this document (the forged voucher) was seen first by me at the Police Office at Carcoar. [*Cross-examined as to whether he told the Police Magistrate that he never had seen it before.*] After that I had conversation with prisoner, and told him what had occurred at Police Office, and that I had paid

paid nothing to Chesher; "Oh," says he, "it's all bosh; I put into one voucher the six nights that you were down the Lachlan"; I know nothing of this voucher whatever.

Cross-examined.—I have received a college education; have been teacher once in a school; had no conversation with any of the troopers before prisoner's committal; I have since, with several; never told Day that I had paid Chesher, nor asked him to make out my account for six nights; the man can't write; I did pay at the four other places; I complained that the Race Committee had not paid me for my expenses on two of those four nights; the prisoner told me that if I would send in my account he would get the money for me; saw him the next day making out a voucher, in duplicate, for washing blankets; not any others; I have told prisoner that I had witnessed a dozen vouchers which I had never seen signed; I have said that I knew who signed the name Chesher; I know Evenden; never told him that I was present when this voucher was made out, but left the office before it was signed; I saw O'Rourke come out with the prisoner from the office just after I had seen the duplicate voucher for the blankets; the table where the prisoner had been writing was covered with papers; I signed the blanket voucher in four places in prisoner's presence; I have made a statement to Captain Battye; in it I said that the dates in the voucher were correct; "that the expenses were correct"; I so concluded; and that I had been at the six places, and that the whole were placed in one voucher, and I had paid for four of the nights, and not drawn forage for them; I had seen the voucher then; the Police Magistrate had shown it to me; I thought that that was the reason why the voucher was so drawn up; what I said to Captain Battye was from memory, and I believe it to be correct, [*Read*—It is in Captain Battye's handwriting]; What I understood from Chesher was that he would not make any charge for me, but I always expected that he would charge for my horse; I told the same thing to the prisoner before I saw the voucher; it was when we were on the Lachlan; I told him the places stopped at, and that I had paid at the four other places; don't remember that I ever told prisoner that I had paid Chesher for my horse; I said that he had not been paid; I gave to the prisoner this paper (produced by you) when he made out the voucher about the blankets [*Read*]; I explained that I had paid for four of the nights and had not paid for the other two; it was that he might make out a voucher for me, and enable me to get back the money which I had paid.

Re-examined.—I never saw the voucher till I saw it at Carcoar.

At my suggestion the case for the Crown closing here, the prisoner was here *acquitted*. (It seems to me that all idea of fraudulent intent is excluded by the facts.)

Mr. C. P. Lawrence.

9 Sept., 1862.

ENDORSEMENT.

It appeared to me clearly upon the evidence adduced that the charge against this prisoner wholly failed; because whatever the irregularity, his conduct could not on such testimony be attributed to fraud—or intention to defraud—which was the essence of the accusation against him. And of this opinion I still remain.

ALFRED STEPHEN.

14 August, 1862.

B.

Bathurst, 19 March, 1862.

Sir,

Between the month of May, 1859, and the month of April, 1860, I forwarded to you, through Captain Battye, vouchers for night and escort money due to me as Sergeant-Major of the Western Patrol, amounting to the sum of eight pounds and four shillings, I have the honor to request that you will inform me, at your earliest convenience, whether that sum, or any other sum on the above account, has been paid by the Government to any person on my behalf.

The vouchers included amounts due to others serving in the Mounted Patrol at the same time, for the same description of services.

I have, &c.,

C. P. LAWRENCE.

To the Inspector General of Police,
Sydney.

C.

Bathurst, 27 March, 1862.

Sir,

On the 19th March instant, I had the honor to forward to you a letter, a copy whereof I enclose.

Having received no reply, I beg that you will have the kindness to inform me whether that letter has been received by you, and if so, that an answer may be forwarded to me.

I have, &c.,

C. P. LAWRENCE.

To the Inspector General of Police,
Sydney.

D.

Police Department of New South Wales,
Account Branch,
Sydney, 1 April, 1862.

MEMO:—Mr. Charles Lawrence, in answer to his letters of date 19th and 27th ultimo, is hereby informed that the vouchers for night and escort allowances between May, 1859, and April, 1860, have long ago passed this office, and the particulars he requires cannot therefore be furnished; and Mr. Lawrence himself must be aware that all payments on account of the Western Patrol were paid through the *Superintendent*.

Mr. Charles Lawrence,
Bathurst.

F. M. MARTIN,
(For the Inspector General of Police.)

Mr. C. P.
Lawrence.

9 Sept., 1862.

Charles Lawrence,

I am directed by Secretary Major-General Peel to transmit to you the accompanying medal granted by the Queen for service in the Kafir Wars.

You are requested to acknowledge the receipt of the same.

E.

War Office, 18 May, 1868.

I am, &c.,
H. D. STORKS,
Late 1st Battalion Rifle Brigade.

F.

MEMO:—Sergeant-Major Lawrence and a trooper will start to-morrow for Mulgunnia, and the following day visits the gold fields, down by Stapleton's, and at the back of the caves, in search of the convicts Foley and the three others who have lately escaped, taking with him an accurate description of the men, it being * * * * * these men may be traced and re-captured. The horses are not to be ridden fast.

E. M. B., Captain.

25 June, 1860.

Sergeant Middleton is gone to Tuena.

Thomas J. Hawkins, Esq., J.P., called in and examined:—

T.J.Hawkins, 273. *By the Chairman:* You were the Chairman of a Board which I believe was appointed
Esq., J.P. by Government to investigate the case with reference to Sergeant-Major Lawrence? I was.

9 Sept., 1862. 274. Were there any particular instructions given with reference to the course of the inquiry? There were.

275. Will you be kind enough to state what they were? They were conveyed in a letter which unfortunately I have not brought with me.

276. From whom did you receive that letter? From Mr. Cowper.

277. Was it signed by the Under Secretary? I think it was.

278. Will you look at page 8 of the printed correspondence, at a letter No. 7, signed Wm. Elyard—is that the letter you received? I believe that to be a copy of the letter I received.

279. The instructions, in fact, were to inquire into the charges against Lawrence only with reference to his refusal to prosecute Rorison? I think so, "which could not be done without an information from Lawrence, who evaded taking any steps in the matter, and was in consequence removed from the service."

280. There is a printed copy of the report of that Commission, and I see by that report that you did in some degree inquire into other charges against him—charges for which he had been previously acquitted at the Assizes? It was mixed up with our inquiry, for we could not very well separate the cases; one seemed to be so blended with the other that it was almost impossible entirely to separate them.

281. Did you consider that that had anything to do with his dismissal? No, we considered that what we had particularly to inquire into was his refusal to lay an information against Rorison.

282. You have seen this printed report—Enclosure No. 8? Yes.

283. Is that a correct copy of the report you sent in? I believe it is; I have read it over, and I think it is.

284. As regards the matter that you were particularly appointed to inquire into, I see by the report that you have exonerated Lawrence entirely from any blame—I mean with reference to his refusal to prosecute Rorison? We certainly did think he was not the man to initiate the proceedings. He appeared to be the person to give evidence, and by his letter to Dr. Palmer he seemed to be quite ready to do so.

285. Will you read the 9th paragraph of that report? (*The witness read the same.*)

286. Was that the concurrent opinion of the Board? It was the unanimous opinion of the Board; there was no difference of opinion on the matter at all.

287. Upon a review of the whole case, you say in the 10th paragraph of the report, "Under all the circumstances, and having in view the former good character of Lawrence, together with the long period and activity of his service, we beg to recommend his case to the favourable reconsideration of the Government"? Yes.

288. *By Mr. Hellyer:* Do you remember Dr. Palmer speaking of Lawrence's character before the commission? Yes, he did.

289. Did he not give him a good character for past services, and also express a high opinion of him still, notwithstanding all? Yes, notwithstanding all. Dr. Palmer seemed afterwards to have altered his opinion when he had in fact heard more of the case; but I am of opinion that he would not have used the words "following bad advice" if he had known from whom the advice had come.

290. Will you read the second paragraph of Dr. Palmer's evidence, at page 10? "When I say that Lawrence became unwilling to assist in the prosecution, I mean that he declined to lay the information; he might have suggested that the chief constable, Shearman, should file the information, and that he would give evidence; I do not remember his having done so; previous to the occurrence referred to I have had charge of the patrol; I always considered Lawrence a trustworthy and efficient officer; I had, and have still, a high opinion of him."

291. That was the evidence of Dr. Palmer, after the dismissal of the charge? Yes; he stated distinctly, notwithstanding all, that he had every confidence in Lawrence.

292. The commission were evidently of opinion that no advantage could have accrued to Lawrence by signing these vouchers? I think so.
293. It was an irregularity that had gained great ground in the police force? It was common in other branches to sign receipts before taking the money.
294. You find it necessary to report upon it, and that it was to a certain extent common? Yes, we all knew that it was the common practice.
295. That the mere signature attesting the voucher had nothing in it of fraud? It was done we believed for convenience, and not with the intention of fraud.
296. To expedite payment? Yes.
297. Has it not been necessary to do so to ensure the prompt furnishing of supplies? Yes, without putting parties to the inconvenience of waiting for their money.
298. Would not the police have suffered in their convenience by the refusal of parties to supply forage? Yes, they could not have demanded it if people had chosen to refuse.
299. *By the Chairman*: You have been a Magistrate for many years in the District of Bathurst? I have.
300. And have frequently sat on the Bathurst Bench? Yes.
301. During that time have you ever had any opportunity of judging of the efficiency of Lawrence as a police officer, and as to his general character? His character I believe, from all I know of him and I have always heard the man well spoken of. Great regret was generally expressed at the time of his dismissal, and still exists. I never heard any other feeling than that of regret expressed at his dismissal, for which I believe there was no occasion.
302. *By Mr. Sadleir*: Will you look at page 11, at the statement of Samuel Wadeson;—at the latter part of that statement he says, “I had great difficulty in inducing him not to prosecute”? Yes.
303. Does not that show that Lawrence was willing to prosecute, but that Mr. Wadeson would not allow him? It was stated that he advised him not.
304. He had great difficulty in preventing him? Yes, for fear of ulterior consequences. We believed, and Lawrence’s legal adviser believed, that a prosecution against Rorison would have failed—that there was not sufficient evidence to convict him. Our opinion was that if the Government thought they had a case against Rorison they might have commenced the prosecution.
305. Without risk of any injurious consequences to themselves? Yes, and Lawrence was willing to give evidence.
306. *By Mr. Wisdom*: Lawrence would have run a risk of having an action brought against him if he had failed? So we believed. We had nothing before us in the shape of a guarantee to Lawrence that he would be held harmless, nor did we know that any such guarantee had been given. I see Captain M’Lerie states in his letter that he considers we recommended Lawrence to favourable consideration on what he calls weak grounds—he having followed a practice common in the office, and practised by his superior officer. I am of opinion, in opposition to Captain M’Lerie, that they were anything but weak grounds, and so the Board thought.
307. On the Board was the present Superintendent of the Western Patrol? He is not the present Superintendent; he was Superintendent at that time; he is now at Campbelltown, Mr. Chatfield.
308. He knows a good deal of this matter? Yes, he is thoroughly conversant with the practice. There were two Government officers on the Board, and they both had a favourable opinion of the case, as well as myself.
309. *By the Chairman*: May I ask why the Board sent the report to Captain M’Lerie? I do not know; I believe Mr. Chatfield did that; I am not aware whether he sent it to Captain M’Lerie in the first instance, but I am informed he did.
310. It seems to have been sent to Captain M’Lerie before the Government had an opportunity of seeing it themselves, and that he sent it, with his own remarks on it, to the Government? The inquiry was held at Bathurst, and as I live about three miles from Bathurst, the report was left with Mr. Chatfield to forward it; but if I had thought at the time that it would have been sent to Captain M’Lerie, I should have taken care and forwarded it direct to the Colonial Secretary, from whom our instructions came. I suppose Captain M’Lerie would then have been put in possession of it afterwards.
311. Will you refer to letter No. 8, page 8? I see that letter.
312. Have you read that letter of Captain M’Lerie? Yes, I have.
313. Do you see that it is, to a great extent, contradictory of the report? He is of a different opinion from the Board.
314. *By Mr. Hellyer*: He did not hear the evidence? No, he had not an opportunity of knowing what we know.
315. *By the Chairman*: Captain M’Lerie was not present? He was not present; he did not see or hear the evidence given, and could not judge of the manner in which the witnesses gave their evidence. In fact he had not, in my opinion, the opportunity of forming a judgment that the Board had, and I think our opinion was better than his.
316. You are still of opinion that the judgment of the Board was correct, notwithstanding what Captain M’Lerie has said? Yes.
317. And that the evidence fully warranted your making that report? Yes.
318. *By Mr. Wisdom*: Was Captain Battye examined by the Board? No, he was not.
319. *By the Chairman*: Was he in Bathurst at the time? I do not think he was; I think Captain Battye at that time was under suspension; I think so, but am not certain.
320. *By Mr. Driver*: What was the date of your examination? The date of the letter is the 22nd November, 1861; it might have been a day or two previous to that.
321. *By Mr. Sadleir*: In Captain M’Lerie’s letter, he says there was “collusion, most systematic

T. J. Hawkins,
Esq., J.P.
9 Sept., 1862.

T.J.Hawkins, Esq., J.P. systematic and complete";—do you consider there was any evidence of collusion? No, I do not.

9 Sept., 1862. 322. Would you not, from the 2nd paragraph of this letter, consider that Captain M'Lerie wrote under very strong feeling? I think the language is very discourteous to the Board.

323. Do you not think the temper of this letter shows—I will not say a malicious, but a very strong feeling against this man Lawrence? I should be sorry to give any opinion as to Captain M'Lerie's motive; but I may give the opinion, that I think the style of his letter was not very courteous to the Board.

324. *By the Chairman*: You state that, at any rate you do not consider Captain M'Lerie's letter is a very courteous one to the Board, after all the trouble they had taken gratuitously to investigate the case? Yes. I never got any remuneration, and never asked for any. Notwithstanding Captain M'Lerie's letter, I am of the same opinion as before; it has not in the least shaken my opinion, nor do I believe it has affected the opinion of the other members of the Board.

325. *By Mr. Driver*: Having read his letter upon the subject, you still adhere to your opinion? I still adhere to it, quite as fully as at first.

326. *By the Chairman*: I suppose your opinion is, that Lawrence has been unjustly dismissed from the service, from all the evidence you have had an opportunity of examining? As to his dismissal from the service there may be a military view taken of this matter. I should hardly like to give an opinion upon that point.

327. I understand that you were especially appointed to inquire into the charge against Lawrence, of having refused to prosecute Rorison, and that the evidence you had an opportunity of taking entirely refuted that charge? We believed so.

328. Consequently, he was dismissed for no reason? We recommended his case favourably, as stated by the report.

THURSDAY, 11 SEPTEMBER, 1862.

Present:—

MR. COWPER, | MR. MACLEAY.

HENRY ROTTON, ESQ., IN THE CHAIR.

Mr. Hellyer appeared on behalf of the Petitioner.

* John M'Lerie, Esq., Inspector General of Police, called in and examined:—

John M'Lerie, Esq. 329. *By the Chairman*: Have you received notice to produce some papers with reference to the case of Sergeant-Major Lawrence? I have. I have all the papers connected with the case here.

11 Sept., 1862. 330. *By Mr. Hellyer*: Have you the exhibit A, at page 4 of the printed papers, the voucher of Mr. Chesher? I have.

331. From whom did you receive it? It came into my possession in the first instance in October, 1860.

332. From whom did you receive it? By post.

333. From whom? The Superintendent of the Western Patrol, Captain Battye, at that time.

334. Did you afterwards return that voucher to Captain Battye? I did, with a minute.

335. Did any letter accompany the minute? No, none. I will read the minute:—"Some check must be put on these enormous charges for forage supplied at public-houses to the horses of the Mounted Patrol when absent from their stations. Neither in the Southern nor the Northern District are such charges made. In this case some explanation must be given why one trooper, sent in search of highway robbers and cattle stealers, was eight days put up at one place." This minute was written on the 8th October, and on the 12th of the following month a minute in reply was received by me from the Superintendent of the Western Patrol to this effect:—"This trooper was sent out specially to watch certain branch roads commonly travelled by horse and cattle stealers to avoid detection. We have occasionally thus to station a single trooper to watch by-roads, while others patrol and visit the small settlers." That is signed "E. BATTYE," and dated 12th November.

336. You returned it again, did you not? I did, with another minute.

337. What was the date of that minute? It was initialled by me, but the date does not appear. It was probably four or five days after the receipt of Captain Battye's reply to my first minute. The minute I made upon Captain Battye's explanation was this:—"This is a duty belonging to the ordinary police of the Colony and not to the Mounted Patrol, and quartering one trooper at a public-house for such a purpose cannot be sanctioned."

338. Did any letter of instructions go to Captain Battye after the 12th October? No, I took further steps after that.

339. Will you state what further steps you took? After the receipt of this second minute of Captain Battye's I enclosed these vouchers, with a series of questions, shown at the bottom of page 5 and upper part of page 6, to Mr. Beardmore, who was then Police Magistrate of Carcoar,

Carcoar, requesting him, in a private note I sent with them, to show these vouchers to Mr. John M'Levie, Cheshier, and also to Trooper Rorison, and to take their answers to the several questions that I sent up to him. Esq.

340. Have you a copy of that private note? I have not. I can give you the purport of it. Having reason to believe, I said, that an attempt was being made to defraud the Government, by imposing upon them a spurious voucher, herewith enclosed, I would thank him, as a public officer, to assist me in detecting the fraud, by putting these questions. 11 Sept., 1862.

341. Mr. Beardmore was not in any way under your control—he formed no portion of the police force? He was a paid Police Magistrate.

342. But not a member of the police force under your orders? No.

343. You were not satisfied with Captain Battye's reply? No; I can explain the reason, if you think proper.

344. I think it would be only fair to yourself to do so? As already shown in my minute, the charges for these services on the Western Patrol were so enormous that on receipt of the accounts from that district, I looked at the charges for forage for horses absent from their stations with more scrutiny than usual, and on looking at this voucher made out in the handwriting of Sergeant-Major Lawrence and witnessed by him, the publican's name "John Cheshier" having, in my opinion, been signed by a man named Wiley, employed in the office of Captain Battye and Sergeant-Major Lawrence, my suspicions were aroused.

345. Employed in the office of Captain Battye and Sergeant-Major Lawrence, do you say? Yes, he was under the orders of both; and it was these suspicions that induced me to communicate with the Police Magistrate of Carcoar.

346. You received in reply, I suppose, the papers printed at pages 5 and 6—the answers and questions? Yes.

347. Was there any examination of Rorison? Yes, you will see it among the printed papers.

348. What followed then—I believe you went to Bathurst? After the receipt of these replies from the Police Magistrate I made a report of the matter to the Chief Secretary, and was instructed by him to proceed to Bathurst and prosecute the party supposed to be guilty.

349. Did you prosecute Captain Battye? I did not.

350. Although he had certified the voucher made out by Sergeant-Major Lawrence, and had given you a false minute? Which he explained. I communicated, by direction of the Chief Secretary, with Mr. M'Intosh, a solicitor, at Bathurst, and placed the matter in his hands, and directed Captain Battye to communicate with that gentleman; and it was at the instance of Mr. M'Intosh the information was filed.

351. Was any notice given to Sergeant-Major Lawrence to communicate with Mr. M'Intosh? No. During the whole time I was in Bathurst, Sergeant-Major Lawrence was absent on duty; he was reported to me by Captain Battye to be down the Abercrombie, looking after cattle-stealers.

352. Will you explain why a different course of proceedings was adopted towards Sergeant-Major Lawrence to that adopted towards Captain Battye? As I said the matter was left by me to Mr. M'Intosh, with instructions to prosecute the guilty party.

353. You said you directed Captain Battye to communicate with Mr. M'Intosh;—why did you not also direct Mr. Lawrence to do the same? As I have said I had not the opportunity of doing so, because during my stay in Bathurst Mr. Lawrence was absent.

354. *By the Chairman:* Is it not the fact that you ordered Captain Battye to file an information against Lawrence? I placed the matter in the hands of an attorney.

355. You will observe that is not an answer to my question;—my question is, is it not the fact that you ordered Captain Battye to file an information against Sergeant-Major Lawrence? I will explain what took place. I saw Captain Battye —

356. *Mr. Hellyer:* I should like to have a direct answer to the Chairman's question? I do not recollect giving any positive directions to Captain Battye to file an information.

357. *By the Chairman:* Were you not in Court at the time Captain Battye filed the information? No, I do not think I was. To the best of my recollection I was not.

358. Is it not the fact that Captain Battye somewhat demurred to filing the information, and that he was threatened with the consequences if he did not do it? He did not; he made no demur. I said, "Here is a document sent from your office, which I have no reason to doubt is a forgery—this voucher signed 'John Cheshier,' for £2 8s., certified by you and witnessed by Sergeant-Major Lawrence." He said, "This document was put before me by Sergeant-Major Lawrence as a *bonâ fide* document, and I signed it on his statement. I see now, from the replies to your queries sent to Carcoar, that the document is forged, and of course I am in a position to take steps if necessary"; I then said, "Steps must be taken; Mr. M'Intosh is employed on the part of the Government—you must see him."

359. *By Mr. Hellyer:* Why did you not file the information yourself? I thought the officer under whom the fraud was committed was the most proper person.

360. You had discovered the resemblance to the handwriting of Wiley? Yes.

361. Do you not think the head of the department was the best person to prosecute? That is matter of opinion. So long as justice was not defeated it did not seem to me to be of much consequence who prosecuted.

362. *By the Chairman:* I do not think we have exactly got an answer to my question whether you did not in fact order Captain Battye to file this information against Sergeant-Major Lawrence? Captain Battye was the officer in charge of the patrol, the forged document was sent from his office, and I called upon him to take steps to prosecute and communicate with Mr. M'Intosh.

363. *By Mr. Hellyer:* Did you place the minute of Captain Battye before Mr. M'Intosh? I placed the whole of the papers in Mr. M'Intosh's hands.

- John M'Lerie, Esq. 364. With instructions to prosecute the guilty parties? Yes.
365. Do you know why Captain Battye was not prosecuted? I do not.
- 11 Sept., 1862. 366. Had you not before you a false certificate appended to the voucher, and also a false return? There was a certificate signed by Captain Battye—the usual printed certificate.
367. Had you not also a minute from Captain Battye explaining that Trooper Rorison was stationed on by-roads, to watch for cattle-stealers? Yes.
368. Did you not receive, before you left for Bathurst, another letter from Captain Battye, giving an explanation that Rorison was only two nights at Chesher's. It will be a letter dated about the 12th of November, 1860. In order to guide you I will refer to Captain Battye's evidence before the Chief Justice:—"The prisoner, when the voucher came back, was out on duty. It was sent back about the 5th or 6th of November, and I returned it with explanations about a week following." Now have you those explanations? That is the only explanation—the minute of Captain Battye that I have read, dated the 12th November.
369. You say that was the only explanation received from Captain Battye? Yes, because I made a second minute, and then communicated with the Police Magistrate at Carcoar. If any other explanation had come it would have appeared with the printed papers.
370. Have you no other letter from Captain Battye with reference to this matter. I have not.
371. Not after Rorison had been seen? I think not. (*The witness looked through his papers.*) I am quite sure there was not, because if I had received it, it would have been with the printed papers.
372. When you went to Bathurst did Captain Battye show you a deposition of Rorison's, or a declaration that had been taken by him? Yes, he showed me something about being part of the time quartered at other houses, and that they were mixed up in the one voucher with Chesher's.
373. Was that before issuing the warrant? Yes.
374. Did not that declaration show you that Captain Battye had been guilty of giving two false certificates? It showed me that Captain Battye had been guilty of an indiscretion in signing to the correctness of the account without inquiry.
375. Does the rank of the party alter the degree of the crime? Not with me; it never has.
376. Nevertheless, in your opinion, Sergeant-Major Lawrence's conduct in witnessing this voucher was far worse than Captain Battye's signing these two false certificates? In the one case a forgery had been committed; in the other it was signing the certificate without inquiry.
377. Did you not know that Mr. Wiley had signed it? I suspected it.
378. Did you tell Captain Battye so? I did.
379. Did you see Dr. Palmer, the Police Magistrate of Bathurst, previous to Mr. Lawrence's apprehension? I saw him repeatedly while I was waiting for Lawrence's return.
380. You were in Bathurst, I believe, when Mr. Lawrence was in Bathurst? I was not. I never saw the man, to my knowledge, till he came up-stairs the day before yesterday.
381. Did you give any directions before you left Bathurst to have the depositions forwarded to you? I cannot at this moment recollect whether I requested that copies should be forwarded to me or not, but I have got them.
382. Do depositions come to the Inspector General? Copies of them do in police cases, frequently.
383. Would they have come without your requesting them? I do not recollect requesting that they should be sent, but it may have been done at my request.
384. Did you tell Dr. Palmer that it was not a case for bail—that he was to refuse bail to Sergeant-Major Lawrence? Most positively I did nothing of the kind; I never would interfere so much with a Magistrate's duty. I know Dr. Palmer well, and I know the reply he would have given me if I had done so.
385. Is he a gentleman in whose statement you can place confidence? Yes, of course he is.
386. If he told Mr. Lawrence to that effect —? If Dr. Palmer ever told Sergeant-Major Lawrence that I had requested him not to take bail I would believe Dr. Palmer.
387. Did not Dr. Palmer tell you he knew Sergeant-Major Lawrence better than you did? He may have done so; of course he did know him better than I did, both of them having been at Bathurst many years.
388. The depositions then were before you after the committal? Yes.
389. Did you notice that passage in Captain Battye's deposition, in which he says he does not believe the handwriting to be the handwriting of Sergeant-Major Lawrence—the fifth line of the cross-examination by Mr. Serjeant, page 3;—if you look at the information, the information is that Captain Battye on oath swears he is informed and verily believes that Sergeant-Major Lawrence did feloniously forge the name of one John Cheshier to the voucher;—did you inform Captain Battye that Sergeant-Major Lawrence did forge the name? I did nothing of the kind; I laid the voucher before Captain Battye and allowed him to draw his own conclusion. I said—"A forgery has been committed, and that forgery is witnessed by your Sergeant-Major."
390. Did you tell him, at the same time, that you believed it to have been signed by Wiley? I think I did. I said—"My impression is that the whole document has been made up in your office."
391. Why was not Wiley prosecuted for this forgery? I called Wiley before me, but of course you cannot get a man to criminate himself. I said—"Did you ever see this handwriting before—do you know this signature?"—and when he said "No," what could I do.
392. But Sergeant-Major Lawrence was to have a warrant against him? Yes.
393. No explanation was asked of him? No, because the voucher was given by Lawrence to Captain Battye—not by Wiley, but by Lawrence.

394. You say you believe it is Wiley's handwriting? I do.

395. Do you believe so still? I do.

396. Will you kindly refer to the 5th line of the cross-examination, in which Captain Battye says—"I certainly do not believe it is the handwriting of Lawrence"? Well, I quite concur with him.

John M'Lerie,
Esq.

11 Sept., 1862.

397. And yet you gave instructions to prosecute this man for forgery? For tendering a forged voucher.

398. Did he tender it? He tendered it to Captain Battye.

399. Captain Battye explains it also with a false minute? He does.

400. Did Captain Battye tell you he saw the voucher on his table for the first time? When?

401. I presume you had some conversation in reference to the voucher? He told me the voucher was given to him by Sergeant-Major Lawrence, as a charge for forage supplied to a troop horse when absent on duty, and believing it to be correct he signed it.

402. Has there not some certificate been signed to that voucher—something added to it? Yes, "I hereby authorize the above account to be paid on my behalf to Captain Battye. John Cheshier."

403. He told you it had been given to him by Sergeant-Major Lawrence? Yes, and that in the common course of duty, when the amount was paid to his credit at the bank, he would have given Lawrence a cheque for it. That was the way payments were made for such accounts—that when the advice reached Captain Battye of the amount being placed to his credit in the branch bank at Bathurst he would have given Lawrence a cheque for it.

404. Do you notice the order to pay Captain Battye? I do, but Captain Battye explained how it would have been paid by him—that the money, after being placed to his credit, would have been paid to Sergeant-Major Lawrence by cheque.

405. Was this explanation given after he had informed you that Rorison was two nights only at Mr. Cheshier's? All this conversation took place in Captain Battye's office, on the morning of my arrival at Bathurst, but whether Rorison's explanation was shown to me before or after this I cannot recollect.

406. You had seen these depositions, I presume, before the trial? Yes.

407. In the 4th line of Captain Battye's evidence, page 3, he says, "The first time I saw the voucher was on my table; it was not then in the same state it is now; it was afterwards added by Sergeant-Major Lawrence, on my seeing Sergeant-Major Lawrence, and asking him upon what service, and what trooper it was for"? That must be that voucher. (*Referring to a document produced.*)

408. That is not Sergeant-Major Lawrence's writing? No, it is in the handwriting of Captain Battye.

409. *By the Chairman:* One question arises from the question just asked you as to what Captain Battye would have done with the money. I see in Captain Battye's evidence before the Judge, he says, "If the money had been paid to my account it would, in the ordinary course, have been sent by me to Mr. Cheshier"—you have just stated that it would have been paid to Sergeant-Major Lawrence? That was the practice.

410. Can you reconcile Captain Battye's evidence with what you have just stated? I will not attempt to reconcile it. I know what the practice in the office has been.

411. *By Mr. Hellyer:* You saw, by the depositions at any rate, that he says the ordinary course would have been—"If I had received that money I should not have known, unless inquiries had been made, that it was paid actually to Cheshier; either Rorison or Lawrence would have been paid the money"—either the one or the other? Exactly so.

412. Then you see the certificate is for Rorison—why would it have been paid to Sergeant-Major Lawrence? Rorison's name does not appear on the voucher at all.

413. "The above-named forage was supplied to Trooper Rorison, of Carcoar"? That was added by the sergeant-major.

414. Do you still believe that Captain Battye informed you the money would have been paid to Lawrence and not to Rorison? Yes, I do, because I know the practice in making these payments.

415. Is it the practice of the Police Department to make payments to parties not entitled to it? It was the practice of the Superintendent of the Western Patrol to give cheques to the sergeant-major, to make payments on the public account as soon as he was aware that the money had been placed to his credit in the bank.

416. Can you say that was the practice? I have every reason to believe it was the practice.

417. You believe Captain Battye's statement, that it was the practice, notwithstanding his false certificates? Yes; I do not believe the certificate was signed by Captain Battye with any intention to deceive the Government.

418. Then you believe the sergeant-major witnessed the receipt in order to appropriate the money to himself? Yes, that is precisely my opinion.

419. You had not any knowledge, you say, of Sergeant-Major Lawrence before this proceeding? No, except as an officer of police; I merely knew him as an efficient officer of police; but I had long suspected something wrong with respect to these payments in that district.

420. The cash was not always right, at that time, in the Western Patrol, was it? No.

421. Did you ever hear anything affecting the honesty of Sergeant-Major Lawrence? Never before this.

422. Had you heard anything affecting Captain Battye's honesty? I had heard he was careless in keeping his accounts—so careless that he led the department into endless trouble and annoyance.

423. Was that all? That was all. I do not believe Captain Battye was a dishonest man—far from it.

- John M'Lerie, Esq.
 11 Sept., 1862.
424. What did you hear with respect to what was laid to Captain Battye's charge? I found, on referring to his account at the bank, that he had allowed his public and private accounts to get so mixed up that it was impossible to find out how he stood.
425. Did you not find out that many of the troopers were unpaid? Yes.
426. Was there a balance to his credit in the bank sufficient to meet the payments to the troopers? No.
427. Do you think that also merely an indiscretion? It is not a direct act of dishonesty.
428. The law says it is embezzlement? It was not embezzlement in my opinion.
429. You never heard anything against Lawrence's honesty? No, not before this.
430. I suppose you never inquired into his private account? No, I had no right.
431. Had you any right to inquire into Captain Battye's? Into his public account I had.
432. His private account I mean? I found he had allowed his private funds to become mixed up with his public account. He had been in the habit of placing his private money to his credit in his public account, and drawing upon it.
433. Then he had other sources of revenue besides his pay? I believe he had; I found that he allowed the monthly payment of his salary to go to the credit of his account, and in drawing upon that he mixed up the accounts, public and private, in such a way, that all this irregularity—you may call it dishonesty—occurred.
434. *By the Chairman*: You inspected his account at the bank? I did.
435. *By Mr. Hellyer*: He drew more cheques on his private account than were represented by the amount of his salary? Yes, and hence public cheques were dishonored.
436. Were not the troopers very much in arrear when you went up in December? Some of them were.
437. Will you refer to page 11 of the printed papers, a voucher, marked B, for £2 2s.—did you know anything about that previous to the prosecution? The voucher, of which this is a copy, was shown to me in Captain Battye's office —
438. Before the prosecution? Yes; and I told him it did not justify the commission of a forgery.
439. *By the sergeant-major*? There was a forged document.
440. What do you call a forged document—is not the signature of Mr. Lawrence in his own handwriting? Yes, but the signature of the publican is not his own handwriting.
441. You knew that? I had ascertained it before I went up.
442. Is not this the *bonâ fide* information that Lawrence had received? It is neither for the same amount nor at the house of Chesher.
443. There are two nights at Chesher's? Two nights instead of six, as charged in the other voucher.
444. Do the dates correspond? Not altogether. (*The witness referred to the two documents marked A, page 4 of the printed papers, and B, page 11, and showed the discrepancies between them.*)
445. *By the Chairman*: I see that Captain Battye, in his evidence before the Judge, says he has known several instances of small sums being included in one large sum and voucher, in order to save a multiplicity of vouchers? He was guilty of great irregularity in permitting it. It may have been winked at by Captain Battye, but it was not known in my office, or the accounts would not have passed.
446. Supposing that to have been the case, would not that alter your opinion of Lawrence's conduct? If the voucher witnessed by Sergeant-Major Lawrence had been a copy of the voucher B there might have been some ground for his petition, even if it had been a copy of it.
447. *By Mr. Hellyer*: Were you not informed previous to the prosecution, that Rorison had paid all the sums excepting two nights at Chesher's? I was not. I depended on Rorison's own statement to Mr. Beardmore.
448. That is his own statement to Mr. Beardmore, I believe? No, this is it,—“Did you ever stop at John Chesher's? Yes, twice. Have you the dates of stopping there? Yes. I keep a diary, and that will show. Was any other trooper with you on either occasion? No. Did you pay for your horse? No. Did you ask what they charged? Yes, they said nothing—did not charge a policeman anything. * * * Did the sergeant-major know of your absence? Yes, I told him. He would also know it from my forage list.”
449. Does not the diary show that Rorison had not drawn forage for any of these nights that are charged? Yes, of course the station diary does; that is to say, forage was not issued in the stable for horses that were absent.
450. A trooper is not expected to keep his own horse when away from the station? If a publican gives him forage without charging, he has no right to charge the Government with it.
451. You saw Rorison's deposition, made before Captain Battye on the 1st December, before the prosecution? Yes; that was with reference to his examination before Mr. Beardmore.
452. You find there that he told the chief constable that the expenses included in this voucher were correct? Yes.
453. This is an examination on oath of Rorison? Yes.
454. You were acquainted with this before you directed Captain Battye to file an information against Sergeant-Major Lawrence? Yes.
455. Have you the letter enclosing the replies from Mr. Beardmore? No, it was a private note—not merely sending back the voucher with the result of his examination.
456. Was it not directed to the Inspector General? It was a private note from Mr. Beardmore to myself. I sent the papers with a private note, and he sent them back in the same way.
457. *By the Chairman*: You were in fact constituting Mr. Beardmore a sort of detective for the

the time? Precisely so; I found I could not arrive at the truth at Bathurst, and I sent to John M'Levie, Mr. Beardmore at Carcoar.

458. *By Mr. Hellyer*: You found you could not get the truth from Captain Battye, do you mean? I will not go that length. John M'Levie,
Esq.
11 Sept., 1862.

459. Why not? Because I believe Captain Battye was imposed upon.

460. Will you tell the Committee why you believe he was imposed upon to give that second minute? He could only have got this information from Rorison or the sergeant-major.

461. Does the minute say one word about it? No.

462. Who gives the orders for troopers to go out? The superintendent ought.

463. Why do you call this letter to Mr. Beardmore a private letter—was it not on public service? He was requested to do an act connected with the public service, yet not an act coming within his duties officially—I asked him as a favour.

464. Did you keep the replies? I have not even got the reply. I marked my note “private and confidential,” and destroyed them both.

465. Did you request him to communicate with you in the same manner? I addressed my note “private and confidential” to him.

466. Have you the papers relative to an inquiry by Dr. Palmer about a horse? I have.

467. When were you first informed that a horse had been purchased by Sergeant-Major Lawrence from Mr. M'Donald? On the 16th November, 1860, I received a letter from Mr. M'Donald, which I will read. (*Witness read and handed in the same. Vide Appendix A.*) This is my reply. (*Read. Appendix B.*) To that I received a reply from Mr. M'Donald, dated 6th December. (*Read. Appendix C.*)

468. Where is the letter of Sergeant-Major Lawrence there referred to? That I returned to Mr. M'Donald, at his special request.

469. Where is the request? I do not know where the request is, but I know it was returned.

470. Have you any letter returning it? I do not think I have. There may be such a letter, or it may have been returned under blank cover, as requested. He quotes the letter correctly in his first communication to me. I am sure he made a request that it should be returned. It was the only guarantee he had.

471. *By Mr. Cowper*: It may have been on the face of the letter? Yes. This is the letter I wrote to the Superintendent, Captain Battye, in consequence of Mr. M'Donald's letter of the 6th December. (*Read. Appendix D.*) This is his answer. (*Read. Appendix E.*) The next is a letter from Mr. M'Donald, calling attention to his former letter, to which I had not replied, because I had not got Captain Battye's reply to my former letter. (*Read. Appendix F.*) Upon receipt of Captain Battye's reply, which I have just read, I wrote to Mr. M'Donald a letter, dated 11th February, 1861. (*Read. Appendix G.*)

472. *By Mr. Hellyer*: What time did you visit Bathurst? I think I arrived in Bathurst about the 15th December, 1860.

473. You had been communicated with on the 6th, by Mr. M'Donald, with reference to this horse? Yes.

474. Did you look through the books of the force at Bathurst, to ascertain whether this horse had been entered there? I did not. It was my intention to have communicated with Sergeant-Major Lawrence about it, but as he was absent at the time I could not do so.

475. You did not make any inquiries to ascertain whether the horse was entered on the books? I did not.

476. Have you the papers relative to the inquest held by Dr. Palmer with reference to it? I have. But, if you will allow me, I will complete this correspondence with Mr. M'Donald. The next is a letter from Mr. M'Donald, dated 20th February. (*Read. Appendix H.*)

477. If you recollect, I asked whether you had the inquest held by Dr. Palmer about this matter? Yes, and I said it would be as well to complete this correspondence first. The inquiry was ordered by myself after this correspondence; and if you will allow me to read it, you will see the reasons I had for causing it to be made.

[*Mr. Hellyer said he did not require any more of the correspondence.*]

478. *By Mr. Cowper*: Have you any further correspondence about this transaction with Mr. M'Donald? Yes; this letter is in reply to the letter I have just read. (*Read. Appendix I.*) Then, as the matter remained in this unsatisfactory state, and as Captain Battye was then under suspension, I thought that, both for the sake of Mr. Lawrence and of the public service, an inquiry should be held by Dr. Palmer, who was then acting as superintendent of the patrol in Bathurst, and with that view I wrote this letter to Mr. M'Donald on the 14th March, 1861. (*Read. Appendix K.*) And the day after, I wrote to Dr. Palmer to this effect. (*Read. Appendix L.*)

479. *By Mr. Hellyer*: Have you the evidence there given by Sergeant-Major Lawrence? I have a memorandum of the inquiry. (*Read. Appendix M.*) I will also hand in the letter referred to in Dr. Palmer's memo. at foot of the evidence. (*Appendix N.*) I may as well say that, after reading this evidence, if Lawrence had applied for the price of this horse, though I myself would not have been justified in giving it him, I would have made such a report to the Government that I have no doubt it would have been paid him.

480. You would not then have recommended Mr. M'Donald to prosecute him for obtaining the horse under false pretences? No.

481. Was Captain Battye suspended? He was.

482. For irregularities in his accounts, I think you say? Yes, for allowing cheques drawn by him on public account to remain unpaid.

483. Was he not suspended for appropriating public moneys? No.

484. The moneys of the force were regularly paid to him as superintendent? Yes.

485. And the troopers were not paid? In some instances they were not.

- John M'Lerie, Esq. 486. He himself had applied the money to his private purposes? I infer so from the examination I made of his accounts when at Bathurst.
487. Do you not call that appropriating public moneys—was it not embezzlement? My opinion was, and I reported so to the Government, that it resulted more from a careless mode of keeping his accounts than from anything else.
488. *By the Chairman*: Are you aware of the answer given by Mr. Cowper, in the House, in reply to a question of mine as to the cause of Captain Battye's dismissal? I may have read it.
489. Do you not know that the substance of that answer was to the effect that it was for appropriating public moneys? It may have been for mis-appropriating public moneys.
490. *By Mr. Hellyer*: Under the new Police Act I believe Captain Battye has been re-appointed? He has been appointed to a subordinate position—a position in which he has nothing to do with accounts. He is a very active police officer.
491. Sergeant-Major Lawrence has been dismissed? He has.
492. You received the result of Dr. Palmer's inquest about the horse before he was dismissed? Yes, before he was tried; when he was under committal, I think.
493. And you recommended his appointment to be annulled by the officer administering the Government for the time being? I did.
494. You received a telegram from the Police Magistrate as soon as Lawrence was acquitted? I did.
495. Sergeant Grainger, I believe was appointed to his office? After some months—not at the time. Sergeant Grainger was a sergeant in Sydney, and was sent up as sergeant to Bathurst, but was not appointed as sergeant-major for six months afterwards, and then on the recommendation of the superintendent.
496. How long had Sergeant Grainger been in the force? In the New South Wales Force, five years, and he had been an experienced officer of the Irish Constabulary. He is one of the best drill instructors I have had for some time.
497. *By the Chairman*: How long had he been a sergeant in Sydney before you sent him up? He was only acting sergeant; he was appointed full sergeant in January, 1861.
498. Was he not appointed acting sergeant-major at Bathurst? He did the duty, but I would not appoint him until he was reported as competent.
499. Was he not your orderly at the time you sent him up; No, I only knew him as an efficient young police officer, a rising man, who will be a good officer yet.
500. Is it the practice to appoint young officers over the heads of older officers? Yes, when necessary; I look to efficiency.
501. Sergeant Grainger having been but a short time in the service, and only an acting sergeant, was it in accordance with practice to appoint him sergeant-major over the heads of older officers? It was my intention that he should be sergeant in the patrol, and I had in view a very old sergeant, Forbes, whom I intended to appoint as successor to Sergeant-Major Lawrence; but on the report of the superintendent that Forbes was not a good instructor, and that this man, Grainger, was a first-rate instructor, and he would wish him to be Sergeant-Major, I appointed him six months afterwards. Nothing has occurred since his promotion to warrant me in regretting having appointed him—he does his duty most satisfactorily.
502. At the time he was sent up was he not totally unacquainted with bush work? I was quite aware of that, and that was one reason why I did not at first appoint him. The man I intended to appoint was Forbes.
503. Did you hear that on his first trip to the Abercrombie Sergeant Grainger lost himself? I heard of that.

APPENDIX.

A.

*Jerrong, Abercrombie River,
near Taralga, by Goulburn,
16 November, 1860.*

Sir,

In February last I sold a bay horse, branded D in circle on near shoulder, and small D on near cheek, to Sergeant-Major Lawrence, of the Bathurst Police Force, for the use of said force; he, Sergeant-Major Lawrence, stating that he was instructed by Capt. Battye to purchase for the force. The price agreed upon was twenty pounds (£20) sterling. I drew out a receipt containing a description of the horse and brands, and *acknowledging payment*, which I handed to Lawrence; but it appeared that he was not prepared at the time with the necessary funds, and as he came here upon other business—that is, to make inquiry about some cattle which had been stolen from me, and not purposing to purchase horses—I did not hesitate to give him both horse and receipt, upon the understanding that the £20 were to be forwarded to me in fourteen days thereafter. Considering the responsible position which Lawrence holds in the troop I did not for a moment doubt his word. Finding, however, that the money was not forwarded according to promise, I wrote him upon the subject and received his answer, dated 4th April, stating “The Estimates for 1860 (and including seven new horses we have bought the “last six months) are not yet passed. The Council meets to-day, and in the course of this month I “will remit you the £20 for the horse.” The money, however, was not remitted, and though I have since written both him and Capt. Battye, neither have deigned a reply.

Under these circumstances I deem it not only a duty to myself, but to you, sir, as the head of the department, to lay the matter before you, and to request that you will be kind enough to look into it and advise me accordingly.

Lawrence's

Lawrence's letter, which I hold, and which I will forward to you, if required, will show that the John M'Lerie, horse was purchased for the use of Government.

Capt. M'Lerie,
Inspector General of Police.

I have, &c.,
JOHN M'DONALD. Esq.
11 Sept., 1862.

Request Mr. M'Donald to forward Sergeant-Major Lawrence's letter, and if it is found that the horse was purchased for the public service steps will be taken to have the amount paid.

J. M'L.

B.

*Office of Inspector General of Police,
Sydney, 23 November, 1860.*

Sir,

In acknowledging the receipt of your letter of the 16th instant, complaining of your inability to obtain payment for a horse sold by you to Sergeant-Major Lawrence, in February last, I have to request you will forward to this office the letter from Lawrence alluded to in your communication, when, if it be found that the horse was bought for the public service, steps will be taken to have the amount paid. £20.

Mr. J. M'Donald,
near Tarraga, Abercrombie River,
via Goulburn.

JNO. M'LERIE,
Inspector General of Police.

C.

*Jerrong, Abercrombie River,
near Taralga, by Goulburn,
6 December, 1860.*

Sir,

I do myself the honor of acknowledging receipt of your favour of the 23rd ultimo, and according to your instructions, enclose Sergeant-Major Lawrence's letter, which I trust bears sufficient internal evidence to prove to your satisfaction that the horse was sold to him for the *public service*, and for no other.

Capt. M'Lerie,
Inspector General of Police,
Sydney.

I have, &c.,
JOHN M'DONALD.

D.

*Office of Inspector General of Police,
Sydney, 27 December, 1860.*

Sir,

I have herewith to transmit for your report, copy of a letter from Mr. John M'Donald of Jerrong, Abercrombie River, complaining of his not having been able to obtain payment for a horse sold by him in February last to Sergeant-Major Lawrence, as alleged, for the use of the Mounted Police, the price being £20, and to request you will succinctly state:—

1st.—Whether you ever authorized your Sergeant-Major to purchase horses for the Western Patrol?

2nd.—Whether the purchase herein instanced was made?

3rd.—Whether Mr. M'Donald made any representation of the matter to you, and the steps you took in consequence?

The Superintendent, Mounted Police,
Bathurst.

JNO. M'LERIE,
Inspector General of Police.

E.

Bathurst, 26 January, 1861.

Sir,

With regard to Mr. John M'Donald's letter about a bay horse branded D in circle, said to have been purchased by Sergeant-Major Lawrence, on my authority, for the police force, I beg to inform you that the Sergeant-Major never, in one single instance, has had authority to purchase a horse for the service. This particular horse I recollect the Sergeant-Major riding home, having knocked up his own horse in the mountains. He told me he thought the animal would make a good troop horse, and spoke to me about buying him. A few days afterwards, when out in the bush, the horse was seized with gripes, and there dropped and died. Had the horses been purchased by him on any authority from me I should have at once transmitted Mr. Jno. M'Donald a voucher for his signature.

When Mr. M'Donald addressed me upon the subject I acquainted Sergeant-Major Lawrence of it. I looked upon it as a private matter between them, and have since considered that it had been arranged between them, until I received your's and the copy of Mr. M'Donald's to you regarding it.

Inspector General of Police,
Sydney.

I have, &c.,
E. M. BATTYE,
Captain.

Since writing the above I find I am mistaken. The Sergeant-Major exchanged this horse of M'Donald's with a Mr. Hughes for another, and it was Mr. Hughes' horse that died of the gripes.

The Sergeant-Major tells me he has written to Mr. M'Donald, acquainting him when he will pay him.

This day is the first time I have spoken to the Sergeant-Major about it since Mr. M'Donald's letter to me.

E. M. B., Captain.

27 January, 1861.

F.

John M'Lerie,
Esq.

11 Sept., 1862.

F.

Jerrong, Abercrombie River,
by Teralga, 24 January, 1861.

Sir,

I had the honor of addressing to you a letter on the 6th of last month, which was registered and posted at the post office, Teralga, on the 8th of the same month, containing, according to your instructions, Serjeant-Major Lawrence's communication respecting the horse sold to him for the police force. As up to this date I have received from you no acknowledgment of the receipt of that letter and its enclosure, you will not be surprised that I should feel anxious about it. I trust, sir, you will therefore have the kindness to relieve my anxiety upon this subject, and at the same time remit me the amount (£20) at your earliest convenience.

Captain M'Lerie.

I have, &c.,
JOHN M'DONALD.

G.

Office of Inspector General of Police,
Sydney, 11 February, 1861.

Sir,

Sergeant-Major
Lawrence's
letter herewith
returned.

In acknowledging the receipt of your letters dated 6th December and 24th ultimo, I beg to inform you, Mr. Superintendent Battye has reported to me that he never, "in one single instance gave authority to Sergeant-Major Lawrence to purchase a horse for the service," and adds that, had Lawrence bought the horse from you under his authority, he (Captain Battye) would have sent a voucher for your signature.

Under these circumstances, it is clearly out of my power to recognize the transaction as of an official nature: but were this man now an effective member of the patrol (and not, as is the case, committed to take his trial at the next Bathurst Gaol Delivery, for forgery), I should be in a position to take some steps in the matter. As it is, I regret I can only suggest your proceeding criminally against Lawrence for obtaining property under false pretences.

Mr. Jno. M'Donald,
Tarraga, Abercrombie River.

JNO. M'LERIE,
Inspector General of Police.

H.

Jerrong, Abercrombie River,
by Teralga, 20 February, 1861.

Sir,

I beg leave to acknowledge receipt of your letter of the 11th instant, enclosing Lawrence's, and regret to find that now you consider the transaction one which you cannot officially recognize. In your letter of the 23rd November, you say, "when, if it be found that the horse was bought for the public service, steps will be taken to have the amount paid." From this I took it for granted that, if you found satisfactory evidence of this fact in Lawrence's letter to me, you would consider me entitled to payment. But as Captain Battye denies that he ever gave Lawrence, in any single instance, authority to purchase a horse for the service, the case is altered. But, sir, when I call to your recollection that after Lawrence failed in paying me, I wrote to Captain Battye, informing him of the transaction and requesting to know if Lawrence had delivered the horse to him (though he did not condescend to answer my letter), and when I further inform you that my horse *was* delivered to Captain Battye (as he was, and is, for all I know to the contrary, still in the force), and that the Government have actually enjoyed the services of said horse, I trust you will view the transaction in a different light, and use your influence to see me paid. Captain Battye, I should hope, will not deny my letter; and if so, how can he justify his conduct in still retaining Lawrence in the force after perpetrating so gross a fraud. Though Lawrence is not now an effective member of the patrol, yet you will not, I trust, forget that he was when I first addressed you upon this subject, and that by committing him subsequently upon a charge of forgery, you have completely debarred me from every chance of payment from that quarter. Under these circumstances, I do sincerely hope, sir, you will reconsider the matter, and do me the justice which I humbly submit my case demands.

Captain M'Lerie,
Inspector General of Police.

I have, &c.,
JOHN M'DONALD.

MEMO.—This transaction was never an official one, neither was the horse ever made use of on the public service by my authority. Sergeant-Major Lawrence rode him home when he crippled his own, which he had to leave in the bush.

E. M. BATTYE,
Captain.

I.

Office of Inspector General of Police,
Sydney, 1 March, 1861.

Sir,

I have the honor to acknowledge the receipt of your letter, dated the 20th ult., urging me to reconsider your claim to payment for the horse purchased by Sergeant Lawrence.

2. The communication has been laid before Captain Battye, who reiterates his assertion that the transaction "was never an official one, neither was the horse ever made use of by his authority;" it is therefore, you will perceive, clearly out of my power to comply with your request.

Mr. Jno. M'Donald, Jerrong,
near Tarraga, Abercrombie River.

JNO. M'LERIE,
Inspector General of Police.

K.

Office of Inspector General of Police,
Sydney, 14 March, 1861.

Sir,

With reference to recent correspondence relative to your selling Charles Lawrence (in February, 1860) a horse for £20, as he alleged for the public service, I now have to inform you that Dr. Palmer (Police Magistrate of Bathurst, who is in temporary charge of the Western Patrol) has been requested to inquire into this matter; and with a view to facilitating a satisfactory result, I beg you will at once forward to him Lawrence's letter returned you from this office on the 11th of February last.

Mr. Jno. M'Donald, Jerrong,
Abercrombie River.

JNO. M'LERIE,
Inspector General of Police.

L.

L.

John M'Lerie,
Esq.*Office of Inspector General of Police,
Sydney, 15 March, 1861.*

11 Sept., 1862.

Sir,

I do myself the honor to transmit you a *precis*, and copies of correspondence, arising out of the purchase of a horse by Charles Lawrence, from Mr. M'Donald of Jerrong, Abercrombie River, in February, 1860, as Lawrence alleged, on the public service, but which is absolutely denied by Captain Battye; and to request, as both Captain Battye and Lawrence are now in Bathurst, you will hold an inquiry into the matter, and report the result to this office.

The Police Magistrate, Bathurst.

JNO. M'LERIE,
Inspector General of Police.

M.

MEMORANDUM of Inquiry, held by Wm. Hall Palmer, Esq., at the request of the Inspector General of Police, respecting the purchase of a horse by Charles Lawrence, Sergeant-Major in the Western Patrol, from Mr. M'Donald, of Jerrong, Abercrombie River.

Charles Lawrence, having been duly sworn to answer truly such questions as shall be put to him, respecting the purchase of a horse from Mr. M'Donald, of Jerrong, Abercrombie River:—

Were you in the Western Patrol in February, 1860? I was.

Were you sent on duty at that time? I was.

Where were you sent, and by whom? To Mr. M'Donald, of Jerrong, by order of Captain Battye, to inquire into a case of cattle stealing.

Did you at that time purchase a horse? I did.

From whom? I purchased him from Mr. M'Donald.

State the circumstances under which you purchased the horse? In consequence of a troop horse called "Hastings" having been disabled in the off fore fetlock, I was obliged to take a troop horse named "Roaney," which horse was purchased by me from Mr. Potking, of King's Plains, about six months before, on public account, and which horse was approved of by Captain Battye; the "Roaney" horse, at the time when I left for Jerrong, was very weak; on my arrival I found the horse could not carry me; I mentioned it to Mr. M'Donald, and he offered me the choice of two saddle horses; I bought one for £20 on the public account; M'Donald asked me if I had authority to buy; I told him, yes, for I had done so before. He seemed satisfied, and I told him as soon as the money was paid in I would send him a cheque. After performing my duty, and arresting the prisoner (Patrick Conalley), I returned to Bathurst on the horse which I had purchased; the roan horse, which was knocked up, was left at Mr. Stevenson's, of Swatchfields, and could not be brought home for five weeks.

Did you report the purchase of the horse to Captain Battye as soon as you returned? On my arrival, I showed the horse to Captain Battye, and told him the whole particulars why I purchased him.

What was said by Captain Battye? Captain Battye told me distinctly no horse could be paid for until the Estimates had passed, and I wrote and told M'Donald. At this time "Roaney," the troop horse, was not paid for.

Where was the horse taken to when you returned? He was taken to the stables at the barracks.

Was he at that time rated on the forage allowance? He was, and entered on the books.

Was he ever used on public service after your return from Jerrong? He was; he was lent, by Captain Battye's orders, to Mr. Cole, the Colonial Architect, to go to Wellington, Stony Creek, Tambaroora, and round; he knocked up with Mr. Cole; in consequence of his knocking up, Captain Battye said he would not suit, and must be changed, as he thought he was more fit for draught than saddle.

What became of the horse then? He was exchanged with Mr. John Hughes, of Black Rock, for a grey horse.

Who made the exchange? I did, with the knowledge of Captain Battye; Mr. Hughes having offered the horse to Captain Battye before he came to me.

Who was present when the exchange was made? One of the troopers took M'Donald's horse out, and brought in Mr. Hughes' horse from his farm.

What became of Hughes' horse? About three days after the exchange I was sent out on duty down the Macquarie, and rode the horse obtained from Hughes; I was ordered by Captain Battye on the duty, and this was the only horse I could ride; he was the only one in the stable at the time; he was taken ill with gripes close to Mr. Piper's hut, and with a great deal of trouble we got him near home, when he fell and died; about a week after Captain Battye sent Trooper Wyllie for a certificate of the cause of the horse's death; I wrote one out and gave it to the Captain, and I saw it some time after in the office; the certificate was given for the express purpose of being sent to the Government to obtain payment for the horse I had purchased from M'Donald.

Have you at any time before purchased horses for the patrol? I have purchased horses several times for the Government, when I have been in the bush; when I saw a good horse I used to purchase him, and it was always passed and the money was paid to the parties I bought from.

Have you had any correspondence with Mr. M'Donald about the horse? I wrote to him once; I think it was after he had written to me; what I wrote to him was what Captain Battye told me; I cannot recollect exactly what I did say, but my letter will show.

Have you seen M'Donald or had any other communication since? I have—I saw him on the 1st of this month; he came to my house, and said he had applied for payment for his horse to the Government, they had denied all knowledge of the transaction, and he should look to me for the money; I then paid him the £20, and I hold his receipt. I also told him it was most unfair I should be called upon to pay for the horse, and that I had no doubt when it came to be explained to Captain M'Lerie he would return it to me; just previous to Captain Battye going down to Sydney, he showed me a letter from M'Donald, and said he (Captain Battye) did not think the Government would pay for the horse; I then told him if the Government would not pay for him I would; as the horse was dead, I supposed I would never recover the amount.

C. P. LAWRENCE.

Sworn before me at Bathurst, }
the 21st day of March, 1861. }

W. HALL PALMER, P.M.

MEMO.—Captain Battye, after having been sworn, wishes it to be noted that he objects to any one except the Inspector General of Police, or a Superintendent of the Mounted Patrol, inquiring into, or taking examinations respecting matters concerning the Mounted Patrol, as being contrary to the regulations of the Mounted Police, issued about 1854; but at the same time has no objection to give every information touching the present inquiry.

W. HALL PALMER.

Captain

John M'Lerie,
Esq.

11 Sept., 1862.

Captain Battye being duly sworn, states in answer:—

Were you in charge of the Western Patrol, in February, 1860? I was.
Did you about that time order Sergeant Lawrence on duty to Jerrong? I believe he went on that occasion by my orders. (Frequently he has gone without, when he has received information of importance, because the whole of the bush duties devolve upon the Sergeant-Major and myself.)
Do you recollect his returning with a fresh horse? I recollect his bringing back a strange horse, and not bringing his own.
Did he account for not bringing his own horse? He did; he said his own horse had knocked up with him, and that Mr. M'Donald had produced a horse before him, which he thought would answer the force, which he (Lawrence) had bought for the force, but if not accepted he was responsible for; the price was £20; I objected to the horse; Lawrence had no authority from me to purchase a horse for the Government; I believe this horse was exchanged by Lawrence for another horse more adapted to the saddle, which latter horse was occasionally used by the troopers for patrol and other duties, Sergeant-Major Lawrence not having sufficient work for him; his own troop horse was away about that time, and useless from over fatigue. It was on one of these particular occasions, to the best of my belief, that this horse was made use of by a trooper on duty, when he was taken with the gripes and died about two or three miles from town. Sergeant-Major Lawrence, to my knowledge, has never kept a horse for his own private use, and I have no doubt he purchased this horse for the use of the Government, thinking it would answer for that purpose, but he had no authority from me for doing so; I did not like him when I saw him. On this particular occasion, when he purchased the horse, he brought a prisoner home with him, and, from the report given of his own horse, he would not have been able to have performed his duty unless he had obtained another horse.
When the horse was brought from Jerrong was he rated as a troop horse? Decidedly he was, as far as being foraged, the Sergeant-Major's horse not being at home. Whenever a horse is lent for the public service he is invariably rationed as a troop horse.
Was the horse used at any time on service? I cannot recollect.
Was he used by Mr. Cole, the Colonial Architect? Mr. Cole did use the horse on public service; he went to Wellington, and Lawrence lent him the horse. Mr. Cole reported unfavourably of him.
Do you recollect what became of him? He was exchanged with Mr. Hughes for a grey horse.
Did you sanction the exchange? I did not sanction the exchange on the part of the Government, but I recommended the exchange.
What became of the grey horse? He is the horse I have previously spoken of as having died of gripes when on Government duty.
Are you aware whether Lawrence has ever purchased horses before? He has not purchased any, but has recommended some, which I have afterwards purchased.
Have you had any correspondence with M'Donald about the horse? I have not, but have received two letters from him—one couched in such terms I did not reply to it. I may have received a second one, but I did not reply to it.
Does the horse purchased from M'Donald appear in the diary? On reference to the diary, the name "Wyrong" appears, on the 26th March, as "turned out to grass"; and on the 4th of April he was brought up, and handed over to Mr. Cole, entered as "troop horse, 'Wyrong,' to Wellington," and 15th April he appears as "'Wyrong' from Carcoar"; and there appears an entry on the 7th May, "New troop horse, 'Georgy,' died."
Did you receive a certificate from Lawrence of the death of the grey horse? He reported to me the death of the grey horse; I think he did give me a certificate of the death, so that he might obtain the amount of purchase money from the Government; I believe I asked him for it, as I considered him justly entitled to the amount, or portion of it, paid for the horse.

E. M. BATTYE, Captain.

Sworn before me, at Bathurst, }
the 21st day of March, 1861. }

W. HALL PALMER, P.M.

Forwarded to the Inspector General of Police, in accordance with letter, dated 15th March, 1861.

W. HALL PALMER, P.M.,
Acting Superintendent of Mounted Patrol,
Bathurst.

Letter from Sergeant-Major Lawrence received this morning, 22nd March, 1861, forwarded to the Inspector General of Police.

W. H. P.

N.

To Dr. Palmer.
Sir,

Bathurst, 22 March, 1861.

I beg most respectfully to state the following facts in connection with my having bought a horse from Mr. M'Donald, of Jerong, Abercrombie Mountains.

In the month of February, 1860, I was ordered to proceed on duty by Captain Battye to Mr. M'Donald's, Jerong, in a case of cattle stealing; and in consequence of my usual troop horse "Hastings" having been disabled through a disjointed fetlock I was obliged to ride troop horse "Roany," purchased by me from Mr. Potkery, of King Plains, for the Government service. This horse was only just broken in and off grass, consequently weak. Upon my arrival at M'Donald's, the horse, I felt, would not be able to carry me through the journey and perform the duty I had been ordered to do; and upon M'Donald offering me the choice of two saddle horses, I picked one out and gave M'Donald the price he asked for the horse, viz., £20. I was asked by M'Donald if I was authorized by the Government to buy horses? I said, I had bought horses before and that not one of them had been objected to, which I considered was tantamount to the same thing, but I never looked for a written authority, as whenever I saw and was confident the horse would suit us, and we wanted one, it could not and did not make any difference. After performing my duty upon the horse and arresting my prisoner, Patrick Connolly, at Duck Malloy, forty miles from M'Donald's, I came into Bathurst.

The roan horse knocked up a little way from M'Donald's, and it took us, myself, Troopers Ross, Gile, and Wilson, the whole day and part of the night to get the horse to Mr. Stevenson's of Swatchfield, where I left him.

Shortly after, Mr. Cole, the Colonial Architect, and Capt. Battye, one Sunday morning, called at my house, and Capt. Battye asked me what horse Mr. Cole could have to go to Wellington, &c.; I replied he could have the new horse "Jerong," purchased by me from M'Donald, which he got the next morning, and Mr. Cole knocked him up since then. Mr. Cole the next time he came up here upon the very same journey, knocked up another troop horse, viz., "Wellington." The horse bought from M'Donald has been ridden by Troopers Gile, O'Rourke, Corporal Dunn, and myself, upon Government duty, and never was used upon any other duty since I purchased him until he was exchanged, which was in consequence of Mr. Cole knocking the horse up. Upon my arrival in Bathurst I showed Captain Battye the horse, telling him the cause of my having to get the horse, and that I thought the horse would suit us. The Captain said no horse could be paid for until the Estimates were passed. (At this time some horses then being used in the force were not paid for by the Government, amongst them troop horse

horse "Roany," named before.) I wrote and told M'Donald this, upon the horse being fetched back by a trooper from where Mr. Coles had left him; Captain Battye then said he would not suit us. The horse was subsequently exchanged with Mr. John Hughes for a grey horse with the knowledge of Captain Battye. The grey horse, the following day after he was brought to the barracks, and upon his first journey, died of the gripes, under the charge of Trooper Ross.

John M'Lerie,
Esq.

11 Sept., 1862.

The horses "Jenny" or "Wyrong," and also the grey horse's death, is entered in the books and the diary. I gave Captain Battye a certificate of the grey horse's death, for the purpose of applying to the Government for payment of the horse, as M'Donald had not signed a voucher, and consequently I was liable. Captain Battye, at the same time, told me that the Government would pay for the horse. I had no reason at this time to doubt it, as a precisely similar occurrence took place once before, when a horse of Captain Battye's died, and the Government paid for him. I have bought five horses for the police force, three of which are now in the force. I have not heard more of the matter until shortly before Captain Battye went to Sydney, he told me the Government would not pay for the horse, and that he had heard from Mr. M'Donald, but did not show me the letter. I replied, if the Government would not *I must*, but that not just at that minute having the money M'Donald must wait a little time. The Captain desired me to write to Mr. M'Donald upon Friday, 1st March, 1861. M'Donald called upon me for payment of the horse, telling me he had written to the Government, and that they denied all knowledge of the transaction, and that he should look to me for payment. I paid him at once, but told him that it was not fair I should be called upon to pay him, but I trusted when I had explained the matter to Captain M'Lerie he would cause the money to be refunded.

I most solemnly declare my only object in purchasing the horse was for the public good and service, and if I have committed any error by so doing, I hope the above facts will be received as some mitigation of any unintentional fault I may have committed.

I have, &c.,
C. P. LAWRENCE.

TUESDAY, 16 SEPTEMBER, 1862.

Present:—

MR. COWPER,
MR. HART,

MR. MACLEAY,
MR. SADLEIR.

HENRY ROTTON, ESQ., IN THE CHAIR.

Mr. W. Hellyer appeared on behalf of Mr. Lawrence.

John M'Lerie, Esq., again called in and examined:—

504. *By the Chairman:* Captain Battye was Lawrence's superior officer, was he not, at the time this transaction took place? He was. Captain Battye was Superintendent of the Patrol in the Western District, and Lawrence was Sergeant-Major under him.

John M'Lerie,
Esq.

16 Sept., 1862.

505. Is it not a fact that you were sent up on that occasion specially to investigate charges against Captain Battye? I think I have the letter of instruction with me. I went up to Bathurst under instructions from the Chief Secretary, with the object of getting the parties supposed to be guilty of this forgery prosecuted.

506. Was not Captain Battye himself suspected of complicity in this matter at the time you went away;—was not that one of the reasons why you were required to go up there? I never suspected him of complicity, although I looked upon him as having been excessively careless in the matter.

507. Why, as superintendent of the district, could he not have been intrusted with the conduct of this matter, instead of yourself going up specially for that purpose? Well, I went up under instructions from the Chief Secretary.

508. *By Mr. Cowper:* Had you not reason to believe that there had been some laxity in Captain Battye's accounts? I had.

509. You took the matter into your hands in consequence of my instructions, and in order that Captain Battye might afford you an explanation as to supposed irregularities in his accounts, as other officers in public establishments are called upon to do when there are like grounds of suspicion on the part of the authorities? That was the reason I believe you had for sending me up.

510. And you intimated to him that you entertained a suspicion that for some time past there had been some irregularities in the accounts and charges made? I did, and suggested to him that I should avail myself of the opportunity of my being in Bathurst to examine his public account, which I did.

511. *By the Chairman:* Did Captain Battye give any explanation of the matter? I questioned him with respect to this voucher, and he told me that he signed it on the faith of its being all correct when brought before him by Sergeant-Major Lawrence; and when he was asked to reply to my minute upon the voucher he said he had signed it on the representation of Lawrence, who gave him the information as to Rorison having been at this public-house.

512. Did not Captain Battye tell you that the course pursued in that instance was customary? In what instance?

513. In that instance, in making out the voucher in that way, and his witnessing it? No, he never did. I should have been surprised if he had.

514. At the time you went to Bathurst were you not informed by Captain Battye that Lawrence was out on duty? Yes, I think I have already said so.

515. And you did not, I believe, before directing Captain Battye to file an information against

John M'Levie, Esq. against Lawrence and procure a warrant, afford Lawrence an opportunity of explaining the matter; nor did you wait till he returned, so as to have such opportunity? No; he was absent all the time I was in Bathurst.

16 Sept., 1862.

516. I presume you had no suspicion that Lawrence was going to abscond;—were there any particular reasons why that extreme course should be taken? It was taken on the advice of the solicitor I employed on the part of the Government, Mr. M'Intosh; I left the matter to him as to what course should be taken, with instructions to Captain Battye to communicate with him. Captain Battye, the Police Magistrate, and the solicitor directed the steps that were taken.

517. You had previously obtained from Mr. Beardmore the assurance of the publican, whose name was appended to the document, that it was not put there by his authority? I had; and Rorison, on his examination at Bathurst, swore that he had not seen the document before it was shown to him by Mr. Beardmore at Carcoar.

518. You say you had nothing to do with pressing the charge in this extreme way, further than directing that steps for the prosecution should be taken? It was placed in the hands of the legal gentleman I employed on behalf of the Government to carry out.

519. There would be some instructions from you? That the perpetrator of the fraud was to be prosecuted.

520. I believe you knew that Lawrence was expected back at Bathurst in a day or two? I waited, I think, two days before these steps were taken.

521. Did you not yourself positively and authoritatively direct Captain Battye to take these proceedings under some indirect threats? I used no threats whatever. His attention was directed to this document. I said a forgery had been committed in his office, and the guilty party must be prosecuted.

522. Did he not make some explanation or excuse, or show a disinclination to institute these proceedings? He did not show any disinclination, because I think he went at once with me to the solicitors.

523. Did he not tell you that the matter could be explained? No, he never did.

524. You have stated that Mr. M'Intosh was employed as the attorney on behalf of the Government? Ycs.

525. Is it usual in such cases for the Government to employ attorneys in that way—for the mere initiation of a case? Very often it is done. If the matter had been inquired into in Sydney it would have been initiated by the Crown Solicitor, but being out of Sydney I had the authority of the Government to employ a private solicitor.

526. Being employed in the case, he must have had every opportunity of learning the merits of the case? I placed all the documents in his hands.

527. Are you aware that he thinks Lawrence is entirely innocent? I am not aware of it.

528. Has he not made application to you on Lawrence's behalf? No, on behalf of Sergeant Middleton, who was shot.

529. Did he not at the same time mention Lawrence's case to you? No, I am not aware that he did.

530. He stated to me that he did? He may have done so, but he never expressed to me his opinion that Lawrence was entirely innocent, if he did speak about the case.

531. He told me that he had spoken to you about Lawrence—that he had asked you to reinstate him, and that he had given you his opinion that he had been unfairly treated? He must be mistaken; he spoke and wrote strongly about the other officer, Sergeant Middleton, who was afterwards reinstated, not in his former position, but with a promise that within a few months he should be put in the place he held before.

532. I think you stated before, that Captain Battye had the control of these accounts? The control of the whole of the police accounts of the district—they had to pass through his hands.

533. Then in whatever offence or irregularity has occurred Captain Battye must in some degree be implicated? As far as being careless.

534. Captain Battye has since been dismissed from the service, has he not? Yes, he was dismissed from the charge of the Western Patrol.

535. He has since been reinstated? He has been re-appointed, but to another situation.

536. In the police service? In the police service, to an inferior situation to that he held before.

537. It is already in evidence, and I need not ask the question again, that Captain Battye was dismissed for misappropriating public moneys—I believe that was the ground of his dismissal? Not the misappropriation, but because he kept his accounts in such a confused manner that public moneys were drawn out for private uses.

538. Although your opinion has been that Lawrence's original intention was a fraud, he has been tried by a jury of his country and found innocent; the criminal part of the case must thus be considered to be disposed of, and nothing remains but the irregularity to take cognizance of. Supposing that to be the state of the case, what reason can you give for reinstating Captain Battye, who has committed a much more grave irregularity, whilst you continue Lawrence in suspension, his offence being a mere irregularity? I call it more than that. I have no doubt a fraud was committed, and that by a certain collusion between Lawrence and another man in the force, the ends of justice were defeated.

539. Are you not aware that Lawrence was tried by a jury, who pronounced him innocent, and that the Judge who presided said he left the Court without any stain upon his character? I admit that.

540. And that since he was tried and so acquitted the Government had authorized a Commission to inquire into the matter, by whom he was acquitted of any collusion with Rorison? There is a document filled up by Lawrence, with the forged name of "John Cheshier" attached

attached to it; it is witnessed by Lawrence, and purports to be a voucher with regard to forage supplied to Trooper Rorison. Rorison in his evidence said he never saw the document until he saw it at Carcoar. Lawrence afterwards goes to the publican whose name is forged to the document, and presses upon him to receive payment of the money—money which had never been demanded, and which the publican declined to receive. John M'Levie,
Esq.
16 Sept., 1862.

541. You state, in a previous part of your evidence, that you believed a man named Wiley had written that signature "John Cheshier"? I came to that conclusion, Wiley being employed as an assistant clerk in the office of Captain Battye and Sergeant-Major Lawrence. A strong similarity that it bears to Wiley's handwriting, which on inspection the Committee will perceive, led me to that conclusion.

542. *By Mr. Cowper*: That is only a suspicion of your own? I think the Committee will bear me out that my suspicion is well founded.

543. *By the Chairman*: Have you taken any steps to ascertain whether that suspicion is correct? I asked the man if he had signed this document with the signature of Cheshier which it bore, and he denied that he did; but I am still satisfied that it is the handwriting of Wiley. In fact it was that circumstance that drew my attention to the forgery, seeing the body of the voucher made out in the handwriting of the sergeant-major, and the signature purporting to be that of the landlord in the handwriting of his clerk.

544. *By Mr. Hellyer*: Wiley is still attached to the force, is he not? He is a trooper in the police.

545. No proceedings have been taken against him? None.

546. You say your letter of instructions directed you to prosecute all who were concerned in the forgery? Yes.

547. Why did you not prosecute Wiley? Because it was a mere suspicion that he was implicated.

548. Had you anything more than a suspicion with respect to Lawrence? Yes, I had. There was a voucher filled up by him, witnessed by him, and a signature appended which I had previously ascertained to be a forgery.

549. Does not your own mind draw a distinction between witnessing a document and forging it? I have no doubt they were acting in concert.

550. That is no answer. Do you draw no distinction between witnessing a forged signature and forging it, or do you call them both forgeries? I call them both forgeries.

551. You have Rorison's declaration before you of the 1st of December? That is the declaration he made to Captain Battye—yes.

552. Will you look at it for a moment;—you see that he states in the last four lines, "I have seen the chief constable since, whom I told that the account was perfectly correct as to the dates; that I had not drawn forage for those dates; that the expenses incurred were correct, but had been placed in one voucher as due to Cheshier, as I had not paid him but had the others"? I do.

553. Do you believe it? I do not.

554. Do you believe the statement he made before Mr. Beardmore that he had never seen the document before it was shown to him at Carcoar? I do.

555. But not the statement he made to the chief constable that the account was correct? I take them to be a confirmation of my suspicion that there had been collusive arrangements between Lawrence and himself.

556. You speak of collusive arrangements—have you any foundation for doing so? I have facts.

557. Are you aware that at this time Lawrence was out in the discharge of his duties? Yes, he was at the station where Rorison was stationed.

558. Do you not know that this declaration of Rorison was taken without the knowledge of Lawrence? I do not think it was—it was taken at Bathurst.

559. Why do you not think so? Because I do not see any grounds for believing it, particularly as Rorison went to Bathurst to make the declaration.

560. Did you consult the diary of the establishment, to see where Lawrence was at the time this declaration was taken? No, I did not.

561. The statement referred to is that marked with the letter C on page 5—the statement made by Rorison before Captain Battye? Yes.

562. In Captain Battye's deposition on page 3, reference is made to it;—Captain Battye there says—"Rorison's statement (marked C) was made to me in consequence of what I heard from Sergeant-Major Lawrence; upon hearing his report I immediately sent for Rorison." It appears by this that Lawrence himself reported the matter? Only after a communication from Rorison, which convinces me the more strongly that they had collusion.

563. Did you see the communication he made to Captain Battye? I believe the attention of Captain Battye was first drawn to the impropriety on the part of Lawrence by the Police Magistrate who inquired into the matters connected with this voucher.

564. Was it not the duty of Lawrence, notwithstanding anything done by the Police Magistrate, to report it to his superior officer? It was no part of his duty, because he must have been aware that Mr. Beardmore, as a Magistrate, had only been acting under instructions. Mr. Beardmore, he must have known, would never undertake to put such questions to a member of the patrol unless he had been requested and authorized to do so.

565. Does it not occur to you, then, that a man not compelled to make the report as a part of his duty, was likely to connive at a forgery and afterwards report it to his superior officer? The forgery was discovered before it was reported to Captain Battye.

566. Do you consider that Lawrence not being compelled, as it formed no part of his duty, to report what information he had received from Rorison, was likely, if he were guilty of a forgery, to report it to Captain Battye? The probability would be that if he were guilty of it he would take all the steps he could to quash the matter and have it stifled.

- John M'Lerie, Esq. 567. Was the information he gave to Captain Battye likely to have the effect of quashing it? He might have thought so at the time.
- 16 Sept., 1862. 568. As you consider that this conduct was not likely to be the conduct of a guilty man, how is it that you consider Lawrence guilty of this fraud? From all the facts within my knowledge in connection with the matter.
569. What fraud has been committed? It was an attempt at fraud. If the voucher had passed, the Government would have been charged with this £2 8s. not properly due.
570. Then what fraud has been committed? The tendering a forged voucher for the payment of public moneys.
571. That you call a fraud? A serious fraud.
572. Do you consider it an embezzlement, a misappropriation of public money, or an irregularity? I consider it a very serious offence.
573. Why was not Captain Battye prosecuted? He was not charged with an embezzlement.
574. Have you any letter of instructions upon which you proceeded to Bathurst in connection with this matter? Yes.
575. Will you be kind enough to hand it to the Committee? I will if it is required. (*Vide Appendix.*)
576. Are you aware that at the time Lawrence is said to have called upon Cheshier he was in the discharge of his duty? I am not aware of that, but the probability is that he was so. He was absent from his station.
577. Do you not know that he was directed to go? I do not.
578. Did you inquire from Captain Battye if such was the case? No.
579. You conclude that he went there purposely to obtain the acquiescence of Cheshier in the charges made in the voucher, and to get him to receive the money, so as to quash the fraud? I merely judge from the sworn evidence of Cheshier, where he says—"I saw Sergeant-Major Lawrence about a month ago; he said if I made out a bill of what I charged he would pay it to me."
580. Did you notice the statement made by Lawrence before the Commission (page 11)? A bill had then already been made out.
581. Not a bill? A voucher.
582. Look at that statement;—Lawrence says—"I know the voucher marked A; it was filled in and witnessed by me; it is all in my handwriting except the signatures E. M. Battye and John Cheshier; the names of Cheshier were signed by trooper Rorison in my presence; the voucher purports to be entirely for sums due to Cheshier, but I was aware contained items stated to have been paid to other persons by Rorison; the voucher was drawn from the memorandum marked B, rendered to me by Rorison; when I had prepared the voucher I handed it across the table to Rorison, instructing him to get it signed by Cheshier; he said 'I have got Cheshier's authority, and I told him that I would sign the voucher for him'; he then did so and I attested his signature; it was an occasional practice to include in one voucher items due to different people when the money had been paid by the troopers; I have not been on good terms with Rorison since my committal." This evidence of Lawrence before the Commission you pass by unnoticed, then? It is at variance with the evidence given by Rorison; and the evidence of one neutralizes the other, because Rorison states positively that when the document was shown to him at Carcoar he had never seen it before. He must then have been stating that which was untrue, or this evidence by Lawrence is not correct.
583. *By the Chairman:* You have seen the sworn evidence of Rorison before the Judge at the trial? Which resulted in the accused being discharged.
584. There is no material discrepancy between that and the statement of Lawrence? No.
585. *By Mr. Hellyer:* Will you refer to Rorison's evidence on page 10. In a portion of his statement he says—"I had a conversation with Lawrence about Cheshier's account; I told him that I owed him for two nights for my horse; Cheshier had told me that he would not charge me; I considered that he referred to myself alone, and not for my horse; we paid for ourselves and the Government for the horses; it was a general custom at public-houses to charge for the horses alone; I considered at the time I rendered the memorandum that Cheshier had to be paid for the horse; I have served for some time under Sergeant-Major Lawrence, and was always on good terms with him; I estimated myself the charge for the horse at Cheshier's according to charges in the neighbourhood; the memorandum marked B is in my handwriting, and is the memorandum above referred to; by the wording of the document, and my explanation to Lawrence, he must have understood that I had either paid already or was responsible for all the items." Do you believe Rorison there? It is impossible to say which is right. If you look at the first three lines of Rorison's statement, and then at the first three of that made by Lawrence, it is impossible to say which is correct.
586. Does not the voucher itself turn the scale? No. Lawrence in the first part of his statement says, "I know the voucher marked A; it was filled in and witnessed by me; it is all in my handwriting except the signatures E. M. Battye and John Cheshier; the names of Cheshier were signed by Trooper Rorison in my presence." On the other hand, Rorison in the first part of his statement says, "I know the voucher marked A; I saw it first in the hands of Mr. Beardmore, again at the Police Office in Bathurst, and then at the trial at the Assizes; the body is in the handwriting of Lawrence, as also his own signature; I do not know in whose handwriting are the signatures John Cheshier." Who is to believe either of these statements as correct?
587. I am calling your attention to the statement of Rorison as to the conversation at the office with Lawrence? It is impossible to say which is telling the truth, Lawrence or Rorison.
588. You say Rorison states that he had never seen the voucher before he saw it at Carcoar? Yes.
- 589.

589. Which was telling the truth in that matter, Rorison or Lawrence? Rorison's evidence is to a certain extent borne out by the fact that the name John Cheshier was written by a person at that time employed in the office. John M^r Lerie,
Esq.

590. But that person (Wiley) denies it? It is not Rorison's handwriting. Lawrence states that this voucher was signed by Rorison. Now I have here a specimen of the handwriting of the person I suspect did sign it; and on a comparison of Rorison's and Wiley's handwriting, I am more convinced than ever that Rorison did not sign it. 16 Sept., 1862.

591. Supposing you were signing a false document, would you write the signature in your ordinary hand? No; though it is a thing I never attempted.

592. Is it likely that if Wiley wrote the name of Cheshier he would write it in his ordinary hand? Yes.

593. Is it not more likely that he would try to write it like the handwriting of Cheshier himself? If he was acting under the instructions of Lawrence, who might just say—"Put Cheshier's name to this"—I think he would not alter his handwriting. The forgery was committed in the office.

594. Will you refer to the statement, in page 10, in which Rorison says—"I do not believe I could have told Mr. Beardmore that Cheshier made no charge for the horse, because I did not then know that he could not charge; I cannot recollect whether I said anything to Mr. Beardmore about having rendered an account to Lawrence; when Mr. Beardmore asked me about Cheshier having charged I thought he was referring to my own private charge, and not to that for the horses on account of the Government; when I told Mr. Beardmore that I never rendered such an account to Lawrence I meant for six nights at Cheshier's." In the last four lines he states—"At the trial I stated that I believed I had not rendered an account shewing Cheshier's account as paid by me; I saw afterwards, by memorandum B, that I had included it with other items which I had paid, and the memorandum was marked accordingly." Now assuming that Rorison did make the statement to Sergeant-Major Lawrence that these charges in the vouchers were correct, that he had stayed at this place, and that the amounts had been paid, does that palliate the irregularity in witnessing the document? No, it does not justify the commission of a forgery.

595. Of course it would be an irregularity if done by Captain Battye—he could not commit any crime—his was a mere irregularity—an indiscretion of youth? I do not know.

596. Have you any of the pay abstracts for the Western Patrol? I have not; they are all in the Audit Office.

597. Do you know whether an abstract relative to night money for Sergeant-Major Lawrence has been passed? I am not aware that any vouchers on account of the Western Patrol remain unpaid.

598. Do you know that such a voucher has been passed? I do not; but if it has been passed the money has been paid.

599. To whom? If it was passed when Captain Battye was in charge of the patrol it has been paid to the public account.

600. You have nothing with you that would enable you to say whether it was or was not? I have not; but if I had thought a question of that kind was likely to be asked I would have called at the Audit Office and have ascertained.

601. Are you not aware that that night money has been referred to before? Yes.

602. And that correspondence respecting it has been handed in? Yes; and judging from what appears in that correspondence it would appear that inquiry was necessary. That money was paid to Captain Battye, and if any night money was due Captain Battye would have it—it would be paid to him for the service.

603. Do you think that by the payment of the money to Captain Battye the Government relieve themselves of the responsibility? No; but I think that officer is responsible for the payment of the money on behalf of the Government.

604. Is it not necessary that an abstract shall be sent to the parties before the payments are made? It was at one time; it has however ceased in my department, and other arrangements are made under the authority of the Chief Secretary.

605. How long is it since these instructions that you refer to came into force? In about the month of April in the present year. No receipts are under any circumstances to be sent in until the money has been actually paid. There is a copy of the Chief Secretary's instructions with regard to the police accounts.

606. Do you know who signed the abstracts for the payment of this night money? It would be required that they should be signed by Sergeant-Major Lawrence and the officer in charge of the patrol. The money could not be paid unless it was vouched for in that way by the signatures of the claimant and the officer in charge. If not so vouched for the money could not have been paid, because the voucher would be incomplete.

607. *By the Chairman:* Have you stated it as a fact that the money has been paid? No; but I am not aware that any money remains unpaid on account of night money for the Western Patrol.

608. *By Mr. Hellyer:* You state that a fraud to the extent of £2 8s. would have been committed;—now are you not aware that Rorison himself had paid for everything charged in this account, with the exception of 16s.? I am not aware of it.

609. Have you made any inquiries from Captain Battye with regard to the production of all vouchers or receipts from the other parties excepting Cheshier? No, I can only recognize Cheshier as claiming the payment of this amount of £2 8s.

610. You have seen the voucher or account marked B, on page 11? Yes; I never saw it until it came to my office.

611. Were you not told that Rorison had produced to Captain Battye four receipts out of the five? I am not aware of it; he may have done so.

- John M^cLerie, Esq.
16 Sept., 1862.
612. You say that £2 8s. would have been the amount of the fraud; now if Rorison produced vouchers for the payment of all except 16s., the amount of this alleged fraud would be reduced to that sum? Yes, but it would still be a fraud.
613. The money would be paid to Captain Battye? The amount would be placed to the public account of Captain Battye, and he would be so advised that it was placed to his credit at the branch bank in Bathurst.
614. The authority is to pay to his public account? Yes.
615. And if a fraud had been committed it would have been upon Captain Battye's public account? Yes, because a cheque for the amount would have been handed to Lawrence.
616. Inasmuch then as no money was sent to his public account, and as no payment was made, where is the fraud? The fraud has not been committed, but a forged voucher has been tendered with a view to obtaining the money. I merely call attention to Lawrence's own statement in connection with the horse, that he would have got the cheque from Captain Battye, and have sent it to M^cDonald, the claimant; and he admits that to be the practice.
617. You have seen Captain Battye's evidence, in which he says what he would have done in the matter? Yes.
618. *By the Chairman*: You stated just now, in answer to a question from Mr. Hellyer, that there was a great discrepancy between the evidence of Rorison and that of Lawrence? Yes.
619. And you seem still to give the preference to the evidence of Rorison? No, I say it is impossible to decide which is true; one must be false.
620. Are you not aware that Rorison, upon more than one occasion, has been examined upon oath? I believe he was examined upon oath before the committing Magistrates, and before the Judge at the trial.
621. Notwithstanding Rorison's evidence upon oath, the jury thought fit to acquit Lawrence of any blame in the matter? I am aware that he was acquitted by the jury.
622. And why then do you consider that you cannot place any credit in the statement of Lawrence? Because, taking all the circumstances together, I hold him to be more deeply implicated in the attempted fraud than Rorison.
623. Then you do not think the jury took a correct view of the evidence? They may have taken a proper view of the evidence before them.
624. That evidence is before us? Yes, and it is at variance with Rorison's previous evidence.
625. Would it not convince you that Rorison was telling an untruth, when you find his statement before Mr. Beardmore directly conflicting with his sworn evidence? It showed me that Lawrence and Rorison had been acting collusively.
626. Rorison has been dismissed from the service since then? He never did duty after he gave evidence before the Court at Bathurst. He was dismissed at the same time as Lawrence, at my recommendation.
627. For what offence? For the reason I have just given—that they acted collusively in this matter to defeat the ends of justice; and I am still of that opinion.
628. You are aware that a Commission was appointed at Bathurst, to which you yourself consented, and that one of your own officers, Mr. Chatfield, then Superintendent of the Western Patrol, was one of the Commission? I am aware of that.
629. And that their opinion was that there could not have been collusion between Lawrence and Rorison? Here is the report.
630. That report says—"From the opportunities we have had of looking through the whole matter, we are satisfied that between Lawrence and Rorison there was no collusion, and that the feeling existing between them was and now is most inimical; and we conceive that Lawrence is still willing, as stated in his letter of the 28th March, to give and procure, or endeavour to procure, evidence against Rorison." Now what reasons, if any, have you for differing so widely as you do from the conclusions of the jury and of the Commission? From all the facts that have come before me in the matter, either in evidence or in this printed paper.
631. Notwithstanding that the jury had an opportunity of examining witnesses upon oath, and notwithstanding the opportunities the Commissioners had of obtaining full evidence on the matter, and that both acquitted Lawrence, you still persist in the opinion that Lawrence is guilty? I do.
632. I should like to hear you give some good grounds for that opinion? I think I have.
633. You state an opinion that there was collusion between them? If you like I will go over the ground again. In the first instance there is the transmission of a forged document to my office for the payment of money, which money was never claimed. That document is made out in the handwriting of Lawrence.
634. I believe you stated in evidence that you gave orders to withhold the money? I could not, because it was never paid.
635. I think you stated that you took good care that it should not be paid? The money has never been paid.
636. But would there be any other way of making application for the money except by the transmission of the voucher and by the passing of the documents through the regular form? No.
637. Then you refused to transmit the money on account of some view you yourself took of the matter? I refused to pay the money because the document claiming it is a forgery.
638. Is the Committee to understand that you still believe Lawrence intended to keep the money? That must be the object of his sending such a voucher.
639. You think so notwithstanding that Captain Battye states, in his sworn evidence, that in the ordinary course of such payments he would have handed the money to Lawrence?
Captain

Captain Battye says so, but it is not the practice. I again draw attention to what Lawrence said about the horses, namely that if the money was paid to Captain Battye he would have obtained a cheque, and have sent it to M'Donald.

640. That is a different case; he was then responsible for the payment of the money, having bought the horses? That was the proper course to take.

641. You still believe that there was collusion between Lawrence and Rorison? I do.

642. Now, supposing the money had gone into Lawrence's hands, is it likely that he was going to keep it all himself—would there not have been a partition of it between himself and Rorison? I cannot say, but if so they would have shared the spoil. No intention of that sort is proved.

643. Is it not clearly proved that Rorison was a party to the voucher? No, he swears that he never saw the document until he saw it in Mr. Beardmore's hands.

644. That evidence was not upon oath? No.

645. What did he afterwards swear? That he never saw it until it was handed to him by Mr. Beardmore at Carcoar on the 23rd November. On page 10 you will find in his evidence before the Board of Inquiry—"I know the voucher marked A; I saw it first in the hands of Mr. Beardmore, again at the Police Office in Bathurst, and then at the trial at the Assizes." That is his statement before the Commission, and then there is Lawrence's statement before the same Commission:—"I know the voucher marked A; it was filled in and witnessed by me; it is all in my handwriting, except the signatures E. M. Battye and John Cheshier; the names of Cheshier were signed by Trooper Rorison in my presence."

646. *By Mr. Hart*: Was Rorison examined at the preliminary trial before the Magistrates? Yes, he was the principal witness.

647. *By the Chairman*: Will you be kind enough to state the special grounds upon which Lawrence was dismissed? If you refer to my letter to the Government I think you will find them.

648. If I remember rightly, the documents were placed in Rorison's hand when he was giving evidence before the Judge, and induced the Judge to stop the case? They gave him an acquittal.

649. You say then that Rorison must have perjured himself, as he told different stories on the two different occasions? Yes.

650. *By Mr. Hellyer*: Have you any letter conveying the directions to Mr. Chatfield for instituting this inquiry? I have not a copy with me, but I can send it over.

651. Had you any voice in the appointment of that Commission, as to the selection of the parties? No; they were selected by the Chief Secretary.

652. Mr. Chatfield was a member of your force at that time, was he not? He was.

653. *By the Chairman*: You had an opportunity of objecting to any of the parties selected for that Commission? No.

654. *By Mr. Hellyer*: You were consulted as to their selection? Mr. Cowper named them to me. He said he had named the Police Magistrate, the Superintendent of the Western Patrol, and an unpaid Magistrate to sit on the inquiry; he said that Mr. Hawkins would be one.

655. Mr. Chatfield was then Superintendent of the Western Patrol, and now holds that office? Yes, he now holds the office of Superintendent of Police.

656. Your opinion is different from his upon the question of their finding? It is.

657. How does it happen that the report of the 22nd November, 1861, was forwarded to your department? Their report?

658. Yes. Mr. Chatfield must have forwarded the document to you? I do not think he did. If it was addressed to the Principal Under Secretary it could not have come to me.

659. Have you a letter from him dated the 22nd November, 1861? No; the Board was convened by the Chief Secretary, and the report would of course be sent in to the Under Secretary.

660. Do you say that the report was not sent to you? It must have been sent to me by the Principal Under Secretary.

661. *By the Chairman*: It does not appear so by your letter, because you say, "I now do myself the honor to transmit, for the information of the Chief Secretary, the Report of this Board upon the matter referred to." So that it appears the report comes first from you? The report must have been sent to me by the Under Secretary in the first instance. It is dated the 22nd November, and has my stamp of the 25th, when it reached my office.

662. *By Mr. Cowper*: Was not a letter sent with it? No; if there had been one it would have been here. That letter would have been forwarded by me with the proceedings of the Board, to the Principal Under Secretary, and no reference is made to one in my letter.

663. *By the Chairman*: With reference to the money being paid to Lawrence, it is to be inferred, as a natural consequence, with reference to such matters as this, where you suspect a collusion for the purposes of fraud, between the parties, that the money would have been divided? I suppose that if both were mixed up in the fraud, they would have a mutual interest.

664. Then the whole they could have obtained by such means is but £2 8s., I believe? Just so.

665. Then, supposing it to be divided, it would leave each the sum of £1 4s.? If the division was equitable.

666. Do you suppose it probable that a man in Mr. Lawrence's position would run the risk attending the commission of a fraud for the sake of such a sum as £1 4s.? There are instances of persons in much higher positions doing dirtier things than that.

667. You never had other complaints of the same character against Lawrence? No.

668. This is the only case you know of? The only case I know of.

669. The special grounds you give for Lawrence's dismissal are, I believe, that he is suspected of collusion with Rorison? Yes.

John M'Levie, Esq. 670. You had no other charges against him? No, but by that I believe the ends of justice were defeated.

671. Were there any other reasons coupled with that? No.

16 Sept., 1862. 672. And up to that time, as far as you have had opportunities of informing yourself, he has been a very efficient officer, and a man of good character? There has not been a word against him. I never saw him before this case arose, but from what I heard of the way in which his duty was performed I looked upon him as a very efficient police officer.

673. Did you instruct the Police Magistrate at Bathurst not to take bail in Lawrence's case? I have already answered that question, and distinctly denied having done so. I would not presume to take such a liberty with any Magistrate as to direct him how he should do his duty.

674. You have read Dr. Palmer's evidence before the Commission? Yes.

675. And notwithstanding Dr. Palmer's evidence, who was then acting as Superintendent of the Western Patrol, and the other evidence given before this Commission, you still remain of the opinion that there must have been collusion between Lawrence and Rorison? I do.

676. Dr. Palmer says in his evidence, "I always considered Lawrence a trustworthy and efficient officer; I had, and have still, a high opinion of him." You do not know what has become of Rorison now? No. I believe some allusion was made to his having become a National schoolmaster.

677. I have been so informed, but I do not know whether any reference was made to you as to his character? No reference of the kind was made to me.

678. *By Mr. Cowper*: Supposing your suspicions with regard to the collusion between Lawrence and Rorison were not altogether well founded, do you consider that the irregularity which is called by the Board "a grave irregularity, not warranted by the very improper practice formerly obtaining to a certain extent in the patrol office," was not of itself sufficient to justify his dismissal? I think so. I think it was sufficient to justify the dismissal of any public officer; it was a perfectly sufficient reason.

679. And that there are grave objections to receiving back into the force a person so guilty of such irregularity? I think very grave objections.

680. *By the Chairman*: But you have, in other instances, reinstated persons who have been guilty of graver charges than that? Not with my knowledge, certainly.

681. I think it must be within your knowledge that persons have been replaced in the force, perhaps not exactly in the same situation, who have committed offences that occasioned their dismissal? It is not within my knowledge that any person who had committed such an offence as that which, I consider, was committed by Lawrence, has been received into the force again.

682. Supposing it to be an irregularity, do you conceive that it would be a palliation of the offence if it could be shown that such a custom had prevailed, not only in that, but other Government departments;—do you not know that it is customary, at the present day, to witness signatures for the payment of public moneys, by people who never saw the signature? No. It would be a palliation certainly, if this document had been sent to Chesher for signature, and Lawrence knew that the signature was his; but it is no palliation to attach his signature as a witness to a signature which has been forged. If the document had been sent to Chesher, and had been signed by him, and then, when it was sent back, had Lawrence witnessed the signature under the impression that it was Chesher's, that would have been a palliation; but for witnessing a document with a forged signature there is no palliation.

683. But if he does not see the signature affixed, where is the difference? There is this difference—that in the one case the document would be sent to Chesher for signature, but Chesher never saw the document.

684. Is it not a fact that Captain Battye signed the same document Lawrence is stated to have signed, upon the representation by Rorison, his subordinate, just under the same circumstance, namely, on the representation of his subordinate Lawrence? The statement is denied by Rorison; he states that he never saw the document before it was handed to him by Mr. Beardmore, at Carcoar.

685. *By Mr. Hart*: In whose handwriting is the document marked B, on page 11—do you know? I think that is in Rorison's handwriting.

686. And when was this first produced? I do not know. I found it among the papers sent back to me.

687. If Lawrence's statement that Rorison represented to him that he had authority to affix Chesher's signature to the document be correct, would your suspicions against Lawrence be still the same? Yes.

688. You consider that that document was got up afterwards for the purpose of exculpating Lawrence? That is my impression.

689. *By Mr. Sadleir*: You consider an officer ought to be dismissed for this grave irregularity, as it is called by the Commission—was that the only reason for his dismissal? No, that is not the only reason, as you will see by my letter to the Government.

690. That states several reasons; among others, you say the moral evidence of collusion is most systematic and complete—have you any proof of that? The proof is in the facts.

691. You refer to an understanding between Lawrence and Rorison that they should appear hostile to each other, for the purpose of cheating the Government and carrying out this fraud—have you any proof of that? Not for that purpose. The probability is that this hostility never existed.

692. Do you think that, after a man is tried by a jury, and acquitted honorably—tried by a Commission, and acquitted of every thing but a grave irregularity which is said to be common in all departments of the public service—he should still be considered and treated as criminal? If there is no doubt that the offence was committed.

693. But he is acquitted in both cases? But if I knew a man guilty of a grave and disgraceful offence, notwithstanding his acquittal, I would not allow him to remain in the force. John M'Levie,
Esq.

694. But how is the man's innocence to be proved if it be not done by the acquittal given him by the jury and the Commission, who must be supposed to have had full evidence of the facts. In page 12 a doubt appears to be expressed in a letter from the Under Secretary to Mr. Rotton, whether the alleged offence is an irregularity or a fraud. It says, "That these irregularities, if not frauds, had been so long tolerated as to have become systematic, is no palliation, in Mr. Cowper's judgment, of Lawrence's connivance at them." It seems hard to settle whether it is an irregularity or a fraud. The Government seem to have treated it as a fraud by dismissing him? I have no hesitation in coming to an opinion upon the matter. 16 Sept. 1862.

695. Can you put your opinion against the decision of the jury and Commission? If the jury had not all the facts put properly before them.

696. *By the Chairman:* You were consulted, I believe, previously to the appointment of the Commission to inquire into Lawrence's case? I was not consulted. Mr. Cowper told me that, on my representation, he intended to have a Commission appointed.

697. You must recollect that a conversation took place between Mr. Cowper, yourself, and myself, in Mr. Cowper's office, when Mr. Cowper consulted you on the matter at the time, asking you if you had any objection, and you said you had none? No, I offered none.

698. You are aware, I believe, that my application to the Colonial Secretary was to prevent the necessity of bringing the matter before Parliament? I am.

699. Although not in express terms, was it not tacitly understood that all parties were to abide the decision of that Commission? It might have been your own impression, not mine.

700. What was the use of appointing a Commission if its decision was ignored? I do not know.

701. At any rate, you are aware that an application was made by me for the appointment of a Commission to inquire into the case, with a view to saving the necessity of bringing the matter before Parliament, and the trouble of obtaining a Committee of Inquiry? You have told me that you would rather have a Commission to inquire into the matter than have to bring it before Parliament.

702. To save the trouble and waste of time attendant upon such inquiries as this? Yes.

703. At any rate, the report of the Commission is to some extent favourable to Lawrence? It does not acquit him.

704. Have you read the commission? I have.

705. The instructions were, I presume, to inquire into the charge of collusion, and not with reference to the previous charge, of which he was acquitted? They were accidentally obliged to make inquiry into the facts in both cases.

706. You will be kind enough to look at the 3rd paragraph of the Report from the Commission. It says—"The verdict of the jury, coupled with the remark of the Chief Justice, that "Mr. Lawrence left the Court without any stain upon his character, disposes of the original charge of forgery, in the criminal sense of the term"—do you not agree with that? Perhaps so, in the criminal sense of the term.

707. Then in the 9th paragraph, they entirely acquit Mr. Lawrence of any collusion with Rorison. They say—"From the opportunities we have had of looking through the whole matter, we are satisfied that between Lawrence and Rorison there was no collusion, and that the feeling existing between them was and now is most inimical." And they go on to state that Lawrence was and still is willing to give evidence against Rorison? That is the report.

708. And so far the Commission has acquitted him? They have.

709. And they wind up their report with the recommendation that his case be favourably considered by the Government? They do.

APPENDIX.

*Colonial Secretary's Office,
Sydney, 14 December, 1860.*

Sir,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 1st instant, enclosing vouchers and other papers, having reference to the accounts of the Western Mounted Patrol for forage supplied to troop horses, when absent from their stations.

2. It would appear from these documents, which are herewith returned, that there is strong ground for believing, amounting almost to positive proof, that the Government has been defrauded in this case certainly, probably in others. But it is impossible to determine this, without inquiry of the parties who may be implicated.

3. The Colonial Secretary therefore thinks that you should proceed to Bathurst forthwith, and take all proper steps for bringing the delinquents to justice; and besides proceeding against the actual participators in the fraud at the Police Office, Mr. Cowper would wish you to satisfy yourself, if you can, whether the system has gone to any great extent beyond this particular instance, and upon whom the blame rests.

4. As these charges are not made in the Southern and Northern Districts of the Colony, the Colonial Secretary cannot understand why they should be allowed in the West. You will report whether the practice of drawing this forage, which prevails in the Western District alone, cannot be discontinued.

W. ELYARD.

The Inspector General of Police.

FRIDAY,

FRIDAY, 19 SEPTEMBER, 1862.

Present:—

MR. COWPER,
MR. MACLEAY,MR. HART,
MR. LACKEY.

HENRY ROTTON, Esq., IN THE CHAIR.

Mr. Hellyer appeared as Solicitor for the Petitioner.

Edward Alexander Rennie, Esq., called in and examined:—

- E. A. Rennie, Esq.
19 Sept., 1862.
710. *By the Chairman:* You are subpoenaed to produce some papers—do you produce them? I have got some of them with me, and some are coming down from the office.
711. *By Mr. Hellyer:* Have you the night returns of the Western Patrol for the years 1859 and 1860? I have some of them—as many as I could trace. If you could specify any particular ones I can pick them out for you.
712. Will you produce those that have reference to Sergeant-Major Lawrence's performance of duty at night? Yes.
713. Can you produce the returns of any particular month? No, I do not know that I can. Here is one from January to March, 1859, the time in which Mr. Lawrence was employed. (*Document produced.*)
714. Is there any pay abstract in which the payment of these night returns will appear? That (*document previously produced*) is the pay abstract.
715. They are paid monthly, are they? Sometimes they are paid monthly. This is a quarterly abstract. The next one happens to be a monthly one—for the month of April.
716. I am afraid we must have them, sir, if you please? Each of them?
717. Yes, if you please, although I dare say the Committee will take one as the form of return for all. The receipts have been signed in blank? The following one is an acquittance (*document produced*). That is for the month of April.
718. That you call a complete one? Yes.
719. It is without the signature of the Clerk of Petty Sessions? The Clerk of Petty Sessions does not require to sign those forms.
720. This one is signed by Captain Battye, I see? Yes. This is signed by Dr. Palmer; it is a complete voucher.
721. That is between the 1st April —? For the month of April, 1859. These are the only two I have brought with me for 1859. The others are in the office, but I could get them up, and refer to any one you wish.
722. Do you know how the payments would be made under these abstracts, or when? Well, that abstract is paid by the Inspector General of Police in full, in one sum. For anything we know he pays them individually, but I believe —
723. You do not know anything about it yourself? No. That (*abstract before Committee*) is the abstract produced in support of the full sum paid by the Inspector General on a certain date. The date is June 7th.
724. And the payment would be made on June 7th? On that day—when the Inspector General paid the whole amount in gross.
725. The receipt of 1st April would not be an acquittance for payment then made? There is no date to the acquittance beyond this.
726. The receipt of the 1st April would not be for a payment made on that day? It is necessary for that to be sent down in this way to obtain payment from the Government in the first instance? That is the abstract of their claims for the month of April.
727. That is more correctly an abstract of claims than an abstract of receipts? Yes, the receipt or acquittance ought to be a subsequent completion of the document.
728. It ought to be? Yes.
729. But it is not? I could not say that.
730. Do you not receive these documents in the state they are in now? We do; that purports to have been paid on the 7th June.
731. And was so returned to you? To us.
732. By the Inspector General? Yes.
733. Is it not the custom that abstracts have to be signed by the parties entitled to receive moneys long before the payments are made? I believe that is the practice, but as we do not pay money we do not know.
734. Have you the pay abstracts for the Western Patrol for the year 1860? Yes.
735. Will you produce the abstracts for about September or October, 1860? Here is the abstract for September (*document produced*) and here is that for October (*also produced*).
736. Would the same remark have reference to this latter voucher—that it is an abstract of claims rather than an abstract of payments? Well, it is both; it is an abstract of claims prior to the signatures being attached to the acquittances.
737. And when the signatures are attached? It becomes both an abstract of claims and an abstract of payments.
738. Although no payment is made? No; these claims then purport to have been paid by the Inspector General.
739. Will you state at what time the Inspector General returns those payments to have been made? The date is not marked on this voucher; it is on some of the others; but I could find out the date when he reports this to have been paid, from his cash statement.
740. Have you that with you? No, but I can send for it if it is important.

741. If you can do so in two instances, we will not trouble you for any more—they will establish the rule? Yes. There are no dates marked on these. These (*produced*) are charged as paid in the months of October and November respectively. Some time in the month of October this September abstract is charged as paid, and some time in November this October abstract is charged as paid, but the exact date is not marked on the voucher. The August one is marked as paid on 17th September. E. A. Rennie,
Esq.
19 Sept., 1862.
742. The pay abstracts are signed by the parties before any payment is made to them? That I could not say.
743. But if you look at the date of the abstracts, you see that the August abstract is paid in September, and the September abstract in October? Yes, but it does not at all follow that the names are there before the date of payment.
744. Is it not a custom in your own office—Have you not to sign your own abstracts before you get payment? No, we generally get payment on the same day we sign.
745. But before you get payment you sign the abstract? No, not always.
746. Never at any time? Well, I might have done so for my own salary in the office, certainly, but it would be on the same day. We never used to do it until we actually got paid, when we were paid direct from the Treasury. When we pay ourselves, the paying clerk hands round the money, and sometimes the abstract is sent round for signature afterwards.
747. But that would not be the course pursued in the country districts, where the money is paid by the Inspector General? He must have an agent on the spot to pay—he cannot pay himself.
748. But supposing the agent does not pay at all? That is a matter between the Inspector General and the agent.
749. Would you call those receipts the acquittances? Yes, the Inspector General produces these, and they bear on their face evidence that the money has been received. Each of the parties states that he has received the sum opposite to his name from the Inspector General of Police, in full, of his pay and his allowances.
750. Do you know whether the payments to the Western Patrol, in the year 1860, were regularly made? For anything I know to the contrary they were.
751. For anything you know to the contrary? Yes.
752. Do you know anything about Captain Battye's payments? These are Captain Battye's payments.
753. That is why I asked you—do you know whether Captain Battye's payments were punctually made? There is nothing in our office to the contrary.
754. I am asking you whether you know it of your own knowledge? Officially, I do not know anything about it.
755. I did not ask that? I know nothing beyond rumours that the payments were not regularly made.
756. *By Mr. Cowper*: You know nothing about it, in fact? Nothing came before us in the examination of these accounts to show that there had been any irregularity.
757. *By the Chairman*: Are not those accounts furnished to you from the Treasury before payments are made there;—are they not forwarded to the Auditor General's Office to see if they are correct, before payments are made? Not these; these are paid by the Inspector General of Police; they are not payments made direct from the Treasury.
758. *By Mr. Hellyer*: Will you state the date for which the payments of the two vouchers produced were made? The payment for the month of September is entered in the cash account of the Inspector General of Police as having been made on the 15th October following; the entry of payment for October is dated the 9th November.
759. *By the Chairman*: Is there any difference, then, with regard to practice between the police service and other services, in respect to payments? Not that I am aware of.
760. But with respect to contractors, for instance, who have claims upon the Government—is it not a fact that their accounts are first examined at the Audit Office before they are paid by the Treasury? There are very few payments now made direct from the Treasury. There are no contractors' payments, I think, that are now paid direct at the Treasury; if there be they are very limited in number.
761. Do you not know that it is the practice for contractors, and almost all persons who have claims upon the Government, to sign vouchers, or abstracts, or whatever you call them, before they actually receive the money? I believe that is the general practice. Most of the vouchers upon which money is paid direct from the Treasury come with the signature attached to the form of acquittance, but the acquittance is not filled up until after the payment is made.
762. Then you would not have any opportunity of ascertaining when the payments due by the Police Department are made, because it seems that you pay the whole of the money for that department in a lump sum to Captain M'Levie, and that the payments are made by him? Yes, the Inspector General.
763. *By Mr. Cowper*: That is, the payments are made by the Treasury? Yes.
764. You do not pay at all? No, we pass the warrants.
765. You have no opportunity of knowing when the Inspector General makes his payments? The only opportunity is that of referring to his cash account.
766. *By Mr. Hellyer*: Have you there the acquittance from the 1st November to the 30th November? This is part of it (*document produced*), and this (*another document*) is the remainder.
767. You see the names of George Pool, Warrington, and Wallings? Yes.
768. They are in that abstract? Yes.
769. That is your acquittance for payment? Exactly.
770. Of course you do not know whether payments have been made? No.

- E. A. Rennie, Esq.
19 Sept., 1862.
771. You find the names here also (*September*) Thomas Wallings, and in the next page, Pool and Warrington? Yes.
772. The names are on that? Yes, Pool and Warrington for October, and Wallings for October. They are acquittances.
773. For the pay of those men for those months? Yes, for the month of October.
774. *By Mr. Hart*: Will you state what is the proper course to pursue to obtain payment from the Government for any services rendered to the Police Department, such, for instance as the supply of forage? The claims are made out on the prescribed form for supplies of forage, and sent to the Inspector General of Police, certified by the officer who orders the forage to be supplied; that is the usual course.
775. And what follows then? The Inspector General satisfies himself as to the correctness of the claim, and pays it.
776. He having a sum of money at his disposal for that purpose? Yes.
777. And it is essential to the validity of every document, I presume, that it should be properly signed and witnessed? Well the witnessing is not essential.
778. That is not necessary? No; we used to make it an imperative rule that every voucher should be witnessed, but we do not insist on that now. The officer who pays may insist for his own security.
779. That is merely for his satisfaction as to the authenticity of the signature? Partly that, and partly to show the fact of the payment having been made; that is the chief object of the voucher being witnessed.
780. But has a voucher to be first sent into the Inspector General, and after he passes that voucher, is it necessary to obtain another document giving an acquittance to the Inspector General for the amount, or is it one and the same document? It is the same document. The form provides for the acquittance being taken upon it.
781. Is it the custom for persons to whom the Government is indebted to sign a discharge before receiving payment? I believe it is the practice; it is generally done, I know.
782. Then it would appear that the regulations of the Government require that to be stated on a document which is not true? No, they do not.
783. For instance, a person who has supplied forage to the Government, certifies that he has received payment of a certain amount, whereas in point of fact, at the time of his giving that certificate he has not received payment? No, there is no certificate on the claim sent in that he has received the money. The certificate is to the effect that the supplies have been furnished, and not that payment has been made.
784. But is not the receipt on the same document? Undoubtedly, but it is differently worded. There is a separate form attached to the general abstract of forage supplied or any other supplies, to this effect: Received on such a date, from such an officer, the sum of so and so, in full of the above account. That form of acquittance is sometimes filled up by the party, but it is wrongly filled up. The acquittance is usually filled up in the office where payment is made.
785. But is it or was it a custom to take that acquittance before the money was actually received by the person to whom it was due? Yes, I believe it was.
786. *By the Chairman*: Will you look at that voucher marked A (*Vide p. 4 of Correspondence*)? Yes.
787. That is the usual voucher for such a purpose? Yes, that is the general form for articles supplied to the public service.
788. You see there the signature of Mr. Chesher—he signs the receipt for the money apparently before he received it? Yes, but then you will observe that while the essential parts of it are blank, it is no acquittance at all; it stands for nothing.
789. But are they not filled up at the time he signs? No; the filling up of the blanks is done when the payment is made, or ought to be done at that time—it is supposed to be done then. If a voucher comes in with all those blanks filled up, it is irregular.
790. This is the usual form, at any rate? That is the usual form.
791. *By Mr. Hellyer*: The mere witnessing of such a document as that would not be a discharge? Oh no, certainly not.
792. *By Mr. Hart*: Is the receipt ever filled up? Sometimes it is.
793. *By Mr. Lackey*: By the party sending it in? Yes; in those cases if they have filled in the date it is just corrected by the paying officer, whoever he may be.

Kennett Price, Esq., called in and examined:—

- K. Price, Esq.
19 Sept., 1862.
794. *By Mr. Hellyer*: You are clerk to Mr. Wadson, of Bathurst? Yes.
795. You know Mr. Lawrence? Yes.
796. Did you see him after he was arrested, in December, 1860? I did.
797. At the police office? At the police office on, I think, the 24th—on the day he was committed, at all events.
798. Were you acting in any way for him? Yes, I appeared with Mr. Serjeant on behalf of Mr. Wadson; I assisted Mr. Serjeant.
799. You were assisting the defence? Yes.
800. You have seen the exhibit B that has been produced here (*Vide p. 11 of printed Correspondence*)? Yes.
801. When did you first see that document? In Mr. Serjeant's hands, on the 24th—on the day Mr. Lawrence was committed.
802. Do you know in whose possession it remained up to the time of the trial? I think it came into my possession immediately afterwards. I produced all the papers.

803. You produced them at the trial, did you? Yes. They might have remained about a week or two afterwards with Mr. Serjeant.
804. You were examined on the Commission, were you not? I was.
805. And Mr. Wadeson also was examined? Yes.
806. And the evidence referred to at page 11 (*of the printed Correspondence*) is a transcript of the evidence then given? I have no doubt it is.
807. When you first saw the document, had you any conversation with Mr. Lawrence respecting it? Mr. Lawrence was very anxious to have it put in at the time.
808. And had you a reason for not putting it in? I consulted with Mr. Serjeant, and seeing that the Magistrate would most likely commit, it was thought best not to put it in, but to reserve it for the defence.
809. But it was not "cooked"—it was not a document got up for the trial—you had it at the time of the committal? Yes, but we consulted together, and determined that it would be better to reserve it.
810. You thought —? We thought the Magistrate seemed inclined to commit, and that we had better not put it in then.
811. Do you know whether the proceedings in this matter were injurious to Mr. Lawrence? They were very much so indeed.
812. Do you know whether he had to borrow money for his defence? Yes, he had to mortgage everything.
813. Had he to borrow money to pay for the horse to M'Donald? Yes, that £20 was paid out of the money borrowed for his defence, and he could not pay his lawyer's fee. I do not think Mr. Serjeant has been paid yet.
814. You were present in the Court at the time of Mr. Lawrence's acquittal, were you not? I was.
815. Do you know anything of Mr. Lawrence's efficiency or otherwise, as officer? He has always borne a very good character as an efficient officer. I do not know much about his efficiency, but I know this, that he was the best trooper we ever had in Bathurst.
816. Was a dinner given to him soon after his acquittal? I believe there was; I was not present.
817. You were not present? No.
818. Do you know that it was so from information? Yes, from certain information.
819. You heard Mr. Hawkins state once a feeling of regret at his dismissal—is that so? Yes.
820. And is that the general feeling throughout the district? Yes.
821. *By Mr. Hart*: I think you said that Mr. Lawrence's character depended upon his prosecuting Rorison for this alleged forgery? I do not think I said that.
822. In your evidence before the Commissioner you say, "I had frequent conversations with him (Lawrence) about prosecuting Rorison; he was most anxious to do so"? Yes.
823. Were you not aware that the Government wished him to institute proceedings against Rorison? I was.
824. Then, acting for him professionally, why did you not urge him to pursue that course, and bring Rorison to justice, if you thought him in the wrong? As I mentioned before, Mr. Wadeson and I thought the Government ought to institute proceedings, and Mr. Lawrence wrote that letter (*letter of 28th March*) to Dr. Palmer. He wrote the draft, and I altered it afterwards.
825. But that is not the reason urged in your evidence before the Commission? No, I said that if he initiated proceedings he would be liable to an action for malicious prosecution.
826. Were you under that impression? I was under that impression then, and am still. I thought it would be very difficult for him to get a conviction of Rorison for perjury, and I therefore advised him to let the Government institute the proceedings.
827. But as a person connected with the legal profession for a long series of years, are you not aware that anything done *bonâ fide* by a person will not render him liable to malicious prosecution? I took the advice of my principal, and others, and we were of the same opinion.
828. That Lawrence would be liable to an action for malicious prosecution? Yes.
829. From whom did you receive voucher B? From Mr. Serjeant, I think. I cannot exactly remember. After Mr. Lawrence was committed all the papers were handed to me. I drew the brief, and had the management of the whole case until the trial.
830. Do you know from whom Mr. Serjeant received it? No; (Mr. Lawrence is present); I think I got it from Mr. Lawrence, but I could not say.
831. You cannot state? No.
832. Did you ask him about it? Mr. Serjeant showed it to me. I think he must have said at the time, "I got this from Lawrence," and we had a conversation about producing it.
833. Had you that document at the time of the committal? At the time of committal—yes. Dr. Palmer said at the trial that if he had seen this document he would not have committed him.
834. *By the Chairman*: You said just now that you were in the Court at the time of the acquittal? Yes.
835. Did you hear the remarks of the Judge? I did.
836. Can you remember what they were—can you give the precise words? He said that he (Lawrence) left the Court without a stain upon his character. After his acquittal Lawrence was kept in the dock for several minutes. The Judge made some remarks as to irregularities happening in reference to almost all vouchers, and he instanced his own case. He said,— "Very often a blank voucher is put before me on the bench and I sign it, and it is witnessed by somebody who never saw me sign it."

K. Price,
Esq.
19 Sept., 1862.

837. Is it a fact that the Judge on the bench stated this, in substance—that he knew the practice was common which had been adopted in this instance, or something to that effect? “In this instance”! No, he did not say “in this instance.” He said, as far as I recollect, that there were great irregularities in all branches of the Government, with reference to abstracts and vouchers, and he instanced his own case, stating that very often a blank abstract was put before him when he was on the bench, that he signed it on the top line (knowing that he was at the head of that branch), and that it was witnessed by some one who was not in the Court, and did not see him sign his name. I distinctly remember him saying that. This was the reason Lawrence was kept in the dock some time before he was discharged.

838. The Judge making remarks of that character upon the case? Yes.

839. And what were the words he used when Mr. Lawrence was released? That he left the Court without a stain on his character—“you are discharged, and you leave the Court without a stain on your character.”

840. *By Mr. Hellyer*: Lawyers occasionally differ in opinion, Mr. Price? I believe they do.

841. Did you ever bear of a prosecution for perjury being carried through on the evidence of one witness? Not without some corroborative evidence beside.

842. I ask you upon the evidence of one witness? No.

843. And upon inquiry could you get any further witness to attest —? No.

844. *By the Chairman*: When Mr. Lawrence was called upon by Dr. Palmer to prosecute Rorison, are you aware whether he was under the apprehension—or were you, as his legal adviser, under the apprehension—that he would himself be saddled with the costs of the prosecution? I always thought so; and in the draft of the letter to which I have referred that was stated as one of the grounds—that he expected he would be saddled with the costs.

845. And, in the event of the case breaking down, were you also under the apprehension that he would be liable to an action for malicious prosecution? Most decidedly.

846. And you so advised Mr. Lawrence? I so advised him.

847. And it was in consequence of your advice that he declined to prosecute? In consequence of the advice given by Mr. Wadeson and myself, he declined in any way to initiate proceedings.

848. Do you know why Rorison was not prosecuted afterwards by the Government, when they found that Lawrence was unwilling to initiate proceedings? I have not the slightest idea, at least that I can collect from the papers.

849. But if the Inspector General supposed there was a sufficient case for Lawrence to prosecute upon, and if he was aware that he could have had Lawrence's evidence, would there not have been an equally sufficient case for the Inspector General to prosecute? Most decidedly, I think so; it could not alter the case.

850. Has Mr. McIntosh ever made any statement to you of any conversation with Captain M'Lerie in reference to Lawrence's case? He has.

851. Will you say what? He was an advocate, you know, for Mr. Lawrence before the Commission; he appeared with Mr. Wadeson; he seemed to take a great interest afterwards in the case; he said he was going down to Sydney, and would speak to M'Lerie about the matter. When he came back he told me he had seen Captain M'Lerie, and he gave me a long detail of the conversation.

852. Did he tell you that he expressed his opinion to Captain M'Lerie that Lawrence was innocent? Yes, but he said he could do no good with Captain M'Lerie, who was still of opinion that Lawrence was guilty of the forgery. He then said—“I said, ‘Well, Captain M'Lerie, do show me how you arrive at this conclusion, and then perhaps I may agree with you too.’” I remember that part of the conversation.

853. Did he tell you that he had pressed upon Captain M'Lerie the injustice Lawrence was suffering, and that he thought he ought to be reinstated? He did.

854. *By Mr. Cooper*: Did you understand the Judge on the bench to express an opinion that there was nothing wrong in a party sending in a demand upon the Government for money not due by the Government, and then witnessing a signature which was put to that document without the authority of the party whose name was signed, on purpose to obtain that money from the Government? No.

855. You did not understand the Judge to exculpate that crime? No.

856. Then what did you understand the Judge to mean? That there were great irregularities in every department of the Government with reference to vouchers. He instanced his own case, and said that often a blank abstract was put before him in the Court; that he signed his name at the top, and that it was witnessed by some one who was not in the Court and who did not see him sign it.

857. That was a *bonâ fide* claim. When money was due by the Government he trusted somebody to make up an honest account? Yes.

858. You did not understand him, as Judge, to justify a fraudulent account being presented by a party on account of another person, who made no charge against the Government for money. I can only say what he said. I did not understand, of course—“No” is the best answer to your question. Certainly not.

859. What did you understand the Judge to mean? He said there were great irregularities in the whole of the departments, and that vouchers were signed very loosely—that pay abstracts were signed very loosely.

860. That pay abstracts were signed very loosely? Yes.

861. What had that to do with this matter? He made that remark. I do not know. He kept him in the dock four or five minutes talking about this thing. Usually when a man is acquitted they discharge him at once, but he was kept in the dock while the Judge was making these remarks.

862. Are Judges in the habit of keeping prisoners in the dock while they make irrelevant remarks? No.

863. Then you think the Judge's conduct on this occasion very remarkable? It was not usually the case. Perhaps he frequently makes a remark or two; but I have heard Judges make some strange remarks.

K. Price,
Esq.

19 Sept., 1862.

864. Aside to the audience, or to the Bar? To the whole of the persons present.

865. You have heard Judges make this sort of irrelevant remarks when trying a case? I do not know whether you would call them irrelevant remarks. The Judge did it in this instance, and Lawrence was kept in the dock while he made these remarks.

866. About what he did sometimes himself? Yes; he said there had been great irregularities, as I have stated before, and mentioned an instance in his own case.

867. Did he say that the Government required him to do these irregularities? No.

868. Then he committed them voluntarily? He said it was the custom.

869. Did he say that he had ever signed a document to get from the Government money that was not due to him? No.

870. Did you understand him to say that he had witnessed the name of a party to a document on behalf of another person, when that other person had not authorized the party to sign the name? No, he did not go so far as that.

871. He did not go so far as that? No.

872. *By the Chairman:* Did you understand him to refer to the practice as being customary, more with the view of showing that Mr. Lawrence had committed no crime? Yes; he immediately said, "You are discharged, Lawrence, and you will leave the dock without a stain on your character."

873. *By Mr. Cowper:* That was after the verdict? Yes.

874. *By the Chairman:* When he said he frequently signed a blank abstract—do you infer that he was obliged to depend upon the information of other parties as to its correctness? He said it was the practice—that it was a common custom; and that the irregularities were very great, and he instanced his own case.

875. Did not the evidence at the trial show that Lawrence had relied upon statements made to him as to the correctness of these vouchers by other people—was there not evidence to that effect? I can hardly answer that question, put in that way. The Judge's notes are not very full. The way Lawrence was acquitted was this:—Mr. Stephen, who was his barrister—

876. *By Mr. Cowper:* Oh, the Judge's son was counsel for the prisoner? He was. Mr. Rorison was asked a question whether he had ever given a written statement that he had paid this money, and he swore that he had not. That document was put to him, turned down by Mr. Stephen, so that he could only see his own name, and he said "that is my signature." He then asked him to look at the body of the document. Mr. Stephen asked him whether that was his writing, and he said yes. There was great sensation in the Court when it was read, and the case dropped that moment.

877. What was the sensation about? This man having sworn that he had never given a written statement.

878. Who was this? Mr. Rorison.

Mr. Charles Phillips Lawrence called in and further examined:—

879. *By Mr. Hellyer:* After your committal had you any conversation with Dr. Palmer? Yes, on the same morning.

Mr. C. P.
Lawrence.

880. On the same morning? On the same morning.

881. Will you state what passed between you—what he said to you? Yes. I was allowed bail. Dr. Palmer sent for me. One of the constables came for me. He sent a message that he wished to see me. I saw Dr. Palmer, and he asked me who signed the voucher. That was the object for which he sent for me. I told him Rorison. (This was after I had been admitted to bail.) He then told me that Captain M'Lerie had requested him not to grant me bail, but that he (Dr. Palmer) replied, "I know Lawrence longer than you do, Captain M'Lerie"——

19 Sept., 1862.

882. *By the Chairman:* Dr. Palmer told you this? Yes, on the morning of my committal—"I shall grant him bail, but very high bail." Captain M'Lerie's answer to Dr. Palmer was, "If you do, what will the Government say?" This is the conversation which Dr. Palmer told me passed between himself and Captain M'Lerie. Previous to this, on my arriving at Bathurst under arrest—in fact, at the watch-house—I told Dr. Palmer, I said, "At home I have Rorison's written statement that he has paid Cheshier." Dr. Palmer said, "Don't you say anything to me, Lawrence, your depositions have got to go to Sydney." This was when I was brought in under arrest.

883. *By Mr. Hellyer:* Before the depositions were taken? Yes, before anything was done. I was locked up at the time in the watch-house. I was only granted bail that night. I then requested Dr. Palmer to go down to my house with me and seal my books up, so that no one could tamper with them. My solicitor, at that time, was Mr. Serjeant. I sent for him to get me bail, and he came down to my house the same night.

884. Did you give up your books? I got Dr. Palmer to seal them up in my presence. At the same time I handed to my solicitor, in the presence of Dr. Palmer, the exhibit "B." Mr. Serjeant said, "Lawrence, don't show that to Captain Battye." I requested him to take it with him.

885. *By the Chairman:* Mr. Serjeant told you not to show it to Captain Battye? Yes.

886. *By Mr. Hellyer:* Had you told Mr. Serjeant anything Dr. Palmer had said about the depositions having to come to Sydney? He said this in the presence of Mr. Serjeant. Mr. Serjeant

- Mr. C. P. Lawrence.
 19 Sept., 1862.
- Serjeant was present in the watch-house. That was the reason I wished him to come down. If I had kept my books, afterwards they might have said —
887. That they had been tampered with? No doubt of it.
888. You had no opportunity of referring to any dates after that? I never saw the books afterwards. I had not made my forage returns out up to the time I left, but I did so at Dr. Palmer's request. When I got there I found the books broken open—the seals had been broken. I said, "I am going to be tried, and I might want something out of that book." He said, "Capt. Battye came up to see for the forage accounts, and took them."
889. Were you informed by Rorison that he had paid this money to Chesher? I have been on duty with Rorison and Day, and two other men. The man was a perfect nuisance about it—he speaking publicly about it before Day.
890. When you were ordered on duty by Captain Battye, as you previously stated, you called at Chesher's—it was a direct road, was it not? Yes; I should consider it my duty to call there, as Captain Battye traced these men to Forster's Valley.
891. When you were informed by Mr. Chesher that money had not been paid by Rorison, what did you do? It is a distance of about twenty-six miles from Bathurst, but I came straight in that night. It was rather late, but I came straight in to Captain Battye.
892. And reported it? I did not even go home; I went and reported the whole circumstance to him, and Captain Battye the next morning sent for Rorison.
893. Then you returned, and went on your duty? Oh, yes.
894. It was upon your information that Rorison was examined? It was.
895. Had you been asked to explain the voucher before that at any time? At the time I made the voucher out Captain Battye was down in Hartley; when he came back he asked me—"What is the meaning of this account of Rorison's?" I said, "There are four different places in it," and I said, "Rorison has paid the money." Captain Battye admits it to this day that I told him so; he has never denied it, and could not deny it in my presence.
896. That was the information you had received from Rorison—that he had paid the money? Yes.
897. Did you tell Rorison that he would have to produce Chesher's vouchers? I told him to go and get them. He produced Mr. Hebberson's receipt, and Mrs. Robertson's of Canowindra, and Mr. O'Shaughnessy's, of Nanima. He did not produce Mr. Law's receipt, or Mr. Chesher's, and these he was directed to get.
898. Did you mention to Captain Battye that you had seen the vouchers for some portion of these payments? Yes, I did so.
899. And that you had requested Rorison to get the receipts? Yes, it was at Rorison's request that I made inquiries at these three places, and this one down towards the Lachlan previous to the voucher being made out.
900. You had been informed, then, by some of the parties—by O'Shaughnessy, and Hebberson, and Mrs. Robertson at Canowindra? That he had paid these three.
901. And you took his word only for the payments to Chesher and Law? Mr. Law, of Jimmalong. I got him to make out a statement for the Captain if he had asked me.
902. *By the Chairman*: Then the whole amount due to Chesher would only have been 16s.? That is all, I think, he had paid Chesher.
903. *By Mr. Hellyer*: He told you so? He told me he had paid Chesher.
904. And that he had Chesher's authority to sign the voucher? Yes. His exact words were—(My intention was—I intended him to take the voucher to Chesher and get his signature.)—"I have got Chesher's authority, and I told Chesher I would sign the voucher for him." Of course I had no reason to doubt the man.
905. You requiring Chesher's receipts before the money was paid? Yes.
906. After your committal, in January, did you see Captain Battye? I saw him in January, this year.
907. This year? Yes, 1862. I was committed in the month of December, 1860.
908. In 1862 you saw him? Yes.
909. Did you see any letter from the Inspector General's Office to him at that time? Yes.
910. Did he show it to you? Yes, he sent for me down to my house to meet him at Turner's. It was shown to me in the presence of Turner.
911. What was the letter? It was a letter from Mr. De Phillipsthal.
912. The chief clerk in the Inspector General's department? The chief clerk, telling Captain Battye that a petition had been received from Troopers Warrington, Wallings, and another man.
913. With reference to what? With reference to their October pay. Captain Battye sent to me to borrow the money of me. I offered to —
914. What does the letter say beside? Mr. De Phillipsthal had not sent the petition on.
915. He had kept it back? If he had sent it on, Captain Battye's chance of appointment was gone.
916. Was it not something about receipts? He was to send the receipts at once. The exact words were—"Do, like a good fellow, send these men's receipts down at once, or your chance of appointment is gone."
917. Did you offer to lend him money? I offered to buy the letter off Captain Battye. Mr. Battye borrowed the money afterwards.
918. *By the Chairman*: You offered to lend him the money if he would give you the letter? Yes, I did so in the presence of Turner.
919. *By Mr. Hellyer*: Mr. Turner, the innkeeper? Yes.
920. *By the Chairman*: What did you want with the letter? I think—things of that sort going on—I should have made use of it; I should have published it, I think.
921. Had you any conversation with Captain Battye relative to that transaction? Yes, that was the day of my committal.
- 922.

922. What did he tell you? This is after I was committed?
923. Yes? He told me that Captain M'Lerie had told him that he (Captain M'Lerie) had shown the voucher to Mr. Chambers, the Crown Prosecutor.
924. Who was then in Bathurst? Yes, it was Quarter Sessions time when I was arrested. He had asked Mr. Chambers who was to be prosecuted, and he was told that there was no case against Lawrence. Mr. C. P. Lawrence.
19 Sept., 1862.
925. Have you had any conversation with Mr. M'Intosh? I have.
926. Did he tell you anything of —? Yes, he told me at the time Captain Battye swore to the information. Mr. M'Intosh was present, and Dr. Palmer, and Mr. Joseph West, tertius, and Captain M'Lerie.
927. *By the Chairman*: Captain M'Lerie was present at the time the information was sworn to? Yes, and Captain Battye too, in Dr. Palmer's private room. This is the information upon which the warrant was granted.
928. Are you quite certain that Captain M'Lerie was present? I am so far certain that Mr. M'Intosh told me so.
929. Oh! Mr. M'Intosh told you so? Yes.
930. I think it is in Captain M'Lerie's evidence that he left the case in Mr. M'Intosh's hands, and that he had left town? Captain Battye hesitated to sign the information, telling Captain M'Lerie, "Lawrence can explain the whole of it if you will wait until he comes home." Captain M'Lerie then asked Captain Battye, "Do you object to sign that, sir?" Captain Battye said, "No, I cannot," of course. The information was signed, and the warrant granted.
931. That was told you by Mr. M'Intosh? Yes.
932. Did Captain Battye ever tell you that he was in any way forced to institute proceedings against you? Yes. On my acquittal I went down to Captain Battye's house; I said, "Captain Battye, how did you ever come to lay that information against me?" He said, "I did it by order of the Government." I said, "By whose order do you mean when you say by order of the Government?" and he said, "By Captain M'Lerie's order."
933. *By Mr. Hellyer*: Had you any conversation with Mr. M'Intosh relative to his interview with Captain M'Lerie in Sydney? No, I have not seen him since.
934. You have not seen him since? No.
935. After your acquittal, was a dinner given to you at Bathurst? Yes, on the evening of my acquittal.
936. *By the Chairman*: By whom was the dinner given to you? By a number of my friends in Bathurst—the whole of the troopers.
937. Was it a sort of ovation on account of your acquittal? Yes.
938. *By Mr. Hellyer*: You had previously been in the first battalion of the Rifle Brigade, had you not? Yes.
939. Is that (*document produced*) your certificate of discharge? Yes. Previous to that I was eight years in the Long Room of the Customs, London, as receiving clerk, second branch.
940. Were you put to much personal inconvenience by the prosecution? I was not only put to great personal inconvenience, but I suffered greatly in my health.
941. I believe you had to borrow money for your defence, had you not? I had.
942. You had to sacrifice a property? Yes.
943. *By the Chairman*: Are you aware whether this money had ever been paid to Rorison? Not that I am aware of; I believe not; I know it was not paid up to the time of my trial.
944. None of it? None of it—Captain Battye told me so himself.
945. *By Mr. Hellyer*: Had you at any time applied to Mr. Rorison to interest himself in your behalf in any way? Applied to Rorison!
946. To Rorison—yes? I apply to Rorison! No. I think he interested himself in my behalf very well when he went to Mr. Beardmore.
947. This feeling is natural, and has never been assumed by you for any purpose of fraud? No, not in the slightest degree—never.
948. What was your first impulse after your acquittal? I think if I had been at the Cape and he had been in the service with me, I should have shot him dead.
949. What was your impulse? To thrash him on the spot.
950. Do you know whether any persons interested themselves sufficient to advise you on the subject? I remember Mr. Stephen and Mr. Price coming to me.
951. Both Mr. Stephen and Mr. Price? Yes.
952. Requesting you not to disgrace yourself by taking notice of it? Yes.

FRIDAY, 10 OCTOBER, 1862.

Present:—

| | | |
|-------------|--|---------------|
| MR. COWPER, | \| | MR. MORRICE, |
| MR. LACKEY, | \| | MR. SADDLEIR. |

HENRY ROTTON, ESQ., IN THE CHAIR.

His Honor Sir Alfred Stephen, Knight C.B., Chief Justice of the Supreme Court, called in and examined:—

953. *By the Chairman*: This Committee have requested your attendance in order that you may give your evidence on a case they have been appointed to inquire into, in reference to a charge of forgery, tried before you at the Bathurst Circuit Court, preferred against Charles Lawrence, lately Sergeant-Major in the Bathurst Mounted Patrol;—you no doubt have a recollection of such a person having been tried before you? I have only a general recollection of the case, but I have with me my notes taken on the trial. Sir A. Stephen,
Knight C.B.
10 Oct., 1862.
954.

Sir A.
Stephen,
Knight C.B.

10 Oct., 1862.

954. Will you be kind enough to state what was the charge against him? The charge was first forging, and second uttering knowing it to be forged, a certain memorandum or receipt for money, with of course the usual averment that the act was done with intent to defraud.

955. The prisoner, I presume, was tried in the usual way? He was tried in the ordinary manner, and was acquitted at my suggestion, and with the assent of the Crown Prosecutor, who agreed with me that there was no case against the prisoner.

956. I believe he was not called upon for any defence? He therefore was not called upon for any defence. The case was quite clear upon the evidence before me that there was no fraudulent intention, which was the essence of the crime.

957. It has been given in evidence before this Committee that you stated on the conclusion of the case that Lawrence left the Court without a stain upon his character? I can only say that I have no very clear recollection of having done so, but I believe I did; but I spoke of course only with reference to the evidence that came before me; upon that only my opinion was formed, that there was no evidence of fraudulent intent. Upon reading over my notes I am of the same opinion now, but I have only a very general recollection of the case.

958. Do you remember making such a remark as this—that neither legally nor morally did you consider the prisoner guilty? I stopped the case because there was no evidence of fraudulent intent; that wanting, it was useless to go on with the case, as it was the very essence of the crime.

959. It has also been stated in evidence previously given before this Committee, that you made some remarks in reference to the offence with which Lawrence was charged, to the effect that it had been a usual practice or a common practice to witness vouchers of this description without actually seeing the signatures attached? I said that I had known such a thing done by very respectable people; I gave an instance, which I now repeat; it was that of a highly respectable person, as respectable as any in the community, who had put his name to a voucher attesting the signature of a person, on the assurance that it was the signature of the party represented, and yet he had never seen it signed; he told me this himself. I know also an instance which occurred to myself, in which a paper was sent to me to sign, to which the signature of the person who was to witness my signature had been previously attached. I was informed, on making inquiry, that such was the usual practice in that office.

960. Was that a voucher for the payment of money? No, an attestation to some paper that I was required to sign on taking a woman into my service from the Immigration Department. It is now some years ago that it occurred. It was the practice then—and I dare say the Honorable Chief Secretary may remember it—to sign some documents showing what the agreement was; this required to be in writing, and there was a printed commencement and a printed conclusion, and between these the terms of agreement were written; at the end there were the ordinary words "Signed and delivered in the presence of"; but this instead of being left blank was filled in and signed, although my signature which this purported to witness had not been appended.

961. Have you any recollection of the evidence given on that trial by a trooper named Rorison? I have in my note book an accurate statement of every word that was given in evidence. If he was a witness I have his evidence also.

962. Was there anything in that evidence to warrant any strong suspicion that Rorison had been guilty of perjury? That I cannot remember; I only know that I understood at the time, and probably I suspected at the time, that he was giving at the trial evidence rather more favourable to the prisoner than he had done originally, but I cannot say that a suspicion of his having committed perjury ever crossed my mind. I understood that it was on Rorison's account particularly that the man was charged with forgery, and it did strike me as strange his saying all he could in the prisoner's favour, in so far only as a friendly feeling and a desire to serve him were concerned.

963. If you had discovered anything in Rorison's evidence to warrant the suspicion that he had been guilty of perjury, would you not at the time have taken some steps to bring him to trial? No; a Judge has no power to do anything if he merely suspects perjury; he must have sufficient evidence before him to call for further inquiry, and there was nothing of that sort I am certain.

964. Supposing there had been, would you have considered it to be the duty of Lawrence to have come forward after the trial and to have prosecuted Rorison for the perjury, or would it not rather have been the duty of the Government to institute proceedings? It would be the duty of the Crown to institute proceedings if the evidence on which perjury was imputed was given in favour of a person indicted by the Crown; but if the false evidence happened to be given against the party charged with an offence, then it would be manifestly the duty, and the interest, and in fact the natural course, for proceedings to be taken by the party thus charged who was affected by the evidence; but it would be a very unusual thing to prosecute another for false evidence which has been given in favour of oneself, and been forced from the witness on the trial, in opposition to what was before stated; because, even assuming that he had given false evidence in the first instance, in the examination at the police office, by recalling that evidence before the Judge and jury he would be doing all in his power to undo the mischief which his previous false swearing had caused. That is, if you assume that he had perjured himself on his examination before the Magistrate. In that case the party wrongly accused would be expected to prosecute for the perjury—that would be the natural course. But then, when this person who has committed the perjury comes before the Court, and by the evidence he then gives tries to undo any mischief he may have caused, however much he may have perjured himself, it would be scarcely natural to expect that the person who has thus benefited by the change of testimony will prosecute the witness.

This

This of course is only assuming that perjury was committed, and I repeat that the idea of perjury never entered my head. I can only say, that I believe—judging from the evidence that was before me, and from nothing else—I really believe in my conscience that the man was innocent—that he had committed an irregularity certainly, but nothing more. It was that which led me to put the question to the Crown Prosecutor—“After this evidence can you maintain this charge?—However wrong it may have been for him, as an officer of the Government, upon whom a grave responsibility devolved, to commit such an irregularity, yet can you say that there is any fraud here?” He said he did not think there was, and abandoned his case; and thereupon I told the jury to acquit the prisoner, and they did so. There was no ground whatever for the charge against the prisoner.

Sir A.
Stephen,
Knight C.B.
10 Oct., 1862.

965. Was there not some evidence given of a similar practice prevailing in Government departments—some such practice as that of which Lawrence was said to be guilty? There was some evidence on the point, but not evidence of common practice. In answer to the question, “Has it not been the habit for troopers to sign the names of absent parties to whom money was due?” the answer was, “It has not been ordinarily done to my knowledge, but I have detected an instance of it since the case now before the Court.” Then again, in answer to the question, “Have you not known two or three other instances of the same kind?” the witness replied, “I have not known of them. Sometimes, however, the troopers pay for themselves, and then they put all the items paid in one voucher; but in every case the receipt of the publican is requisite before the Government pays the money.” That is all the evidence on the point that I find on my notes.

966. The Committee have been given to understand that a good deal was said in Court in reference to a similar practice prevailing in Government departments, and it has been said here that you made a statement on the bench to that effect, and mentioned that a similar paper had been put up for you to sign without your knowing the purport of it;—have you signed similar papers—pay abstracts, for instance? Yes, we are always in the habit of signing the pay abstracts, acknowledging the receipt of the money before we receive it; I never in my life waited for the money before signing a receipt for it; it is a matter of common practice, and I have done so; taking it for granted that I should get the money, I say that I have got it. Of course, in signing this I sign to what is in fact not true; for if I were put upon my oath, and asked, “Did you receive this money when you signed your name?” I should be obliged to say that I had not. However, my conscience never pricked me upon that score. My belief was that this man did no more than what he considered himself warranted in doing. From the whole case as it came then before me, and from inquiries I subsequently made (for I did not allow the matter to rest there), my understanding was that these men being driven in the execution of their duty all over the bush, one night at one place, and another night at another, calling upon them to produce vouchers for every sixpence they expended amounted almost to an impossibility. Sometimes it would happen that the publican at whose house they stopped made them a present of his charges. In that case, being really entitled to make the charge against the Government under any circumstances, whether the publican received the money himself or made it a present to them, they might not have thought there was any harm in putting his signature to the voucher acknowledging the money to have been paid. They did not at the time believe that they were committing a fraud, nor do I. I do not think, from what I knew of the case, that the circumstances were sufficient to justify a charge of fraud against the man.

967. From all you heard—and you must have had full opportunities of judging—do you think there was sufficient evidence in the case to justify the Government in taking the extreme course they did, of dismissing Sergeant Lawrence from the public service, especially after he had served in it so long and so faithfully? That is a matter involving a great number of considerations. I form my opinion solely from what came before me; and if I am asked as regards myself, I should say I would not do so myself; but perhaps I may be more good-natured than many others, notwithstanding that I can be severe enough when the case seems to call for it. I do not regard it as a crime, but as an irregularity—a great one certainly. If I had a servant, a good man in every other respect, who committed such an offence, I should forgive him and keep him in my service; but of course what I would do myself is different from what the Government would do. The Government, of course, regard it differently, as calculated to lead to grave breaches of public trust; and they would necessarily deal with it more strictly than I, as a private person, would deal with my servant. However, I repeat that I do not think he did anything wrong, either legally or morally.

968. *By Mr. Cooper:* Was it not patent on the evidence that a fraud on the Government had been committed? No, I think not.

969. Was not Chesher examined at the trial? I think he was—indeed he must have been.

970. Did he not state in his evidence that he did not intend to make his charge for entertainment a present to the men, but to the Government? I do not remember that he did so; but I do not think that would in any way affect the case, because the question was not what took place between the men and Chesher, but what they had reason to believe when they signed the voucher. My impression was, that at the time of signing the voucher Lawrence thought that the publican had charged or that he had not charged, that he had been paid or that he was to be paid, or that he had made the money a present to the men; and under any one of those suppositions, he might do that which it is notorious is done in other cases. There is no doubt of the fact that it is done in other cases—that it is general.

971. The Inspector General denies that it is general? I think he will find, if he makes inquiries, that it was general amongst the publicans of that neighbourhood especially. The police of those days were great favourites with the publicans; and in order to assist them, they very willingly made them a present of the charges for refreshment at their houses. When the Inspector General says it is not the case I cannot of course contradict him, but I simply say that I believe him to be mistaken.

Sir A.
Stephen,
Knight C.B.
10 Oct., 1862.

972. Do you consider that if a person makes a charge against the Government for money that he has no authority to draw, and that he obtains the money on the strength of a signature he has no authority to put there, that the Government have no right to dismiss him, and that the person so doing commits no more than a mere irregularity? So put, it is certainly more than an irregularity; but that is not the case that was proved against Lawrence.

973. Nor as against Rorison? I have not been considering what his conduct in the matter was.

974. Taking the two cases in connection, do you not think that if a person is so negligent that he certifies to a signature that is not genuine, and thus allows another to obtain money for which he has no authority, he has been guilty of gross negligence? It is a very gross irregularity, but without being fraudulent, and I do not see fraud in any case you have put. If he put his name to the signature knowing that the publican never meant to make the money a present, but to charge the man, and then took the money, he would be guilty of fraud; or if he knew that the Government was not to be charged, and that but for this entry the Government would not have to pay a shilling, then that would be a fraud for which he ought to be punished. But, on the other hand, if he believed that the money was made a present to him, and that the publican never meant the money to go as a present to the Government—and few people do make presents to the Government—and that the sum was such a one as the publican himself would have charged, then there would be no fraud. Mind, I still think there would be an irregularity; one, too, opening the door to serious frauds, and that no Government could for a moment tolerate. I do not see a fraud even in the case of Rorison. There is an irregularity—an impropriety—but there is a distinction between that and fraud.

975. Suppose the Inspector General to be under the impression that these cases were becoming general, and that accounts were being made up in a negligent manner, and that having that suspicion he was watching with more than ordinary caution to discover a case of the kind, and that in consequence of this watchfulness he at last detected an officer of the force permitting this sort of thing to pass—do you not think that having found such a case, it was one for exemplary punishment, in order to make an example, and to put a stop to this mode of making demands of a fraudulent character? I think he deserved some punishment, but I think it was going too far to degrade him altogether. If he were guilty of fraud, and intended to defraud the Government, then of course dismissal and non-restoration would be richly deserved; but if it were only an irregularity, I think that probably suspension would have met the justice of the case, as an example to show what would be the consequence to others of following such a course. But if the man was of good character previously—and in this case he was of most excellent character—I think suspension would have answered all the purposes of warning. The punishment is disproportioned to the offence. I would not hang a man for stealing a pair of stockings, although if every person who stole a pair of stockings were hanged, very few stockings would be stolen; yet though you might attain that result, it would be simple cruelty to reach it by such means.

976. You are not aware of any instances of parties filling up these vouchers improperly? No, I never knew of such an instance; the criminality would altogether depend upon what was passing in the man's mind when he filled them up. As regards Rorison, if he thought the money was given to him by the innkeeper, he might very fairly say to himself, "The money is meant for me; if he were to receive it he would give it back to me; and therefore there is no harm in my signing his name and taking the money."

977. But does not Cheshier's evidence rebut that notion? I think it does to some extent.

978. *By Mr. Sadleir*: Do you think that there was any collusion between Lawrence and Rorison in signing these vouchers—any understanding between them of a fraudulent character? If you assume that Rorison was guilty of a fraud, and that he charged that which he knew ought not to be charged, it does not follow even then that the sergeant colluded with him, nor does it follow from the evidence before me that there was any collusion. There was no evidence of anything of the kind beyond this,—that it struck me, in giving his evidence, that Rorison was doing all he could to serve the prisoner; this I could not account for, except from fancying that perhaps it might arise from remorse at what he had done in getting the prisoner into his present scrape, and from his determination to do all he could to get him out of it again. The whole case was exactly one of those in which character should turn the scale.

979. Would Lawrence have been justified in bringing a charge of perjury against Rorison, when he was advised by his lawyer not to do so? I do not understand why he should do so. In the first place he could not get a conviction without two witnesses, and those he could not have had; then, again, juries are very reluctant to convict for perjury. Only last week I tried a man for perjury at Darlinghurst; I had committed him myself for the perjury during a civil trial, and I have long desired to put some stop to the immense amount of false swearing that takes place in our Courts. The case against him was one as clear as the day, and it was proved equally as clearly in the Court, and yet the jury acquitted him. I cannot understand this unwillingness on the part of juries to convict for perjury.

980. Do you think it was just on the part of the Government to try and force him into a prosecution of Rorison for perjury? I cannot see why he should prosecute the man for perjury, unless he really believed that he had been guilty of false swearing; and what is the first thing?—That he is accused of perjury in the evidence he gave in Lawrence's favour. Surely Lawrence would not say that he disbelieved that evidence. How then could he prosecute? Then the next thing is, that he could not prosecute without having two witnesses, and here he would be met with this difficulty, that only three persons were present at the time, and that two of the three gave evidence against Lawrence. The consequence

quence would be that the third man would again be likely to stand by his comrade, particularly when he was in difficulties, and the jury would acquit him.

981. Lawrence has declared that his only reason for not prosecuting Rorison was, that his professional adviser did not wish him to do so? I can understand that, and I can very well see why it was that the Government wished him to prosecute Rorison; because by so doing they would, to use a forcible though not very elegant expression, have put him in a fix.

982. *By Mr. Hellyer*: Will you look at the passages I have underlined, in the evidence given before the Commission that inquired into this case, since the trial? Yes, I have read it.

983. Now assuming that Rorison had made that statement to the Sergeant-Major, does not that materially alter the aspect of the case? That is, supposing the memorandum B to have been really handed in, and to have been given by Rorison to Lawrence?

984. Yes? Of course it does. That would go to show that he really believed that somebody had paid the money. But still that does not get rid of the irregularity, which is of such a character as no Government could tolerate.

985. It has been given in evidence that Lawrence, as soon as he found out that the money had not been paid, rode 26 miles in order to report the matter to Captain Battye;—is that the conduct of a man guilty of fraud, or is it what an innocent man would be most likely to do under such circumstances? Well, I have seen so many practices of this kind that I never form an opinion on them. It is the course that an honest man would take, but it is also that which a guilty but a very cunning man would take also. It is these sort of things being done in embezzlement cases that so often impose upon juries and make it difficult to secure a conviction. But I am too old a bird to be caught by such tricks as these. If we could only get jurymen to reason upon the evidence, instead of taking it just as it is given to them, they would soon see, as I do, that there are always two faces in which these things are to be regarded.

986. *By the Chairman*: Supposing we admit that Lawrence has committed an irregularity, in witnessing a signature that he has not seen attached, would you consider the offence to be one of so grave a character, under all the circumstances that have been shown—that it was impossible that he could derive any personal benefit from the amount in question, and that he only signed in order to facilitate the business of the office—(*Mr. Cowper*: Your question assumes that to be a fact, which in reality is not so—) I assume that it is a fact. It is evident that an irregularity has occurred; is it of a sufficiently grave character to warrant such an extreme course as the dismissal of this officer, when as I say nothing more is proved against him than an irregularity, and there is some proof that it was the practice of the department. If the man was under the impression that he was doing nothing wrong, was the offence of such a grave character as to warrant the Government in taking the extreme course they have done in dismissing him from the force, and depriving him of all the benefits that long service had entitled him to? Speaking solely from my own impression of the case, I can only say that if I had had to do with the matter I should not have dismissed him, except to restore him. Just in the same way as a Judge passes a sentence of five years on the roads, without meaning to keep the offender for that time under punishment, but merely as a signal to others who may be guilty of that offence, that such is the punishment they are liable to. It is held out *in terrorem* to deter others, but is never meant to be carried out, and the criminal is generally informed that if he behaves well a remission will be recommended. This is just a case of that kind. Lawrence might have been suspended for a time as a warning to others, and then restored to his position. To dismiss him altogether was a very severe punishment, unless you assume fraud.

987. But the real ground of Lawrence's dismissal was, as shown in Captain M'Levie's letter of 11th April, 1861, his refusal to prosecute Rorison for perjury;—now do you see anything at all in the case to warrant them in taking such a course? I do not see why a man is to be prosecuted who is not guilty, and I do not see the guilt in this case. Lawrence would have no right to prosecute a man for perjury when he knows that he cannot prove him to be guilty, even though he knows him to be so. But I do not see or know any grounds for proceeding. As to the matter of morals, I do not see that the circumstance of a man saying that he saw no harm in doing a wrong act is any answer, because he ought to have seen and known it. When a man is so far degraded to the level of a beast as to be without conscience, the sooner he is got rid of and kept out of society the better for himself and for society also. I should say to such a man "If you have no conscience and do not know when you do wrong you ought to know, and you must be punished in order to teach you." But I do not see that a man is guilty of an immorality or of a gross irregularity in what has been done here. To be sure if Lawrence got O'Rourke to sign the voucher in Cheshier's name, as Rorison in his evidence would seem to imply, that, if proved, would have been a very strong feature against him, because the question would naturally arise, "Why did he not sign himself?" But if he thought he was only getting back from the Government that which he was fairly entitled to, I do not see that there was anything wrong. If I thought that I had authority from Mr. Cowper to do a certain thing, and he did not give me authority to do it, and if I in consequence sign his name to some paper that would be a very wrong thing for me to do, but it would be no fraud. It would be a very wrong thing indeed that no gentleman would ever be guilty of; but if by chance he were, then his character would stand him in good stead, because people would naturally say—"How could he have possibly done such a thing—he must have been labouring under some delusion." When I say a gentleman, I mean a man of good character.

988. *By Mr. Hellyer*: Will you refer to the evidence given by Rorison before the Commission? Yes, I have read it. If you assume that Rorison thought that he was in the position of a man who had committed a forgery, he would then be placed in the shoes of Lawrence;

and

Sir A.
Stephen,
Knight C.B.

10 Oct., 1862.

Sir A.
Stephen,
Knight C.B.

10 Oct., 1862.

and a man is not very willing to subject himself to the ordeal of a trial. Seeing this he soon discovers that the only means of getting himself out of the scrape is to deny the signature, and he accordingly does so. Then there is a third man present, and he would be likely to assist with his evidence whichever of the two he might happen to like best; and that shows me at once why Rorison states here that all is regular and correct as regards the account. But after all, is there sufficient here on which to convict a man of perjury? Suppose you try him for having signed the name of Cheshier, in the presence of Lawrence, and Wiley, and then denying that he did so, how is he to be convicted? Lawrence, knowing that he has been guilty of an irregularity, would naturally not be very willing to come forward; whilst the other man would be afraid of being brought into it, and so denies being present,—and very likely he would do so;—what then becomes of your prosecution for perjury? I think it was rather harsh in the Inspector General to expect a man to prosecute under such circumstances.

John N. M'Intosh, Esq., called in and examined:—

John
N. M'Intosh,
Esq.

10 Oct., 1862.

989. *By the Chairman:* This Committee has been appointed to investigate the case of Sergeant-Major Lawrence, and they have requested you to give evidence as to what you know of the matter. It has been stated before this Committee that you were employed by Captain M'Lerie to prosecute Lawrence upon certain charges brought against him,—is that correct? It is.

990. Will you state the nature of the instructions given to you? I will, in so far as my memory serves me. Captain M'Lerie came to Bathurst at the time, but I do not recollect in what month this occurred. I was engaged in Court at the time. I was first spoken to, and was requested to come into one of the rooms of the Court House to speak to Captain M'Lerie. I went into the room where Captain Battye was with Captain M'Lerie. There were some papers put into my hands, with vouchers and other documents, and Captain M'Lerie asked me to prepare an information against Sergeant-Major Lawrence for forgery, and for uttering a forgery in the name of Captain Battye, which that gentleman would be prepared to swear. I was there only a very few minutes, being exceedingly busy in Court at the time, and after giving me the instructions, Captain M'Lerie requested Captain Battye to swear to the information when it was drawn out. I prepared the draft of an information, which I sent down to my office to have a fair copy made from, and when this was done one of my clerks got it sworn to by Captain Battye. I recollect that a warrant was applied for, and Doctor Palmer said he would grant a warrant in the case.

991. Were you consulted in the case, or did you give any advice on it? No; the whole matter did not occupy five minutes. I knew nothing whatever of the case until Captain M'Lerie put into my hands a sheet of paper with the vouchers appended, and said that a forgery had been committed, that the signature of Chesher's name had not been by Chesher or with his sanction, and that Lawrence had signed his name as the witness to a forged signature.

992. Was the case left entirely in your hands to take any other course you might deem advisable? No; I have given you the entire substance, as nearly as I can recollect, of all the conversation that took place, or of the instructions I received.

993. Captain M'Lerie was present through the whole time? Yes; there were three persons in the room when I came in, and I made the fourth.

994. You conducted the prosecution against Sergeant-Major Lawrence? Yes, at the police office, up to the time of his committal.

995. You had then of course every opportunity of learning the merits of the case? No, not at that time. I knew the case for the Crown only. I was merely acquainted with the fact that Lawrence had witnessed a signature that was believed to be a forgery. The case for the defence was conducted by Mr. Serjeant, and he did not call any witnesses for the defence, and consequently I had no opportunity of knowing what that defence was.

996. But as far as the case for the Crown was concerned, you knew all the particulars? Yes; the case for the Crown was a very simple matter indeed, and did not require much consideration.

997. From what you now know of the case, do you believe that if Mr. Serjeant had called witnesses for the defence, the Police Magistrate, Dr. Palmer, would have committed Lawrence to take his trial? That I cannot answer; it is impossible for me to say what the Bench would have done. If a *prima facie* case is made out, it is the duty of the Magistrate to commit, and consequently I cannot say whether the Magistrate would have committed or not; but if the evidence for the defence had been brought forward, I think it would have shown sufficient evidence of Lawrence's innocence to have led the Attorney General not to file a bill against him. I cannot, however, say that he would not have been committed, because my own impression is that he would have been.

998. From Captain M'Lerie's manner, and from all you saw take place in the room in which you found them when you were sent for at the time you were requested to file an information against Lawrence, did Captain Battye appear to you to be going willingly into this matter, or did he seem to be dictated to by Captain M'Lerie? It appeared to me, not that he was exactly dictated to, but that he was somewhat irresolute; I cannot say that he was directed to file the information, but it was pressed upon him. However, I was so short a time in the room that I presumed all had been arranged before I came in. I think that Captain Battye did say that Sergeant Lawrence was away on duty, and would be back in a few days, and perhaps it would be better to wait till then; and that Captain M'Lerie answered that it would be better to be done at once. But it is so long ago that I cannot recollect the exact words.

999. Was there not some demur on the part of Captain Battye as to swearing the information? He appeared to hesitate certainly.

1000. And after that, did not Captain M'Lerie, in the most peremptory manner, ask Captain Battye if he refused to go on with the matter? I think he said, "Do you refuse, Battye?" and Captain Battye answered "No, I do not." He did not at the first refuse to proceed against Lawrence, but merely made a statement as to Lawrence's being away on duty, and then Captain M'Lerie said "Do you refuse, Battye?" or something to that effect; and Captain Battye said, "No"; but the thing happened so long since, and I did not pay much attention at the time, that I cannot perfectly remember with exactness all that took place.

1001. Having now had full opportunity of knowing the whole merits of the case, what opinion do you form respecting the guilt or innocence of Sergeant Lawrence? I have taken some considerable interest in this case, and more particularly since I heard the evidence for the defence. Having heard the greater portion of that evidence, and having read a large number of papers connected with the case; and having attended before the Commission appointed by the Government to inquire into the case—which Commission met at Bathurst, and consisted of Mr. Hawkins, Mr. Harold M'Lean, and Mr. Chatfield—I attended there throughout the whole inquiry, and having thought the matter over and sifted the evidence, and given it the most deep and earnest consideration—all these things have brought me to the conclusion that Sergeant Lawrence was innocent of the charge brought against him, and that he never intended to defraud the Government; and further, that there was no collusion between him and Rorison. That is my impression, from all I have heard of the case.

1002. Did you ever state your opinion of this case to Captain M'Lerie? I had a conversation with Captain M'Lerie on the subject at Randwick, but I consider it to have been of a private character, and that I am therefore not in a position to make it public. I do not consider that I should be justified in stating more than the bare fact that I did make a communication to Captain M'Lerie, in reference to Sergeant-Major Lawrence, and to Sergeant Middleton. It was made at Randwick, and in the presence of Dr. Palmer. The result of that conversation was that he assented to my request in the one case but not in the other. Beyond that I do not consider I have a right to make public what took place.

1003. Of course the Committee would not require you to state anything that you may have believed to have occurred in a strictly private conversation; but would you object to say whether you spoke to Captain M'Lerie on Lawrence's behalf? I did, upon two occasions; but beyond that I decline stating what occurred.

1004. From your own knowledge of similar practices having prevailed, from the evidence you have heard, or from hearsay reports, do you happen to know or do you believe that similar practices to that with which Sergeant Lawrence was charged have generally prevailed? I have no knowledge personally of such a thing, but I have heard on more than one occasion that such was the practice. I have heard of its being done in the police, when persons residing at a distance could not put their names to the abstracts, and their names were signed for them without any imputation of fraud. I repeat that I have merely heard so, and cannot speak to the fact of my own knowledge. I heard so when the matter was before the Commission, and also when it was before the police office.

1005. Do you not know that it is a usual practice amongst innkeepers in the district not to make any charge to the police when staying at their houses? I can only say that such is the case from what I learned during the course of this case. Cheshier stated in his evidence that he never made a charge to a policeman when travelling on duty.

1006. Is that an act of grace to the policeman on his own account, or on account of the Government—is it meant to save expense to the Government or to the policeman? I can only say from what I heard Cheshier say at the Court.

1007. You do not know of the practice? No, I do not.

1008. At any rate, you believe Lawrence to be innocent of the charges brought against him? As I stated before, from the evidence I have heard, from the statements that have been made, and from going carefully into the case, I have come to that belief. I always had a very high opinion of Sergeant Lawrence; I believed him to be an active and energetic officer, and a straightforward, manly fellow; that has always been my impression. I believe him to have been always most anxious to do his duty, and that he did it faithfully.

1009. Was he, in your opinion, a man likely to commit such an offence as that of which he was charged, even supposing the amounts were much greater;—would he in fact have been likely, had he known it, to have done anything wrong? I have answered that question before, when I stated that I had the highest possible opinion of Sergeant Lawrence's integrity and moral character. I was surprised in the first instance at his being charged with such a crime, but from what I have since learnt, this charge has not at all shaken my high opinion of him.

1010. The charge preferred against him, and for which as the papers before the Committee show, he was dismissed the service, was the refusing to prosecute Rorison for perjury? Yes, I think that was stated in Captain M'Lerie's letter, a copy of which was before the Commission.

1011. Do you think there was anything in the case to justify such an extreme course as that of dismissing him? I think not; I thought so at the time, and I think so now.

1012. *By Mr. Sadleir*: Will you look at page 9 of the Return now before the Committee, and you will see Enclosure No. 8, being the report of the Commission appointed to inquire into Lawrence's case? Yes, I have read it.

1013. You had something to do with that Commission, I believe? Yes, I appeared for Lawrence.

1014. Do you think that a fair, honest, and impartial report? I do, certainly.

1015. The Commissioners took a great deal of pains over the matter, in order to arrive at a correct

John N.
M'Intosh,
Esq.

10 Oct., 1862.

John N.
M'Intosh,
Esq.

10 Oct., 1862.

correct conclusion? Yes; they were two days over the inquiry, sitting very late on each occasion, and investigating the matter most thoroughly; I believe it to have been most conscientiously given.

1016. Do you think the Commissioners had any interest in the matter to give a report either one way or the other? Certainly not.

1017. They are men altogether above suspicion? Yes; I know two of them intimately, and they are far above all suspicion.

1018. They came to the conclusion that Lawrence had been guilty of a grave irregularity, but that he had not been criminal? Yes.

1019. Will you look at paragraph No. 2 of Captain M'Lerie's letter of the 8th December, 1861? Yes, I have read it. I see that he regards it "as not simple irregularity, but absolute crime."

1020. Do you think that statement in his letter is borne out by the facts of the case? Certainly not.

1021. Do you not think that this letter has the appearance of having been drawn up by a person prejudiced in the case against Lawrence? Taking away the name, and assuming the letter to have been from a person with whom I was unacquainted, I should certainly, on reading it, be under that impression.

1022. If a witness were to give such evidence as this before a Court, would you consider it to be that of an unprejudiced person, and would it be likely to have any weight with you? Not with me; he appears to me to have taken a very extreme view of the case.

1023. He speaks of Sergeant Lawrence's collusion with Rorison to defraud the Government—now do you think that Lawrence had any such intention? No; if I thought so for a moment I should have altered my opinion of him at once; but I do not think so, and therefore I have the same high opinion of Lawrence as I ever had.

1024. Can you in any way conceive how the Inspector General of Police came to entertain that view? I cannot; I am not in a position to account for it.

1025. Do you think that the inimical feelings between the parties were put on, as Captain M'Lerie's letter states, to blind justice, or were they in your opinion real? I think so; I think they were real. Of course this is a mere matter of opinion, and I may be deceived; but I do not think that they speak even now. Rorison is living out on the Abererombie, but he is occasionally in Bathurst, and I do not think that he and Lawrence speak when they meet. He is a most intelligent and well educated man.

1026. What was Lawrence tried for? Forging and uttering.

1027. Do you think that a man who chanced to put his name as a witness to a forgery committed by another would therefore be himself guilty of forgery? He would be *participis criminis* if aware of what was being done, but he could not be guilty of forgery.

1028. Particularly if he put his name down as a witness to the signature forged on being told that the party so signing was authorized to do so? I do not know. One very material ingredient necessary to complete the crime would be wanting, and that is the *animus furandi*. You may write a man's name at his request, and that is not a forgery; you may sign the most important document of all—a man's will—if he desires you to do so, without committing forgery.

1029. Do you think that, in acting as he did, Sergeant Lawrence really intended to commit a fraud upon the Government by filling in these excessive quantities in the voucher? No. I repeat that if I thought he had any intention to defraud I should have changed my opinion of him; but that opinion has not changed, and therefore, as far as I believe and can judge of the circumstances of the case, I entirely exonerate him of all intention to defraud.

1030. But Captain M'Lerie says it was not an irregularity, but an absolute crime? I agree with the report of the Commissioners that Lawrence was guilty of an irregularity, but I certainly never viewed his conduct in the light of a crime.

1031. He also says in his letter that the report urged a weak plea, that to a certain extent irregularity prevailed;—do you class it so, as a weak plea? I do not. I would not believe that either Mr. Hawkins or Mr. M'Lean would lend his name to anything he thought improper. I have a very high opinion of Mr. M'Lean's ability and judgment, and am sure that he would not attach his name to any document that he would afterwards be ashamed of.

1032. Do you think the report a more satisfactory document than Captain M'Lerie's letter? Knowing the evidence as I do, and knowing that on that evidence the report was drawn, it is my opinion that the report is the more satisfactory document, and simply from its having been based upon proper data.

1033. Do you think that Lawrence would have been justified in prosecuting Rorison for perjury, after a professional gentleman had advised him not to do so? I think not. There could be no object in getting a professional opinion, if that opinion is not afterwards acted upon.

1034. Was he willing to prosecute Rorison? Yes, he told me he was anxious to do so, and would have proceeded had it not been for the letter from his legal adviser. I have no doubt whatever that had he not been advised to refrain from so doing that he would have prosecuted Rorison.

1035. Then it was from no want of will on his part that he did not do so? No; in that letter he says that he is quite willing to give evidence if a prosecution were commenced, but that he himself would not prosecute.

1036. Are you aware that Captain Battye signed this document—the voucher on which forgery is imputed? Yes, I think I recollect that he did so.

1037. Then if Captain Battye put his signature to the voucher equally with Sergeant Lawrence, must not the two be equally guilty or equally innocent? Believing that Sergeant Lawrence put his signature to the document with no intention whatever to defraud, and that Captain Battye did the same, both were equally in the same position of innocence.

1038. *By the Chairman*: It is in evidence that Captain Battye's name was signed there before that of Sergeant Lawrence, and consequently there must have been a greater excuse for Lawrence signing it, since seeing his superior officer's signature there, he would naturally conclude that the document was correct? Yes.

1039. *By Mr. Sadleir*: Then both were alike criminal, if there were any criminality attaching to the proceeding? If they attached the signatures for the purpose of defrauding the Government, both would alike be criminal, but as neither ever did so there could be no charge against either of them.

1040. And if there were to be any prosecutions in the matter, Captain M'Lerie was as much bound to prosecute the one as the other? I should imagine so; that is what my common sense tells me should be done.

1041. *By Mr. Hellyer*: Do you know whether Captain M'Lerie directed Dr. Palmer not to allow bail when Sergeant Lawrence was apprehended? I do not.

1042. At the time you received instructions to draw the information against Sergeant Lawrence, were the Assizes on—was the Criminal Court sitting? The Court was sitting, but whether it was the Sessions or the Assizes I really forget.

1043. Was Mr. Chambers in Bathurst at the time? I cannot say; I know that I was in Court at the time, and was requested to come out into another room to speak to Captain M'Lerie.

1044. I do not wish to ask you any question touching the conversation you had with Captain M'Lerie, but I should like to ask you whether you did not tell him of your conviction as to Lawrence's innocence? Yes, I had that conviction, or I should not have interceded for him.

1045. If Captain M'Lerie has said that you have not at any time informed him of your conviction of Lawrence's innocence, would such a statement be correct? As I have said before, I would not have interested myself at all for Lawrence if I had not been convinced of his innocence. If Captain M'Lerie has said that I did not tell him of my conviction, he must be labouring under an error, and has possibly forgotten it.

1046. I believe that Lawrence was very successful as an apprehender of criminals? Yes, he was a very active man in his situation.

1047. And since his departure from his post, the criminals have been very active in that district? Yes, because the population has greatly increased latterly, and we have now some of the worst characters from Victoria in the district.

1048. Have you now any officer of the Government in that district possessing his activity and efficiency? Yes, Lieutenant Morriset is a very active officer, and does his duty well.

1049. But I mean in Lawrence's situation—is the person who is acting as Sergeant-Major as active or as efficient as Lawrence? No, it is a complete farce—his appointment; he does not know the bush, and therefore cannot be so useful as Lawrence was.

1050. *By the Chairman*: He is in no way equal to Sergeant Lawrence? No.

1051. *By Mr. Sadleir*: Do you think that Sergeant Lawrence's dismissal from the service has done him any injury either in character or in circumstances? It has not done him any injury amongst those who have taken the trouble to investigate the matter, I believe; but there is no doubt that the simple fact of his dismissal must have injured him considerably with those who were unacquainted with the evidence in the case, or who would not take the trouble to make inquiry into it. Lawrence, I know, was very badly off for some time after his dismissal, and until he was relieved by funds from England.

1052. Would not his dismissal have been ruinous to him if it had not been for his receiving those funds from England? Yes, he was so cut up about his dismissal, and the unjust way in which he had been treated, that he was utterly unfit for anything; but after so many years service in the police I hardly know what work he is now fit for.

1053. Is there any indorsement on his testimonials to the effect that he has been dismissed from the police, without stating what for? I do not know whether there is or not.

John N.
M'Intosh,
Esq.

10 Oct., 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ALFRED WITTS.

(PETITION OF.)

Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Members of the Legislative Assembly of New South Wales.

May it please your Honors,—The humble Petition of Alfred Witts, late Chief Constable of Bombala,—

RESPECTFULLY SHEWETH:—

That after seventeen years hard service as Chief Constable of Queanbeyan and Bombala, he was dismissed from his office, through the illegal conduct of George Hebden, Esq., J.P., under the following circumstances:—

In the month of April, 1859, a Mr. Ashton, proprietor of a travelling Circus, performed at Bombala for several nights, and on Tuesday, 12th April, invited your Petitioner and his family to see the performance gratis.

In compliance with the invitation, your Petitioner introduced his daughter, then between 14 and 15 years of age, and shortly after, the said George Hebden, Esq., J.P., ordered her to be arrested and turned out of the Circus, unless she paid the admission fee. I was outside at the time, and my attention being drawn to this, I informed Mr. Hebden that my daughter was there at Ashton's request and permission; nevertheless, Mr. Hebden insisted the police should arrest her and remove her from the Circus.

I remonstrated with Mr. Hebden and showed him the illegality of his act, nevertheless he persisted, and threatened to dismiss Constable Zoellner if he did not arrest my daughter and remove her. The effect was, she was arrested and removed, whereupon I immediately commenced an action against Mr. Hebden, and eventually succeeded in getting a verdict and £25 damages upon the merits of the case.

In the meantime the Justices for the District, the majority of whom, together with Mr. Hebden, had refused to act as Justices for many months before the 19th of April, 1859, dismissed me, thereby convincing me that I was not dismissed for the breach of any law, moral or divine, but merely because I had resented the illegal arrest of my daughter.

The consequence to your Petitioner was his complete ruin, for I was kept nearly five months in suspense before the sentence was confirmed by the Government, and me and my large family have suffered severely ever since.

Your Petitioner hath applied to be heard upon the subject of his wrongs to your Honorable House, from time to time, through the kindness of the Honorable D. Egan, Esq., H. Parkes, Esq., and last Session, T. Garrett, Esq., through whose kindness the Petition was referred to a Committee.

Your Petitioner, therefore, humbly prays your Honorable House will be graciously pleased to take his cause into your consideration, and should any defect of form be detected in this Petition the same be mercifully overlooked.

And your Petitioner will, as in duty bound, ever pray.

ALFRED WITTS,
Late Chief Constable of Bombala.

August 18, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

ALFRED WITTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
21 *November*, 1862.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 7d.]

602—a

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 65. TUESDAY, 16 SEPTEMBER, 1862.

12. Alfred Witts :—Mr. Garrett moved, pursuant to notice,—
 (1.) That a Select Committee be appointed to inquire into the circumstances connected with the removal of Alfred Witts, senr., from the office of Chief Constable at Bombala, as set out in Petitions presented to the Legislative Assembly on the 6th November, 1860, on the 6th November, 1861, and on 26th August, 1862.
 (2.) That such Committee consist of Mr. Cowper, Mr. Dangar, Mr. Harpur, Mr. Leary, Mr. Sadleir, Mr. Terry, Mr. Wilson, and the Mover.
 Question put and passed.

VOTES, No. 104. FRIDAY, 21 NOVEMBER, 1862.

1. * * * * *
 Alfred Witts :—Mr. Garrett, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee on the 16th September last, in the matter of Alfred Witts.
 Ordered to be printed.

CONTENTS.

| | PAGE. |
|---|-------|
| Extracts from the Votes and Proceedings | 2 |
| Report | 3 |
| Proceedings of the Committee | 5 |
| List of Witnesses | 6 |
| List of Appendix | 6 |
| Minutes of Evidence | 1 |

1862.

ALFRED WITTS.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 16th September last, “to inquire into the circumstances connected with the removal of Alfred Witts, senr., from the office of Chief Constable at Bombala, as set out in Petitions presented to the Legislative Assembly on the 6th November, 1860, on the 6th November, 1861, and on 26th August, 1862,” have agreed to the following Report :—

Your Committee have examined the witnesses named in the margin*, and carefully considered the Petitions referred to them, together with the various documents appended to the evidence. They also caused several other witnesses† to be summoned, but the season of the year and the distance at which they reside from the metropolis, have been pleaded as an excuse by several of them for their non-compliance with the summons of the Committee.

* Mr. A. Witts,
Mr. G. Heritage,
W. Elyard, Esq.,
Capt. M'Lerie.

† Dr. Campbell,
H. Nicholson,
Esq.,
J. Nicholson,
Esq.,
E. Jonas, Esq.,
J. H. Baddeley,
Esq.

Your Committee find the following allegations of the Petitions proved :—1st. That Alfred Witts was Chief Constable at Bombala on the 19th April, 1859, on which day he was dismissed by the Bench of Magistrates, consisting of Mr. Massie (Chairman), Mr. John Nicholson, Mr. J. B. Campbell, and Mr. C. H. Baddeley, on a charge of “neglect and violation of his duty in his office, on the night of the 12th April.” This charge, according to the allegations of the Petition, and the evidence given before the Court, was based on the following circumstances :—A performance was given by Mr. Ashton, part of the proceeds of which were to be devoted to the Bombala Church Building Fund. The Petitioner, accompanied by his daughter, entered the circus without payment, in accordance with a permission which he states he had from Mr. Ashton ; subsequently, objection was taken to the Petitioner’s daughter remaining in the circus without paying the usual entrance fee, and she was removed by a constable, at the instance of Mr. Hebden, a Magistrate. It was for protesting against‡ this procedure on the part of Mr. Hebden in a violent manner, that the charge of “neglect and violation of duty,” on which the Petitioner was dismissed, was considered proved. 2nd. That the Petitioner brought an action in the District Court, Bombala, against Mr. Hebden, for causing

‡ See Hebden’s,
Lawrence’s,
Zoellner’s, and
Edwards’
evidence before
Court.
See Minutes of
Evidence, p. 18.

causing the illegal arrest of his daughter, and obtained a verdict in his favour, with £25 damages. 3rd. That the allegation of the Petitioner, that Messrs. Massie, Campbell, and J. Nicholson were actuated by an improper feeling towards him, must be considered as well founded, inasmuch as (as shown by the table appended to the letter of Messrs. Baddeley and Murray to the Colonial Secretary, dated 27th July, 1859) they only attended to their duties as Magistrates on occasions when cases in which the Petitioner was concerned were subject to investigation. 4th. That Petitioner had been in the Police Force of this Colony for a period of eighteen years* as Chief Constable, and that without having any charge of misconduct or inefficiency proved against him, though it is also proved that he, by resigning his office in 1851, lost his right to the allowance on retirement for a continuous service, and was, by his final dismissal by the Bombala Bench, deprived of his legal claim for a gratuity or pension. It has, on the other hand, been shown to your Committee, that the Eden Bench, in April, 1858, and two Magistrates of the Cooma Bench, in September of the same year, complained of the conduct of the Petitioner as Chief Constable; but it is also shown that these charges have not been investigated, and were only brought forward by the Bombala Bench to justify them in dismissing the Petitioner on another and distinct charge the following year.

*Vide Capt. M'Leir's evidence.

Under all these circumstances, your Committee feel justified in coming to the following conclusions:—That the Petitioner was wrongfully dismissed, the charge upon which he was tried not being borne out by the evidence, that three of the four Magistrates who joined in that dismissal appear to have acted in such a way as to throw the greatest suspicion upon their conduct, and to give *prima facie* evidence in support of the charge of partiality preferred against them by the Petitioner.

Your Committee, therefore, recommend, that if the Petitioner should not be found fit for employment in as nearly as possible a corresponding position in the new Force with that from which he has been wrongfully dismissed, he should, if he applies, be given employment in some capacity for which he is fitted, of equal value to that of which he has been deprived.

Your Committee cannot close their Report without expressing their strong and unqualified disapprobation of the conduct of the gentlemen named in the margin,* in having neglected their duty as Magistrates, excepting on occasions when a particular person was interested in the cases to be tried. Such conduct tends to bring the administration of justice into distrust and contempt amongst the community, and ought to be marked with the severest reprehension by the Executive.

*Massie, Campbell, J. Nicholson.

THOS. GARRETT,
Chairman.

Legislative Assembly Chamber,
Sydney, 21 November, 1862.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 26 SEPTEMBER, 1862.

MEMBERS PRESENT:—

None.

In the absence of a Quorum, within one half hour after the time appointed, no meeting of the Committee was held this day.

TUESDAY, 30 SEPTEMBER, 1862.

MEMBERS PRESENT:—

None.

In the absence of a Quorum, the meeting called for this day lapsed.

THURSDAY, 2 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Garrett,
Mr. Leary,

Mr. Harpur,
Mr. Dangar.

Mr. Garrett called to the Chair.

Resolution of the House appointing the Committee; also, Petition from Alfred Witts, presented to the House on 6th November, 1860,—by direction of the Chairman, read by the Clerk.

Printed copies of the other Petitions *referred*,—before the Committee.

Mr. Alfred Witts called in and examined.

Witness withdrew.

Mr. George Heritage called in and examined.

Witness withdrew.

Ordered,—That the following witnesses be summoned to attend on the 23rd instant:—

Mr. W. Elyard,—to produce any correspondence that may have taken place between the Government and the Bench of Magistrates at Bombala, relative to the dismissal of Alfred Witts from the office of Chief Constable.

Dr. Campbell, Bombala.

Mr. Henry Nicholson, Dundundra, Bombala.

Mr. J. Nicholson, Little Plain.

Mr. E. Jonas, J.P., Mahratta.

Mr. J. H. Baddeley, Bombala.

[Adjourned to Thursday, 23rd instant, at *Eleven* o'clock.]

THURSDAY, 23 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Garrett in the Chair.

Mr. Leary,
Mr. Terry,

Mr. Harpur,
Mr. Sadleir,

Mr. Dangar.

Mr. W. Elyard, *Principal Under Secretary*, called in and examined.

Several papers produced and read—copies to be handed in. (*Vide List of Appendix.*)

Witness withdrew.

Chairman laid before the Committee a letter from Mr. Jonas (one of the witnesses summoned this day) to his agent, Mr. Buckland, in Sydney, requesting him to call upon the Chairman and inform him that, in addition to the inconvenience of leaving the district at this very busy time of the year, he (Mr. Jonas) knows nothing whatever relative to the dismissal of Alfred Witts, except what he has heard from the Messrs. Nicholson and others.

Committee deliberated, and decided that the evidence of Mr. Jonas will not be required.

[Adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY, 30 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Garrett in the Chair.

| | | |
|-------------|--|-------------|
| Mr. Wilson, | \| | Mr. Dangar, |
| Mr. Leary, | | Mr. Harpur, |

Mr. Terry.

Captain M'Lerie, *Inspector General of Police*, examined.

Certain papers handed in. (*Vide List of Appendix.*)

Witness withdrew.

Committee deliberated, and

[Adjourned.]

THURSDAY, 20 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Garrett in the Chair.

| | | |
|------------|--|-------------|
| Mr. Terry, | \| | Mr. Dangar. |
|------------|--|-------------|

Committee met pursuant to summons.

Chairman submitted Draft Report.

The same read and amended.

Motion made (*Mr. Dangar*) and *Question*,—That this Report, as amended, be the Report of the Committee,—*agreed to.*

Chairman to report to the House.

LIST OF WITNESSES.

| | PAGE. |
|-------------------------------|-------|
| Elyard, William, Esq. | 9 |
| Heritage, Mr. George | 8 |
| M'Lerie, Captain | 20 |
| Witts, Mr. Alfred | 1 |

LIST OF APPENDIX.

| | PAGE. |
|--|-------|
| (<i>To Evidence given by Mr. A. Witts, 2 October, 1862.</i>) | |
| Depositions taken before the Bench of Magistrates at Bombala, on 19th April, in the case of Mr. A. Witts | 5 |
| (<i>To Evidence given by W. Elyard, Esq., 23 October, 1862.</i>) | |
| Correspondence relative to the case of Mr. Alfred Witts.. .. . | 10 |

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF ALFRED WITTS.

THURSDAY, 2 OCTOBER, 1862.

Present :—

MR. DANGAR,
MR. GARRETT,MR. HARPUR,
MR. LEARY.

THOMAS GARRETT, ESQ., IN THE CHAIR.

Mr. Alfred Witts called in and examined :

1. *By the Chairman* : You were chief constable at Bombala in 1859? Yes.
2. Were you suspended or dismissed in that year? On the 19th April I was suspended.
3. By whom? By the Magistrates.
4. Who were the Magistrates? Mr. Massie (he was the chairman), Mr. Jno. Nicholson, Mr. J. B. Campbell, and Mr. C. H. Baddeley.
5. They suspended you? They did.
6. On what ground were you suspended? They charged me with one offence, and tried me instantly on another, giving me no opportunity to file a defence to it.
7. What was the charge on which you were suspended? I produce the papers respecting what I was prepared to defend, but I cannot produce what they charged me with.
8. This is a copy of the proceedings? Yes. I was charged with neglect and violation of my duty.
9. In what did this neglect and violation of your duty consist? I really cannot say what passed through their Worships' minds, but these are the proceedings. (*The witness handed in the same. Vide Appendix.*)
10. You were dismissed on the 19th April? I was suspended rather.
11. It is stated here, "Defendant is found guilty of the charge preferred against him, and is ordered to be dismissed forthwith"? Under the law the Magistrates have not the power of dismissal—only of recommending dismissal.
12. On this they recommended your dismissal? That is it.
13. To whom did they recommend your dismissal? To the Colonial Secretary, no doubt.
14. Were you doing duty after the 19th April? I considered that I was from that time to the 30th August, when a letter came up.
15. What was that letter? I never could catch sight of that letter.
16. How do you know it came up? I know from hearsay that it did come up; I also know from hearsay that on the 24th June another letter came up.
17. That was the previous June? Yes.
18. What took place on the 30th August? A letter came up stating that I could no longer hold office there.
19. From whom? I would say from the Colonial Secretary.
20. Have you seen that? Yes; I would correct what I said before—I have seen that.
21. Have you a copy of that? No.
22. It was confirming the decision of the Bench? It was, but nearly five months had then elapsed.

Mr. A. Witts.
2 Oct., 1862.

- Mr. A. Witts. 23. Did you take any steps relative to that dismissal—did you remonstrate against it? I did not; but I was kept in a state of suspension for nearly five months.
- 2 Oct., 1862. 24. Did you receive your salary for that five months? I did not.
25. Have you made application for that? I have repeatedly.
26. To whom? To the Colonial Secretary.
27. With regard to the removal of your daughter from the circus, did you take any proceedings against Mr. Hebden for his conduct in that matter? Yes, I brought an action against Mr. Hebden in the District Court and was nonsuited, because I did not use the word "malice," in the information. I then became very poor, and did not follow out the matter at the next sittings, but I did the following, and got £25 damages.
28. For the illegal removal of your daughter? Yes, for her illegal arrest. I would beg to draw your attention to the circumstance that I wanted the Magistrates to postpone the case, in order that Mr. Ashton might be called, as he was only ten miles distance, at the Dragon, and he could have cleared up the matter, but they refused.
29. I see the Magistrates, who sat upon your case, and dismissed you, were Mr. J. Nicholson, Mr. Massie, Mr. Campbell, and Mr. Baddeley? Yes.
30. Of your own knowledge, can you state whether all those gentlemen were regular attendants at the Bench? No, they had not been there for months—they had all kept away from their magisterial duties. Mr. Hebden had six months previously stated in the Court, that he would not interfere with the proceedings of the Bench while the present arrangements existed.
31. What arrangements? The appointment of Mr. Baddeley and Mr. Solomon.
32. Do you know whether Mr. Nicholson, Mr. Massie, or Mr. Campbell, had sat on the Bench for some time before this case of yours was tried? I am positive they did not enter the Court House, or interfere at any time from about six months before, when Mr. Hebden made those remarks in Court.
33. Was it supposed to be for the same reason that Mr. Hebden expressed? It was so supposed.
34. They belonged to the old Magistrates? Yes.
35. Have you ever made any application, since your dismissal was confirmed by the Colonial Secretary, to be reinstated in the office on its becoming vacant? Yes.
36. The situation subsequently became vacant, and you applied for it? I did.
37. What took place? Mr. Massie and Dr. Campbell, who had never been in the Court House from the time I have spoken of, came expressly for the purpose of opposing me.
38. What Magistrates sat? (*The witness read from a paper.*) "Tuesday, March 9th, 1861. Present:—H. Massie, Dr. Campbell, J. Nicholson, and H. Nicholson."
39. That was two years after your dismissal? All but one month.
40. These gentlemen attended at Court on the occasion you name? Yes.
41. Had you been residing at Bombala? Yes, at least I had been at the diggings, still I kept my eye on it, and made inquiries.
42. Had these gentlemen attended regularly at Court during that interval? They had not, and as a proof I wrote to the Colonial Secretary, stating that I was persecuted. They had not been in the Court for two years before.
43. And they sat upon this application of yours? Yes.
44. What was the result? The result was that they sent to Sydney again.
45. Were you the only applicant? No, there were other applicants.
46. Who did they elect at the time? They wrote, leaving it to the Inspector General to send up one.
47. They would not decide upon the applicants, but left it to the Inspector General to send up one? Yes.
48. What was the salary of the chief constable? £175 a year.
49. How long had you been chief constable before this? At Bombala, during five years; at Queanbeyan, thirteen years; and I had been in the London Police five years and three months.
50. Had there ever been any complaint lodged against you while you were chief constable? None.
51. Have you held any official position since? Since the passing of the Small Debts Act I have been bailiff to the Court of Requests, but it does not bring in much—it hardly finds me in shoe leather.
52. Did the Bench give you that appointment? Yes.
53. Who were the Magistrates who sat on that occasion? I cannot answer that.
54. The allegations in your petition that you suffered grievous loss and are still suffering from the loss of that situation, are true? They are true.
55. You are clear that you were not paid for the five months during which you were suspended? Yes.
56. What was the amount due? Between £60 and £70.
57. *By Mr. Leary*: When this case was tried on the 19th April, you state that you were dismissed? Yes.
58. What do you mean by saying that the Bench could not dismiss you? By the law they could not; it must be confirmed by the Inspector General.
59. That is not the law? It was at the time, pardon me. That will be seen by one clause of the Police Act. I will even show the Committee lawyer Forbes' report, who took my case in hand, and he showed that they could only recommend my dismissal.
60. How do you know they recommended your dismissal? By that (*referring to the paper handed in.*)
61. Does not the decision of the Magistrates show that they had the power of dismissing you when they state that they dismiss you forthwith? I admit that.

62. *By Mr. Harpur*: You state that you acted afterwards? I did, under orders from Mr. A. Witts. Mr. Murray, the Police Magistrate at Eden, who sent me up a letter.
63. *By Mr. Leary*: How do you mean that you acted—did you wear the uniform? I did 2 Oct., 1862. not; the clothing did not come up, but I received the money.
64. Did you exercise the powers of a chief constable? I was very cautious, but I walked about as before.
65. Did you ever apprehend a man during that time? I did not; there was no cause, but I went about the same as usual.
66. Was no man apprehended for drunkenness or other offence during that time? I dare say there might have been.
67. Did you ever see a man drunk during that time? No.
68. Did you never see a man commit a violation of the law during the whole five months? No.
69. Would you have seen it if you had been acting as you used to do before you were dismissed? Then, probably, I would not have seen it; I might have done so.
70. Then you did not act after the 19th April as you did before that time? Not with the same zeal.
71. Who were the Magistrates residing in your district at that time? There were a good number at that time.
72. What Magistrates generally attended? For six months before the 19th April, no one but Mr. Baddeley.
73. How were cases decided that required the adjudication of two Magistrates? The Crown commissioned Mr. Murray to come up once now and then, according to circumstances. They were disposed of with the assistance of Mr. Murray.
74. Where do the Magistrates reside—in the town? Mr. Baddeley does.
75. The others, how far from the town of Bombala do they reside? Mr. Hebden, seven miles; Dr. Campbell, nine miles; Mr. Massie at the Dragon, ten miles; one of the Messrs. Nicholson, twelve miles, and one seven miles.
76. You state that Mr. Baddeley was the only Magistrate who usually attended the Bombala Bench? Unless when he was assisted by Mr. Murray, of Eden.
77. Are you aware that it requires more than one Magistrate to try a chief constable for neglect of duty? No; to try him I do not suppose it would require more than one.
78. Do you not know that one Justice could not dismiss a policeman? He could an ordinary constable, but not the chief constable.
79. You think the chief constable could not be dismissed by one Justice, but that an ordinary constable could be? By law; I am taking the law.
80. Have you ever read the law? Yes, under that Act.
81. You give that as your opinion? Yes; if the law were before me I could point it out.
82. With reference to the removal of your daughter, were you present when Mr. Ashton told Mr. Hebden that he had not given permission to your daughter to enter the circus without payment? I was not present, but if I had been I should have said, "Ashton, Ashton, it is very strange that you should tell Mr. Hebden one thing and me another." That is why I wanted Mr. Ashton as a witness. There should be a memorandum on the proceedings that I applied to have the case postponed that he might be called. It was Mr. Ashton took my daughter in, and then I walked out and attended to my duty outside.
83. Was there ever a policeman dismissed during the time you were chief constable? Yes.
84. Did you ever see a policeman dismissed by one Justice? Yes. You see you want this almost upon oath.
85. If you do not like to answer the question you need not? In my opinion Mr. Massie has dismissed a policeman.
86. From your memory you say you have known a single Justice to dismiss a policeman? Yes.
87. Where? At Bombala.
88. Did ever you know any other policeman dismissed? I have known several.
89. As chief constable, were you aware whether the Bench were summoned on these particular occasions? I never knew such a thing.
90. Were the Bench never summoned for licensing meetings and others? Yes.
91. By whom? By official letter from the Clerk of the Court.
92. You state that when a charge is preferred against a policeman for neglect of duty, there is never any special summons? The word "policeman" would not come under that Act.
93. Under what Act? The old Act. You remember that three years and a half have gone by—it was the word "constable."
94. *By Mr. Harpur*: Where does the Magistrate who requested you to act as chief constable reside? At the Bay.
95. How far is that? Between fifty and sixty miles.
96. Is he the Police Magistrate? Yes.
97. He came at the request of the Government to form a Court? Several times.
98. When these other Magistrates, owing to the appointment of Mr. Baddeley, refused to act? Yes.
99. These gentlemen who met for the purpose of forming a Court to dismiss you, had not sat as Magistrates for some time previously, and they did so then for the purpose of dismissing you? That was my impression.
100. They did not meet for some time subsequently? No.
101. You stated to Mr. Hebden that he had no liking for you? Yes.
102. What was your meaning in saying that? On a certain given day, about twelve months

Mr. A. Witts.
2 Oct., 1862.

months before this, I was in the street, and Mr. Hebden came to me and said, "You are the very man I want—where is your horse?" I said, "Here." He then proceeded with me to the residence of one Warburton, whom Mr. Hebden accused of cattle-stealing—in fact, of stealing some of Mr. Hebden's property. I sat and stood by because some of the conversation took place while I was on horseback, and overheard the conversation that took place. I afterwards took Warburton into custody, and locked him in the lock-up. I immediately went a few yards to the Court House, and black-leaded the occurrence that took place, and put down the language. It was some few days after this that Warburton was examined and Mr. Hebden gave his evidence. I was outside the Court, so as not to hear his evidence. I was sworn, and gave mine. The evidence did not appear to please Mr. Hebden, and he wished the Magistrate to dismiss the case, and implied that I had not given correct testimony. Some little time—a day or two—after this I went to Mr. Hebden to get some summonses signed, or, at all events, in the execution of my duties, and he told me not to come there again; in fact, he insulted me. I did not say much at that time, but after deliberation I wrote to Mr. Hebden, stating that if he had any specific charge against me, to give it—that I had given honest evidence before God and my conscience. I sent that letter. A few days after this, he and I were in the Court House alone, when he produced this letter, and said, "Is this your writing?" I said, "It is, sir." He said, "Was it done in haste?" I said, "No, I sat up all night, and commenced writing it at three o'clock in the morning, after study." He said, "I think the subject had better drop; here are your papers, you can put them in the fire if you like." I had got copies of them, and he put his into the fire; instead of me putting mine in the fire I put them on the file, and afterwards put them in the fire, but not in his presence. From that moment I saw a change in Mr. Hebden. I could do nothing right after that.

103. *By Mr. Leary*: I think you stated that Mr. Baddeley had taken some dislike to you? No.

104. When was Mr. Baddeley appointed Magistrate? About seven months prior to this occurrence—about a month before Mr. Hebden said he would not interfere in the Bench matters.

105. *By Mr. Harpur*: What position did Mr. Baddeley occupy before he was appointed to the Magistracy? He had been in the Colony a long while. Shortly prior to this he had been superintendent to Mr. Hebden.

106. Do you know what Mr. Hebden's objection was to his being made a Magistrate? It could not be on the score of education, for he was a man of good education and character; I think it must have been because he was carrying on business as a tanner.

107. He could have had no other objection? I do not see that he could; he bore a good moral character.

108. You referred to another gentleman who had also been appointed a Magistrate? Yes, Mr. Solomon.

109. Had Mr. Hebden and the other gentlemen an objection to him? Yes, as being of an inferior class.

110. Is he a storekeeper? Yes.

111. Is he a man of good character? He is a man of character for humanity and fair dealing.

112. He was just such a man as the people wish to have for a Magistrate? Yes.

113. On account of these two gentlemen being appointed to the Magistracy the others refused to act? That was the general impression.

114. I think you said Mr. Hebden stated that it was on that ground he would not sit? His precise words were "while the present arrangement exists."

115. Meaning that? Yes, Mr. Baddeley sat on one side and the other gentlemen on the other, and they did not speak.

116. *By the Chairman*: Where did this take place? In the Court House, about six months prior to the 19th April.

117. *By Mr. Leary*: Who attended to the duties of the Bench at Bombala prior to the appointment of Mr. Baddeley? Mr. Hebden was very active.

118. When did they hold the Courts? I have known them to be three months without a Magistrate in the district—I would recall the word "three" and say two months or six weeks.

119. You have known the district to be without a Magistrate for two months? For many weeks.

120. *By Mr. Harpur*: I am not perfectly satisfied as to your having acted as chief constable after your dismissal;—were you not in the habit, as chief constable, of making returns to the Government? Yes.

121. Did you after your dismissal make any such returns? I never went into the Court House.

122. *By Mr. Leary*: And never went into the lock-up? No.

123. *By Mr. Harpur*: You supposed you were suspended? Yes.

124. *By Mr. Leary*: Did you hear the decision of the Bench? Yes.

125. Was not that very plain that they dismissed you forthwith? Yes; but there was the law before me, and I doubted their power.

126. You thought you knew the law better than the Magistrates? There is the written law.

127. *By Mr. Harpur*: Your impression was that there was such a law? Yes.

128. Your impression might have been wrong, and yet there might not have been any great fault in entertaining it? When the Government did send up the letter, they said the offence, if any, was too severely visited upon an old officer.

129. Where is that letter? In the Court House.

130. *By Mr. Leary*: You have been told that? Yes.

131. *By the Chairman*: Did that come from the Colonial Secretary's Office? Yes; it will bear date somewhere in the month of June; it was during a prorogation that took place in Mr. Forster's time.

Mr. A. Witts.

2 Oct., 1862.

APPENDIX.

Bombala Police Office,
16 April, 1859.

Sir,

I am instructed by the Bench of Magistrates at Bombala to request your attendance at a Court of Petty Sessions to be holden at this office on Tuesday next the 19th (nineteenth) instant (at 11 o'clock, A.M.) to answer a charge which will then and there be preferred against you of insubordination and *insolence* to a Magistrate on the night of the 12th instant.

To Mr. Witts,
Chief Constable, Bombala.

I remain, &c.,
THOMAS FOX,
C. P. S.

Bombala Police Office,
19 April, 1859.

Before John Nicholson, Esq., J.P., H. H. Massie, Esq., J.P., Jno. Campbell, Esq., J.P., C. H. Baddeley, Esq., J.P.

Alfred Wits, Chief Constable of the Police District of Bombala, appears to answer a charge preferred against him of neglect and violation of his duty in his office, on the night of the 12th instant, at Bombala.

(Defendant pleads not guilty.)

George Hebdon, Esquire, being duly sworn upon his oath, saith:—I am a Magistrate for this Territory; I usually reside at Maharatta, in the Police District of Bombala: Mr. Wits is the chief constable of this district; there was a performance at Ashton's Circus, on the 12th inst., for the benefit of the Bombala Church Building Fund; I do know Mr. Lawrence the Postmaster here; I believe he is Secretary or Treasurer, or both, to the Church Building Fund; he told me he was acting as doorkeeper or money-taker, or both, on that night; I was present at the circus on that evening; my interference as a Magistrate was on that evening called for by Mr. Lawrence; Mr. Lawrence complained that the chief constable had taken two persons into the circus, and that they refused to pay for admission or to leave; I told him that his proper course in such a case was to give them in charge to a constable to be removed; in a short time he came and told me that the constables had declined to take and remove them, because they were taken in by the chief constable; I then had the constable called to me, and told him that if Mr. Lawrence pointed out any persons in the circus who refused to pay for admission, he was to request them to retire, and if they did not do so he was to remove them; just before giving this order I sent for Mr. Ashton, the proprietor of the circus; I asked him if he had given any persons permission to enter the circus without payment; he said, "Certainly not; that constables were privileged to go in without payment;" I asked him whether that privilege extended to constables' families, and he said, "Certainly not;" after giving the order to Zoellner, I followed him to the place where those persons were sitting; one of them, a man, retired, I don't know his name; the other was a female, whom I have since heard was Mr. Wits's daughter, but I did not then know her; as soon as the constable approached, Mr. Wits came forward in a very violent manner and told her not to move, and repeated several times, "Don't go, let him (meaning the constable) drag you out; I want him to touch you—that will be an assault;" and turning round he said, in substance, "That was just what he expected from me;" his manner was very violent to me; when the constable laid his hand on this person, after waiting some time for her to go out, the chief constable said, "That'll do—that's an assault—now I'll pay."

Cross-examined by Defendant:—I don't know what arrangement was made that night (the 12th instant) for the distribution of the proceeds of the circus with Mr. Ashton; I understood that the proceeds were to be for the benefit of the Church Fund; I did not hear you say at the first outset that you had Mr. Ashton's permission to take your family on that night into the circus; you did not tell me you were in by Ashton's permission, when the constables apprehended your daughter; you did not warn me that the arrest of your daughter was an illegal one, at least I did not hear you do so; when the complaint was first made to me of persons being admitted into the circus, I was in company with several other gentlemen; there were several other gentlemen then present who are in the Commission of the Peace.

By the Bench:—I gave no orders to any person to apprehend any person found in the circus without payment, but I advised him to remove any such person; I do not know that I threatened a constable with dismissal for refusing to remove any person pointed out to him by me, but when the chief constable interfered in the matter, I did say to a constable, "You are to obey my orders, and not those of the chief constable;" I might have said, "or I will dismiss you," but I don't remember saying so.

GEORGE HEBDEN.

Taken and sworn, &c., &c.—

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

John Richard Lawrence, being duly sworn, upon his oath saith:—I am Postmaster at Bombala. I am Secretary of the Bombala Church Building Fund; on Tuesday Mr. Ashton gave a benefit at his circus towards the Bombala Church Building Fund; public notice to that effect was posted on the Post Office; Mr. Ashton at first offered the whole proceeds, but subsequently arrangements were made by myself and others that half the proceeds should be given to the church fund, and he should retain the other half; on that night I acted, with Mr. Ashton's authority, as money and ticket taker; Mr. Ashton said expressly that he should issue no tickets himself, but requested me to sell the tickets at the door; I know Mr. Hebdon, as a Magistrate of this District; on that night I did call for Mr. Hebdon's interference as a Magistrate; before I called for Mr. Hebdon's interference, Mr. Wits, with his daughter on his arm, and, I believe, his nephew, came into the circus, and said to me and Mr. Ashton "privileged," and passed on; I immediately turned to Mr. Ashton, and said to him, "I thought there was no privilege on a benefit night;" he said, "No more there is, but we allow the constables in;" I said, "Not as spectators without paying, and also his family ought to pay;" and he said, "Of course they ought." I then said, "Well, you make them pay;" and he said he had nothing to do with it, as I was selling the tickets and taking the money. I immediately went to Mr. Wits, and asked

asked him to pay for his daughter and nephew; he asked me, "what I had to do with it?" I told him, and he then said, "he knew who I was and all about it." I then went to Mr. Ashton, and told him what had occurred, and said "that if Mr. Witts was not made to pay for the two persons he had taken in with him, that I would have nothing to do with it;" I then went out for the express purpose of consulting Mr. Hebden, as a Magistrate, but seeing Mr. Hebden I detailed to him what had occurred, and said, that if Mr. Witts were not made to pay for these two persons, that I would have nothing more to do with it. Mr. Hebden then told me to go to Mr. Witts again; I went, and asked him to pay for these two persons; he told me that the lights were not yet lit, and also said, "he knew who I was;" and I said then, "If you don't pay, I shall find means to make you;" according to Mr. Hebden's directions I went to look for Constable Zoellner, but at the door of the hut I met Mr. Hebden, who asked for Mr. Ashton; I went and brought him; Mr. Hebden then asked Ashton if the constables and their families had his permission to go in without paying; Mr. Ashton said, "he generally allowed the constables in, but not their families without paying, particularly on a benefit night;" Mr. Hebden then gave me orders to tell Zoellner the constable to take them in charge, or put them out if they would not pay—I mean the two persons in mention; I told Zoellner to do so, and Zoellner went to them; I heard Mr. Witts tell his daughter to sit still and not to move, I then heard Mr. Witts say, "Assault—that'll do; I'll pay the money;" Mr. Witts after this came and paid five shillings to me, but Bowtell the constable had previously paid me six shillings for Mr. Witts' daughter; I told this to Mr. Witts, who said in an off hand manner "There's the money, keep it, I shan't take it back;" the principal part of the audience were in at the latter part of this discussion; the words and demeanour of Mr. Witts on this occasion during the discussion, were the reverse of proper and respectful, his language was loud; the other person afterwards came in, paid me six shillings later in the evening.

By Defendant: I did not see Mr. Ashton escort you into the circus, as I was between Mr. Ashton and the door; I do not think he could have done so, there were two or three persons, or perhaps half-a-dozen in the circus at this time; I do not remember your saying that you were in with Mr. Ashton's authority; you did say you had a higher power in being there than me; I don't remember Mr. Ashton saying "How can I turn those persons out when I have invited them in?" Mr. Ashton did not say "Rather than have any bother about it you will have to pay me some money, and you can deduct it from me;" I did not say to Mr. Ashton "that I would make Witts pay the money out of his own pocket;" when the Magistrate gave the orders for these persons' apprehension, you did caution the Magistrate that he was committing an illegal act; I don't remember your saying that your daughter had as good a right to be there as Mr. Hebden himself.

JOHN RICHD. LAWRENCE.

Taken &c., &c.—

JNO. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

*Constable August Zoellner, being sworn, upon his oath saith:—*I am a constable of police at Bombala; I was on duty at Ashton's Circus on the night of the 12th instant; I know Mr. Lawrence as Postmaster at Bombala; he did act as money-taker on that night at the circus; he did in the course of that night tell me there were some persons in the circus who had not paid for admission; he did ask me to remove them; he asked me to remove Mr. Witts' daughter and his nephew, John Ford; I told him the chief constable was about, and I did not like to interfere while he was so; afterwards Mr. Hebden himself came to me and ordered me either to make these two persons pay or to turn them out; I told Mr. Hebden I did not like to interfere, as Mr. Witts was there, and Mr. Hebden said, "You must obey my orders;" I then went to these persons, and told young Ford either to pay or to go out, and he went out, but the girl stopped; the girl did not at the time offer to pay; Mr. Witts was present, and told the girl to stop where she was; I reported what had taken place to Mr. Hebden, who said I must go and remove these persons, or make them pay, or *else I should be dismissed myself; I then went again and caught hold of the girl to put her out, when the girl said she would neither pay nor go out; when a Mrs. Funnell paid Constable Bowtell 6s. for her, I then let her go; Mr. Witts said to his daughter, "You keep your place; don't move;" Mr. Hebden was also there; I heard Mr. Hebden say to Mr. Witts, "that he would dismiss him if he did not mind," when Mr. Witts said "I know sir, you have got a great love for me;" Mr. Witts' manner was violent, and his talk was loud; he defied anyone to touch the girl, and he would give them law for it; I was bothered, and don't know what Mr. Witts had said to Mr. Hebden before he threatened to dismiss him (Mr. Witts.)*

*By Defendant:—*I heard Mr. Ashton say it was customary for constables' families to go in free; I took my own wife, and he refused to take payment for her; he has at different times returned the money to you; under such circumstances you did, from the first, say "You had Mr. Ashton's authority "for the girl to be there, and that, under such circumstances, whoever apprehended the girl would act "illegal; and I was to be careful I had a Magistrate's order."

*By the Bench:—*I did not hear Mr. Ashton on that particular night give permission for the free admission of Mr. Witts' family, and I did not tell Mr. Hebden that Mr. Witts had such permission.

AUGUST ZOELLNER.

Taken, &c., &c.—

H. H. MASSIE, J.P., &c.

*Wilbraham Edwards, being duly sworn, upon his oath saith:—*I reside at Captain Campbell's station at Bombala; I was present at a performance at Ashton's Circus on the 12th instant; I heard some discussion that evening as to the admission of some persons into the circus that night; I heard Mr. Hebden ask Ashton whether he had given permission to certain persons to go in without payment; Mr. Hebden did ask Ashton whether it was customary to allow constables' families to go in without payment, when Ashton said "it was customary for constables to go in, but not their families;" afterwards I did see a person, whom I believe to be Mr. Witts' daughter, about to be removed for not paying; Mr. Hebden was present when this person was about being removed; I heard Mr. Hebden tell Constable Zoellner to remove Mr. Witts' daughter, when Mr. Witts told her not to go, to let them drag her out, and if they laid hands on her that was an assault, or words to that effect; I also heard Mr. Witts say to Mr. Hebden, "I am perfectly aware of your goodwill towards me"; Mr. Witts' manner was the reverse of being respectful and proper—rather violent than otherwise; Mr. Witts desired his daughter not to go, in direct contradiction to Mr. Hebden's order to remove her.

*By Defendant:—*The question was a general one, as to the admission of constables' wives and families, which Mr. Hebden addressed to Ashton, as far as I know; I heard Ashton say, in effect, that constables and chief constables were admitted free, but certainly not their wives and families; the conversation that I first heard between Mr. Hebden and Ashton was outside the tent; I believe I heard you say that you were in with Ashton's permission, but I heard nothing about Mr. Witts' family.

By

SELECT COMMITTEE ON THE PETITION OF ALFRED WITTS.

7

By the Bench:—When I said that the question was a general one, as to the admission of constables wives and families, I mean that he (Ashton) said—such was the general rule—that the families were not allowed to enter without payment; I understood that the discussion arose out of the discussion going on about persons being present without payment.

WILBRAHAM EDWARDS.

Taken, &c., &c.,

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

William Shelley, being duly sworn, upon his oath saith:—I am a grazier by business, and usually reside at Bong Bong; I was present at a performance at Ashton's Circus on the 12th instant; before the performance I did hear a discussion outside the circus; Ashton, who had been called by Mr. Hebden's request, was present; I did hear Mr. Hebden ask Ashton whether the constables had his permission to take their families in on that particular night, and Ashton said, "Certainly not, but constables were privileged to go in for protection, not their families"; there was a discussion in the circus afterwards; Mr. Hebden ordered a constable to remove a female, for being there without payment; Mr. Witts said to the person ordered to go out, "Don't go—let them drag you out"; when the constables went to remove this person, Mr. Witts said, "An assault was committed—that would do"; Mr. Witts's manner was very boisterous; his manner appeared to be anything but proper or respectful.

By Defendant:—I believe the person ordered to be removed to be your daughter.

W. SHELLEY.

Taken, &c., &c.,—

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

FOR THE DEFENCE.

Defendant hands in a written document, endorsed A, which is hereto annexed, the said document being read aloud by the Clerk of the Bench.

Charles Bowtell, being duly sworn, &c., saith:—I am a constable of police at Bombala; it was customary to admit constables' wives and families into Ashton's Circus; I have tendered money for my wife, which has been returned to me by Ashton himself; I did not hear Ashton himself tell you to take your family into the circus that night.

By the Bench:—I did not take my wife to the circus that night; I did know that was a benefit night; I was offered a ticket by Mr. Fox, who offered to treat my wife, but she did not go as she was ill.

CHARLES BOWTELL.

Taken and sworn, &c.,—

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

(A.)

Bombala Police Office,
Tuesday, 19 April, 1859.

G. HEBDEN, ESQ., J.P., v. ALFRED WITTS, Chief Constable.

DEFENCE.

Alfred Witts, chief constable, of Bombala, states in his defence:—I consider that from the first to this moment the conduct of the plaintiff is illegal; Mr. Hebden, as a Justice, had not any right to interfere in the matter; my family was in the circus by the consent of the owner Mr. — Ashton, and therefore had as much right to be there as Mr. Hebden himself or any one else.

ALFRED WITTS,
Chief Constable.

Signature of Alfred Witts, acknowledged before me,—
H. H. MASSIE, J.P.

Defendant applies for an adjournment until the return to Bombala of Mr. Ashton, on the grounds that his (Ashton's) evidence has a bearing in his favour.—Application refused.

Defendant is found guilty of the charge preferred against him, and is ordered to be dismissed forthwith.

J. NICHOLSON, J.P.
H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

The foregoing are certified to be true copies by
THOMAS FOX,
C. P. S., Bombala.

Mr.

Mr. George Heritage called in and examined :—

Mr. George
Heritage.

2 Oct., 1862.

132. *By the Chairman:* You reside at Bombala? Yes.
133. And are a storekeeper there? Yes.
134. Do you know anything of the circumstances connected with his dismissal from the office of chief constable there? Yes, I was in the theatre at the time it occurred, with Mr. Hebden.
135. State what you know about those circumstances? I remember Mr. Ashton, the proprietor of the circus, inviting Mr. Witts to bring his family there.
136. This was before the performance commenced? About three nights before. He invited them for this special night as being the last performance there, and Mr. Witts of course brought them there.
137. Were you in the circus when Mr. Witts' daughter entered it? Yes.
138. Who brought Miss Witts in? I think Mr. Witts brought her in, for I remember hearing him say he claimed the privilege, or something of that kind.
139. Did you give evidence in the District Court in this case? No, I was at Cooma at the time, and was subpoenaed, but did not give evidence.
140. Do you know anything of the practice of the Magistrates as to sitting on the Bench? No, I do not know much about the Bench; it is a matter I have not much to do with. I know that some Magistrates sat on Mr. Witts' case who had not sat for a long time before. I know that, for it was very much remarked upon at the time that they came in to decide upon that case.
141. Were you residing in Bombala at the time Mr. Witts applied for re-appointment as chief constable some two years after? Yes.
142. Had you been residing in Bombala during the interval, from the time of this matter connected with the circus? I was away about six months at Kiandra. That was at the time I was subpoenaed from Cooma. I have been residing at Bombala the last four years.
143. During the interval of two years to which I have referred, were Mr. Nicholson, Mr. Massie, Dr. Campbell, and Mr. Baddeley regular attendants at the Bench? I could not be certain, but from what I can recollect they had not attended for some time previously—the Magistrates that sat, at least two of them, Mr. Hebden and another.
144. Was Mr. Hebden one of the Magistrates who sat and decided upon the application of Mr. Witts for the situation? I will not be certain.
145. His application was refused at that time? Yes.
146. Are you any relative of Mr. Witts? No relative whatever.
147. While he held the office of chief constable was any dissatisfaction expressed by the public as to the way in which he discharged his duty? I never heard any while I have been in Bombala; had there been I should have heard it no doubt.
148. *By Mr. Leary:* Who was at the entrance of the circus when Mr. Witts took his daughter in? I was.
149. Who was taking money? I was.
150. For Mr. Ashton? No; it was on behalf of the Church Building Fund. I think Mr. Ashton was to receive half the proceeds, but I cannot say positively, for it is now so long since that I almost forget the circumstances.
151. Did you tell Mr. Witts to go on when he made the remark that he was privileged, or did you demand the money for his daughter? I almost forget—I know I called the attention of one of the Committee at the time to the fact of Mr. Witts' walking in; I do not think I remonstrated at all, for I recollected Mr. Ashton giving him permission.
152. For his daughter? Yes, I also recollect Mr. Ashton, when I think it was Mr. Lawrence made so much fuss about it; he spoke to Mr. Hebden, who was —
153. Who was Mr. Lawrence? He was appointed money-taker for the night; but having his post office dues to attend to, I took his place for an hour or so.
154. Were you present when Mr. Hebden spoke to Mr. Ashton and asked him whether he had given permission to Miss Witts to be there without paying? Yes.
155. What did Mr. Ashton say? He told Mr. Hebden that he had given Mr. Witts permission.
156. Are you aware that when the charge against Mr. Witts was investigated that certain persons gave evidence that Mr. Ashton informed Mr. Hebden that he had given no such permission to Mr. Witts' family to go in without paying? No, I am not aware. I was in the theatre at the time Mr. Ashton gave him permission and asked him to come that night; as nearly as I can recollect it was about three nights before that.
157. *By Mr. Harpur:* You heard Mr. Ashton give Mr. Witts permission to go and to take his family? Yes, any members of his family.
158. You also heard Mr. Ashton tell Mr. Hebden that he had done so? Yes.
159. That was in the circus? Yes.
160. Was that after the removal of Mr. Witts' daughter, or previously? I could not say positively whether it was before or after.
161. You cannot say whether Mr. Hebden persisted in having Mr. Witts' daughter removed, notwithstanding that Mr. Ashton had told him he had given permission—Ashton had a right to give this permission, seeing that he was to have half the proceeds? Yes, I know that Mr. Ashton came and offered money to me for her when Mr. Hebden said she had no right there.
162. There were several Magistrates attended the Bench when Mr. Witts was dismissed who had not attended for many months previously? Yes, if I remember rightly.
163. Nor for several months subsequently? Yes.
164. What was the general opinion of people with reference to the Magistrates coming on that particular

particular occasion—was it supposed that they came for the purpose of dismissing Mr. Witts? Yes, that was the impression at the time.

165. You do not think that was an impression calculated to strengthen the confidence of the public in the administration of justice or in the conduct of the Magistrates? No.

166. Is it a thing that has often come under your observation, that Magistrates attend the Benches in the country to carry out their own personal objects, or it may be to gratify a personal revenge? This is the only case I have known.

167. What is the general opinion of the public at large, as to such conduct—do they not think it very dishonest and ungentlemanly? Yes, I imagine the public at large would think so.

168. *By the Chairman*: Do you know whether Mr. Massie attends Bench duties now? I think Mr. Massie is in England; I am not sure.

169. How long is it since he left the Colony? About nine or twelve months. I know he left Bombala to go to England; whether he went or not I am not certain. I heard at one time that he was in Queensland, and then I heard it contradicted.

170. How long did he remain in the district after Mr. Witts was dismissed—after April, 1859? I suppose he remained till about twelve months back.

171. From April, 1859, until twelve months back, did he attend to the duties of the Bench? I think not.

172. Do either of the Messrs. Campbell attend to the Bench duties regularly now? Neither of them, that I am aware of; I do not think they have attended these two years.

173. Are they both residing in the district? Yes, they are both living on the station.

174. *By Mr. Harpur*: Some two years after the dismissal of Mr. Witts a vacancy occurred in the situation of chief constable? Yes.

175. Mr. Witts, you are aware, made an application for this situation? Yes.

176. Did those Magistrates who dismissed him attend to decide upon his or upon other applications? I am not aware of the circumstances; I remember perfectly well Mr. Witts making an application for the office.

177. *By Mr. Leary*: Do you know Mr. Hebden? I have known him only from his coming into my store.

178. What is his general character? His general character is that he is a shrewd sharp man.

179. Is he considered an honorable man? Yes, a very honorable man in all his transactions.

180. *By Mr. Harpur*: A very proud man? Yes, a very austere man.

181. *By Mr. Leary*: What do you mean by a proud man? Austere, imperious, treating inferiors with contempt.

182. Did he ever treat you with contempt? Yes.

183. Perhaps it would be as well to explain what you mean? I can hardly describe it, but I know what my feelings have been.

184. *By Mr. Harpur*: When a man walks by you like a turkey cock you think he treats you with contempt? Yes.

THURSDAY, 23 OCTOBER, 1862.

Present:—

MR. DANGAR,
MR. HARPUR,

MR. LEARY,
MR. SADLEIR,

MR. TERRY.

THOMAS GARRETT, ESQ., IN THE CHAIR.

W. Elyard, Esq., called in and examined:—

185. *By the Chairman*: This Committee has been appointed to inquire into the allegations contained in the Petition of Mr. Alfred Witts, and we have summoned you to see if you can give us any information relative to the removal of Mr. Witts from his office of Chief Constable at Bombala, in April, 1859;—you are Under Secretary in the Colonial Secretary's Department? I am.

186. Have you the copies of any letters written by the Bombala Bench to your office, and from your office to that Bench, relative to the complaints alleged against Mr. Witts, or to his dismissal from office? Yes; I produce copies which I have had made of several letters written in the case, from the Colonial Secretary's Office, which I think will explain the grounds of his removal from office, as well as the reasons for the decision of the Government upon Mr. Witts' appeal against the sentence of the Bench. It will be observed that, in the explanation obtained from the Magistrates in consequence of that appeal, other matters of complaint against him were stated besides those which formed the immediate ground of his dismissal. (*Correspondence produced and read. Vide Appendix.*)

187. I see, from this correspondence, that Mr. Witts' resignation of office in 1861 was prior to the issue of the Proclamation of the Governor declaring that all persons resigning their situations would be deprived of all benefit from their length of service? This was a notice to persons in the public service, that any who resigned in the emergency arising from the discovery of gold would be considered ineligible to serve again; but it is the rule of the service, that any officer voluntarily resigning his situation gives up all claim he may then have for a retiring pension. The notice referred to was intended chiefly as a warning to officers

W. Elyard, Esq., officers of the Government, that if they resigned to go to the gold fields they would not be again employed.

23 Oct., 1862. 188. Have you any correspondence bearing upon the subsequent application of Mr. Witts for the office of Chief Constable at Bombala, when that situation became vacant some time after his dismissal? Not that I am aware of.

189. Nor any application from him for other appointments in the Government? With the exception of what was made in his memorials, referred to in the letters to Mr. Witts, of the 23rd September, 1859, and the 10th May, 1860, I do not know that there was; his representations were chiefly with reference to his removal and the retention of salary for the time he was suspended.

190. *By Mr. Sadleir*: It appears from one of the letters from Mr. Cowper that you have read, that he states that he saw no objection to appointing Mr. Witts to a similar office elsewhere;—what is the reason that he has not been so appointed? I cannot say. The appointments to the police were, until recently, vested in the Magistrates of the districts.

191. Has Mr. Witts made application for any other appointment? I believe not, with the exceptions before mentioned. His object seems to have been rather to get reinstated at Bombala, or some of the Magistrates appear to have desired this.

192. *By Mr. Harpur*: Mr. Baddeley was one of the Magistrates who sat in Mr. Witts' case, and he appears to have concurred in the decision of the Bench to dismiss Mr. Witts? Yes, it appears so; his name is appended to the decision.

APPENDIX.

(1.)

Bombala Police Office,
16 March, 1859.

Sir,

We do ourselves the honor to draw your attention to the following facts:—

On the 16th February last, Mrs. Anne Summerill, of Bombala, appeared in the Police Office at this place, during the sitting of the Justices assembled in Petty Sessions, and preferred a charge against the bailiff of the local Court of Requests, in which she stated that certain shingles were her property, and that John Summerill had got possession of them, and they were now in Bombala. She had (it appears) given information of these shingles, to the effect that the bailiff should attach them under a writ of execution issued in her husband's favour, *in re* "George Summerill v. John Summerill."

Mrs. Summerill was so violent and insolent in the Court, while preferring her complaint, that we, considering it a frivolous case, dismissed it forthwith.

This day the gentlemen named in the margin, who have not acted magisterially for some five months since, took their seats on the Bench first, yesterday, in our absence, and opened above case again; and to-day they also pursued a similar course of conduct, and persisted in re-hearing the charge preferred against Mr. Witts.

After protesting against such proceedings as being ungentlemanly and illegal, we retired from the Bench. The evidence subsequently taken at the further investigation is enclosed for your perusal, together with the decision appended thereto.

The gentlemen named declined to join in adjudicating in the twelve other cases before the Court, stating (through Mr. Hebden) that they merely came to see justice done in the matter alluded to, and that we would be ashamed afterwards for not taking the matter up again.

We also beg to add, that Mr. Hebden is the employer, and has been so for the last four years, of George Summerill and his wife Anne—the plaintiffs in this matter.

We have, &c.,

C. H. BADDELEY, J.P.
P. J. MURRAY, P.M.

The Honorable
The Colonial Secretary,
Sydney.

EXTRACT FROM MINUTE BOOK.

Bombala Police Office,
16 March, 1859.

Summerill v. Witts.

Before George Hebden, Esq., J.P., J. B. Campbell, Esq., J.P., and H. Nicholson, Esq., J.P.

Anne Summerill, being duly sworn, upon her oath maketh complaint as follows:—I am the wife of George Summerill, of Maharatta, and appear before this Court on his behalf; on the 12th October last my husband had a verdict awarded him, in a case tried in the Bombala Small Debts Court, for £10, against John Summerill; John Summerill did not pay me the £10, or any part of it; I applied for an execution in the case, and obtained it; I told Mr. Witts of some shingles in Charles Kyle's yard; Mr. Witts levied on these shingles in my husband's name, and sold them; I never got any money from Mr. Witts since; I gave Mr. Witts £1; this was to pay 4s. 6d. for going out to Mr. Boucher's, with the intention of levying on John Summerill's property, when he said he had nothing but his blankets, which were not worth taking.

hcr
ANNE x SUMMERILL.
mark.

Taken and sworn, &c., &c., &c.

Defendant, *Alfred Witts*, examined:—

By the Bench: Did you seize and sell certain shingles in virtue of the writ of execution now produced? I did.

What did you sell them for? First to Anne Summerill, for £6 10s., who refused to acknowledge the purchase. Tait afterwards bought them for £6 12s. 6d.

What did you do with the money realized at the sale? I did not receive one farthing.

Did you then leave the shingles?

Did you deliver the shingles to Tait? No.

Under what authority did you seize those shingles? By authority of the execution.

Alfred

Alfred Witts further states in explanation:—I did not receive any money, for the following reason:—Mr. Kyle had a claim for carriage, I think £2 10s., and would not let them go till his carriage was paid; Tait put in a protest that they had become his property, for work and labour done, and Summerill said he had parted with possession to Tait, and that they were no longer his property—I mean John Summerill's property; this, added to the fact that they were George Summerill's property, her husband, and she was a fool for buying them, this created in my mind so much uneasiness as to the identity of the property, that I hardly knew what to do. Mrs. Anne Summerill first set me going on those shingles; I afterwards learnt that she had been to a Justice to obtain criminal proceedings against for stealing these shingles, which were her husband's property, and she afterwards *did* claim them at the sale as her husband's property.

By the Bench: Did you state that you had not received any money for the shingles sold, because you believed them to be Tait's property, and because he gave you written claim on them? I did state so.

Thomas Fox, being duly sworn, upon his oath saith:—I am Clerk of Petty Sessions at Bombala; there is no written record in my possession of any charge preferred by George Summerill against Mr. Witts touching this matter.

THOMAS FOX.

Taken and sworn, &c., &c., &c.

Alfred Witts, as Bailiff of the Court of Requests, is ordered to pay into Court the sum of £6 12s. 6d., as the amount realized by sale of the property levied on, and all claims to or protests against the same are to be proven in Court, under the provisions of the Act of Council 10 Victoria, No. 10.

True copies,—
THOMAS FOX,
C.P.S.

GEORGE HEBDEN, J.P.
J. B. CAMPBELL, J.P.
H. NICHOLSON, J.P.

(2.)

*Colonial Secretary's Office,
Sydney, 9 April, 1859.*

Sir,

In transmitting to you the accompanying copy of a letter from the Bench of Magistrates, Bombala, complaining of the proceedings of yourself and certain other Magistrates in the case of *Summerill v. Witts*, I am directed to inquire whether the statements therein made are correct, and to inform you, that the Colonial Secretary is desirous of receiving any explanation of the circumstances that you may wish to offer.

I have, &c.,
W. ELYARD.

J. B. Campbell, Esq., J.P.,
Bombala.

Similar letters addressed to H. Nicholson, Esq., J.P., George Hebden, Esq., J.P., Bombala.

(3.)

*Bombala,
20 April, 1859.*

Sir,

We have the honor to acknowledge the receipt of your letter of the 9th instant, enclosing copy of a letter from the Bench of Magistrates, Bombala, complaining of our proceedings in the case of *Summerill v. Witts*.

As neither the letter in question, nor the depositions themselves, which have been taken in a loose and incomplete manner, disclose the real nature of the proceedings referred to, we beg to give a detailed account of the matter in question.

The case calling for our decision was not a matter of complaint on the part of *Summerill v. Witts*, but was a charge entertained against the chief constable, for neglect and violation of his duty, in his capacity of bailiff of the local Court of Requests, in which Ann Summerill was a material witness.

From the evidence adduced, and admission of the chief constable himself, and as shown by his own indorsement on the precept hereunto annexed, together with the bill of sales, it appears that he seized and levied upon a certain quantity of shingles, which were sold by him on the 31st January last, for the sum of £6 12s. 6d., in satisfaction of the amount of judgment and costs in the matter of *Summerill v. Summerill*, awarded by the Court on the 12th of October, 1858.

He did not pay this sum, nor any part thereof, into the Court of which he was bailiff, as directed by the precept in virtue of which the levy and sale were made; but he gave up the proceeds of such sale in satisfaction of alleged claims made upon the goods sold, by persons not being parties against whom process had issued.

This was done on his own responsibility, and in direct contravention of the rules laid down in the xxxiv 10 Vic., No. 10, for the guidance of bailiffs in charge of goods under execution.

These rules are so clear and precise, that a disregard of them can only proceed from corruption or the most wilful and culpable negligence.

The circumstances, as thus detailed, having been proved to our satisfaction, we made an order that the chief constable should pay into the Court of which he was bailiff, the sum of £6 12s. 6d., being the amount of sale effected by him in virtue of a writ of execution, leaving him to recover in the ordinary way that amount from those whose claims he had illegally satisfied.

This order has not been complied with.

We have next a few observations to offer, relative to certain statements made by Mr. Murray and Mr. Baddeley, in the letter referred to.

These gentlemen would infer that the case in which we adjudicated *had been heard before them*, and dismissed as frivolous.

That the case was very summarily dismissed we have every reason to believe; that it was heard and adjudicated upon by them, we beg emphatically to deny. It is clear that they refused even to entertain a complaint involving a charge of corruption or culpable neglect of duty on the part of the chief constable, for no evidence was taken, nor is there any record in the Police Office of their having taken action in the matter at all.

Their charge, therefore, of our having re-heard a case entertained and dismissed by them, is not true, and is opposed to the facts disclosed.

Their

Their remarks about our proceedings being "ungentlemanly" and "illegal," we are disposed to pass over without much comment. It may be that we entertain grave doubts ourselves how far Mr. Murray and Mr. Baddeley are qualified to decide what is either legal or becoming.

The concluding paragraph of their letter contains a most unworthy imputation, that we cannot allow to pass unnoticed. Anne Summerill is the wife of a man in the employment of Mr. Hebden, and incidentally was a material witness in a charge against the chief constable, in which it cannot for one moment be presumed that Mr. Hebden was either directly or indirectly interested.

We have, &c.,

The Honorable
The Colonial Secretary,
Sydney.

J. B. CAMPBELL, J.P.
GEORGE HEBDEN, J.P.
H. NICHOLSON, J.P.

(4.)

Police Office, Bombala,
22 April, 1859.

Sir,

We have the honor herewith to transmit the depositions taken before us on the 19th instant, in the case of Mr. Alfred Witts, charged with a violation of his duty in his capacity as chief constable, on the night of the 12th instant, with the view of the same being laid before His Excellency the Governor General, in order that our decision in the case referred to may be confirmed.

2. We are of opinion that the misconduct of the chief constable complained of is sufficiently shown by the evidence adduced, without further explanation from us; it may, however, be desirable to offer a few observations relative to our refusing to comply with Mr. Witts' request to have the case postponed for the evidence of Mr. Ashton.

3. We declined to comply with Mr. Witts' application for a postponement, because we were of opinion that, even in the event of our being able to procure in a reasonable time the attendance of Mr. Ashton, who had left the district, his evidence was immaterial.

4. The misconduct complained of was, that Mr. Witts took advantage of his position as chief constable to introduce certain persons into a place of public amusement without payment of the admission fee, and then violently and insolently resisted the authority of a Magistrate appealed to by parties entitled to call for his interference.

5. Not only had Mr. Ashton, the proprietor of the circus, delegated his authority on the night in question to another, but on being appealed to whether on that particular occasion he had authorized the admission of the parties complained of, without payment, he distinctly and repeatedly replied that he had not.

6. The evidence of all the witnesses examined on this point is conclusive.

7. In addition to the evidence taken, many other gentlemen who were present on the occasion volunteered their testimony in support of the charge of misconduct against the chief constable; but it was declined, because it was believed to be unnecessary.

8. Had this been a solitary instance of misconduct, the offence, though fully proved, might have been visited with a less severe sentence than that of dismissal; but we have to record it as our deliberate opinion, that for some time past the conduct of Mr. Witts has been anything but satisfactory, and that his unfitness for the office he holds has become a frequent and growing matter of complaint.

We have, &c.,

The Honorable,
The Colonial Secretary.

H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
J. NICHOLSON, J.P.
C. H. BADDELEY, J.P.

Bombala Police Office,
19 April, 1859.

Before John Nicholson, Esq., J.P.; H. H. Massie, Esq., J.P.; Jno. Campbell, Esq., J.P.; C. H. Baddeley, Esq., J.P.

Alfred Witts, Chief Constable for the Police District of Bombala, appears to answer a charge preferred against him of neglect and violation of his duty in his office, on the night of the 12th instant, at Bombala.

(Defendant pleads not guilty.)

George Hebden, Esq., being duly sworn, upon his oath saith:—I am a Magistrate for this Territory; I usually reside at Maharatta, in the Police District of Bombala; Mr. Witts is the chief constable for this district; there was a performance at Ashton's Circus, on the 12th instant, for the benefit of the Bombala Church Building Fund; I do know Mr. Lawrence, the postmaster here; I believe he is either Secretary or Treasurer, or both, to the Church Building Fund; he told me he was acting as door-keeper or money-taker on that night; I was present at the circus on that evening; my interference as a Magistrate was on that night called for by Mr. Lawrence; Mr. Lawrence complained that the chief constable had taken two persons into the circus, and that they refused to pay for admission, or to leave; I told him that his proper course in such a case was to give them in charge to a constable to be removed; in a short time he came and told me that the constables had declined to take and remove them, because they were taken in by the chief constable; I then had the constable called to me, and told him that if Mr. Lawrence pointed out any persons in the circus who refused to pay for admission, he was to request them to retire, and if they did not do so he was to remove them; just before giving this order to the constable I sent for Mr. Ashton, the proprietor of the circus; I asked him whether he had given any persons permission to enter the circus without payment; he said "Certainly not," that constables were privileged to go in without payment; and I asked him whether that privilege extended to constables' families, and he said "Certainly not;" after giving the order to Zoellner, I followed him to the place where those persons were sitting; one of them, a man, retired—I don't know his name; the other was a female, whom I have since heard was Mr. Witts' daughter, but I did not then know her; as soon as the constable approached, Mr. Witts came forward, in a very violent manner, and told her not to move, and repeated several times "Don't go—let him (meaning the constable) drag you out; I want him to touch you—that will be an assault;" and turning round he said, in substance, "That was just what he expected from me;" his manner was very insolent to me when the constable laid his hand on this person, after waiting some time for her to go out, the chief constable said, "That'll do—that's an assault—now I'll pay."

Cross-examined by Defendant: I don't know what arrangement was made that night (the 12th instant) for the distribution of the proceeds of the circus with Mr. Ashton; I understood that the proceeds were to be for the benefit of the Church Fund; I did not hear you say at the first onset that you had Mr. Ashton's permission to take your family on that night into the circus; you did not tell me you were in by Ashton's permission; when the constables apprehended your daughter, you did not warn me that the arrest

arrest of your daughter was an illegal one—at least, I did not hear you do so; when the complaint was first made to me, of persons being admitted into the circus, I was in company with several other gentlemen; there were several other gentlemen then present, when this complaint was made, who are in the Commission of the Peace.

By the Bench: I gave no orders to any constable to apprehend any person found in the circus without payment; but I desired him to remove any such person; I do not know that I threatened a constable with dismissal for refusing to remove any person pointed out to him by me; but when the chief constable interfered in the matter, I did say to a constable, "You are to obey my orders, and not those of the chief constable;" I might have said, "or I will dismiss you"—but I don't remember saying so.

GEORGE HEBDEN.

Taken and sworn before us, at Bombala, }
this 19th day of April, 1859. }

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

John Richard Lawrence, being duly sworn, upon his oath saith:—I am postmaster at Bombala; I am Secretary of the Bombala Church Building Fund; on Tuesday Mr. Ashton gave a benefit at his circus towards the Bombala Church Building Fund; public notice to that effect was posted on the Post Office; Mr. Ashton at first offered the whole proceeds, but subsequently arrangements were made by myself and others that half the proceeds should be given to the Church Fund, and he should retain the other half; on that night I acted, with Mr. Ashton's authority, as money and ticket taker; Mr. Ashton said expressly that he would issue no tickets himself, but requested me to sell the tickets at the door; I know Mr. Hebden as a Magistrate of this district; on that night I did call for Mr. Hebden's interference as a Magistrate; before I called for Mr. Hebden's interference, Mr. Witts, with his daughter on his arm, and, I believe, his nephew, came into the circus, and said to me and Mr. Ashton, "*Privileged*," and passed on; I immediately turned to Mr. Ashton, and said to him, "I thought there was no privilege on a benefit night;" he said "No more there is, but we allow the constables in;" I said "Not as spectators, without paying, and also his family ought to pay;" and he said, "Of course they ought;" I then said, "Well, you make them pay;" and he said he had nothing to do with it, as I was selling the tickets and taking the money. I immediately went to Mr. Witts and asked him to pay for his daughter and nephew; he asked me what I had to do with it; I told him, and he then said he knew who I was, and all about it; I then went to Mr. Ashton and told him what had occurred, and said that if Mr. Witts was not made to pay for the two persons he had taken in with him, that I would have nothing more to do with it; I then went out with the express purpose of consulting Mr. Baddeley as a Magistrate, but seeing Mr. Hebden I detailed to him what had occurred, and said that if Mr. Witts was not made to pay for these persons, that I would have nothing more to do with it; Mr. Hebden then told me to go to Mr. Witts again; I went, and asked him to pay for these two persons; he told me that the lights were not yet lit, and also said he knew who I was; and I said then "If you don't pay I shall find means to make you;" according to Mr. Hebden's directions I went to look for Constable Zoellner, but at the door of the tent I met Mr. Hebden, who asked for Mr. Ashton; I went and brought him; Mr. Hebden then asked Ashton if the constables and their families had his permission to go in without paying; Mr. Ashton said he generally allowed the constables in, but not their families without paying, particularly on a benefit night; Mr. Hebden then gave me orders to tell Zoellner, the constable, to take them in charge or put them out if they would not pay—I mean the two persons in mention; I told Zoellner to do so, and Zoellner went to them; I heard Mr. Witts tell his daughter to sit still and not to move; I then heard Mr. Witts say "Assault! that'll do—I'll pay the money." Mr. Witts after this came and paid five shillings to me, but Bowtell, the constable, had previously paid me six shillings for Mr. Witts' daughter; I told this to Mr. Witts, who said in an off-hand manner, "There's the money, keep it, I shan't take it back;" the principal part of the audience were in at the latter part of this discussion; the words and demeanor of Mr. Witts on this occasion, during the discussion, were the reverse of proper and respectful; his language was loud; the other person afterwards came in again, and paid me six shillings later on in the evening.

By Defendant: I did not see Mr. Ashton escort you into the circus, as I was between Mr. Ashton and the door; I do not think he could have done so; there were two or three persons, or perhaps half a dozen in the circus at this time; I do not remember your saying that you were in with Mr. Ashton's authority; you did say you had a higher power in being in there than me; I don't remember Mr. Ashton's saying "How can I turn those persons out when I have invited them in?" Mr. Ashton did not say "Rather than have any bother about it, you will have to pay me some money, and you can deduct it from me;" I did not say to Mr. Ashton that I would make Witts pay the money out of his own pocket; when the Magistrate gave orders for these persons' apprehension you did caution the Magistrate that he was committing an illegal act; I don't remember your saying that your daughter had as good a right to be there as Mr. Hebden himself.

JOHN RD. LAWRENCE.

Taken and sworn before us, at Bombala, }
this 19th day of April, 1859. }

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

Constable August Zoellner, being duly sworn, upon his oath saith:—I am a constable of police at Bombala; I was on duty on the night of the 12th instant, at Ashton's Circus; I know Mr. Lawrence, as Postmaster, at Bombala; he did act as money-taker at the circus on that night; he did, in the course of that night, tell me there were some persons in the circus who had not paid for admission; he did ask me to remove them; he asked me to remove Mr. Witts' daughter, and his nephew, John Ford; I told him the chief constable was about, and I did not like to act while he was so; afterwards Mr. Hebden himself came to me, and ordered me either to make these two persons pay, or else turn them out; I told Mr. Hebden that I did not like to interfere, as Mr. Witts was there, and Mr. Hebden said, "You must obey my orders;" I then went to these persons, and told young Ford either to pay or go out, and he went out, but the girl stopped; the girl did not at the time offer to pay; Mr. Witts was present, and told the girl to stop where she was; I reported what had taken place to Mr. Hebden, who said that I must go and remove these persons or make them pay, or I should be dismissed myself; I then went again and caught hold of the girl to put her out; the girl said she would neither pay nor go out, when a Mrs. Furnell paid Constable Bowtell six shillings for her; I then let her go; Mr. Witts said to his daughter, "You keep your place, don't move;" Mr. Hebden was also there; I heard Mr. Hebden say to

to Mr. Witts, that he would dismiss him if he did not mind, when Mr. Witts said, "I know, sir, you have got a great love for me;" Mr. Witts' manner was violent, and his talk was loud; he defied any one to touch the girl, and he would give them law for it; I was bothered, and do not know what Mr. Witts had said to Mr. Hebden before he threatened to dismiss him (Mr. Witts).

By Defendant: I heard Mr. Ashton say it was customary for constables' families to go in free; I took my own wife, and he refused to take payment for her; he has at different times returned the money to you under such circumstances; you did, from the first, say you had Mr. Ashton's authority for the girl to be there, and that, under such circumstances, whoever apprehended her would act illegal, and that I was to be careful I had a Magistrate's order.

By Bench: I did not hear Mr. Ashton on *that particular night* give permission for the free admission of Mr. Witts' family, and I did not tell Mr. Hebden that Mr. Witts had such permission.

AUGUST ZOELLNER.

Taken and sworn before us, at Bombala, }
this 19th day of April, 1859. }
H. H. MASSIE, J.P.

Wilbraham Edwards, being duly sworn, upon his oath saith:—I reside at Captain Campbell's station, at Bombala; I was present at a performance at Ashton's Circus on the 12th instant; I heard some discussion that evening as to the admission of some persons into the circus that night; I heard Mr. Hebden ask Ashton whether he had given permission to certain persons to go in without payment; Mr. Hebden did ask Ashton whether it was customary to allow constables' families to go in without payment, when Ashton said, "It was customary for constables to go in, but not their families;" afterwards I did see a person, whom I believe to be Mr. Witts' daughter, about to be removed, for not paying; Mr. Hebden was present when this person was about being removed; I heard Mr. Hebden tell Constable Zoellner to remove Mr. Witts' daughter, when Mr. Witts told her not to go, to let them drag her out, and if they laid hands on her that was an assault, or words to that effect; I also heard Mr. Witts say to Mr. Hebden, "I am perfectly aware of your good will towards me;" Mr. Witts' manner was the reverse of being respectful and proper—rather violent than otherwise; Mr. Witts desired his daughter not to go, in direct contradiction to Mr. Hebden's order to remove her.

By Defendant: The question was a general one, as to the admission of constables' wives and families, which Mr. Hebden addressed to Ashton, as far as I know; I heard Ashton say, in effect, that constables and chief constables were admitted free, but certainly not their wives and families; the conversation that I first heard between Mr. Hebden and Ashton was outside the tent; I believe I heard you say that you were in with Ashton's permission, but I heard nothing about "Mr. Witts' family."

By the Bench: When I said that the question was a general one as to the admission of constables' wives and families, I mean that he (Ashton) said, such was the general rule, that the families were not allowed to enter without payment. I understood that the question arose out of the discussion going on about persons being present without payment.

J. WILBRAHAM EDWARDS.

Taken and sworn before us, at Bombala, }
this 19th day of April, 1859. }

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

William Shelley, being duly sworn, upon his oath saith:—I am a grazier by business, and usually reside at Bong Bong; I was present at a performance at Ashton's Circus on the 12th instant; before the commencement of the performance I did hear a discussion outside the circus; Ashton, who had been called by Mr. Hebden's request, was present; I did hear Mr. Hebden ask Ashton whether the constables had his permission to take their families in on that particular night, and Ashton said "Certainly not," but constables were privileged to go in for protection, not their families; there was a discussion in the circus afterwards; Mr. Hebden ordered a constable to remove a female for being there without payment; Mr. Witts said to the person ordered to go out, "Don't go, let them drag you out;" when the constable went to remove this person, Mr. Witts said an assault was committed, that would do; Mr. Witts' manner was very boisterous; his manner appeared to me anything but proper or respectful.

By Defendant: I believe the person ordered to be removed to be your daughter.

WILLIAM SHELLEY.

Taken and sworn before us, at Bombala, }
on the 19th day of April, 1859. }

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

FOR THE DEFENCE.

Defendant hands in a written document, endorsed A, which is hereto annexed, the said document being read aloud by the Clerk of the Bench.

Charles Bowtell, being duly sworn, upon his oath saith:—I am a constable of police at Bombala; it was customary to admit constables' wives and families into Ashton's Circus; I have tendered money for my wife, which has been returned to me by Ashton himself; I did not hear Ashton tell you to take your family into the circus that night.

By Bench: I did not take my wife to the circus on that night; I did know that was a benefit night; I was offered a ticket by Mr. Fox, who offered to treat my wife, but she did not go, as she was ill.

CHARLES BOWTELL.

Taken and sworn before us, at Bombala, }
this 19th day of April, 1859. }

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

(A.)

*Bombala Police Office,
Tuesday, 19 April, 1859.*

G. HEBDEN, ESQ., J.P., v. ALFRED WITTS, Chief Constable.

DEFENCE.

Alfred Witts, Chief Constable of Bombala, states in his defence :—I consider that from the first to this moment the conduct of the plaintiff is illegal ; Mr. Hebden, as a Justice, had not any jurisdiction to interfere in the matter ; my family was in the circus by the consent of the owner Mr. — Ashton, and therefore had as much right to remain there as Mr. Hebden himself or anyone else.

The Worshipful the Bench of Justices
at Bombala.

ALFRED WITTS,
Chief Constable.

Signature of Alfred Witts, acknowledged before me.
H. H. MASSIE, J.P.

Defendant applies for an adjournment until the return to Bombala of Mr. Ashton, on the ground that his (Ashton's) evidence has a bearing in his favour.—Application refused.

Defendant is found guilty of the charge preferred against him, and is ordered to be *dismissed forthwith*.

J. NICHOLSON, J.P.
H. H. MASSIE, J.P.
J. B. CAMPBELL, J.P.
C. H. BADDELEY, J.P.

(5.)

*Colonial Secretary's Office,
Sydney, 2 July, 1859.*

Gentlemen,

I am directed to acknowledge the receipt of your letter of the 22nd April last, reporting that you had dismissed Mr. Witts from the office of chief constable, Bombala, for violation of his duty, and submitting the matter for the confirmation of the Government, and to express the regret of the Colonial Secretary, that some delay, owing to a pressure of other urgent business, has occurred in replying thereto.

2. I am now directed to state, that after fully considering the case, Mr. Cowper cannot perceive in the conduct of the chief constable, on the particular occasion referred to, sufficient grounds for the extreme punishment of dismissal. If, as alleged, this is the first time he has been charged with improper conduct, and if he has been in the office of constable for upwards of sixteen years, and a chief constable for nearly the whole of that time, the punishment would appear to be too severe for the offence.

3. The Colonial Secretary would, however, wish to be informed more specifically of the meaning of the following extract from your communication now under reply, viz. :—

“ Had this been a solitary instance of misconduct, the offence, though fully proved, might have been visited with a less severe sentence than that of dismissal ; but we have to record it as our deliberate opinion, that for some time past the conduct of Mr. Witts has been anything but satisfactory, and that his unfitness for the office he holds has become a frequent and growing matter of complaint.”

4. I am further desired to remark, that the deprivation of office would entail a loss of pension, besides the usual penalties involved in a dismissal from an appointment not having such a boon attached to it ; and to punish so severely for a first offence seems excessively harsh.

I have, &c.,

W. ELYARD.

The Bench of Magistrates,
Bombala.

(6.)

*Colonial Secretary's Office,
Sydney, 15 July, 1859.*

Gentlemen,

With reference to your letter of the 16th March last, respecting the proceedings of Messrs. Hebden, Campbell, and Nicholson, Justices of the Peace, in re-hearing and adjudicating in a case which you state was dismissed by you in February last, I am directed to forward to you the accompanying explanation, which has been received from those gentlemen, on the subject, and to observe that it is apparent that there is some misapprehension regarding some of the facts of the case.

2. The Colonial Secretary, therefore, wishes to receive your further report, as well as that a definite statement should be transmitted to him as to the period of the uninterrupted absence from the Bench of the gentlemen who adjudicated in the complaint against the chief constable, on the 16th March last, and their attendance to act in that case only on that day, and their refusing, as alleged, then to act in any other.

I have, &c.,

W. ELYARD.

C. H. Baddeley, Esq., J.P., and
P. J. Murray, Esq., J.P.,
Bombala.

(7.)

*Police Office, Bombala,
20 July, 1859.*

Sir,

We have to acknowledge the receipt of your letter of 22nd instant, in reply to our communication of 22nd April, relative to the dismissal of Mr. Witts from his office of chief constable for the District of Bombala.

2. We join in the regret expressed by the Colonial Secretary, that so much delay should have occurred in the matter, as it has been productive of much inconvenience, involving loss of the services of a chief constable for a period of nearly three months.

3. We cannot agree with Mr. Cowper that the sentence of dismissal was more severe than was required to meet the justice of the case. Insubordination, insolence of language and demeanor, towards a

a Magistrate publicly appealed to in his official capacity, cannot be considered as constituting a trivial offence in a chief constable, or one lightly to be dealt with.

4. Mr. Cowper is in error when he assumes that the misconduct on the occasion referred to, which led to the dismissal of Mr. Witts, is the only instance of impropriety laid to his charge.

5. We beg to draw the attention of the Colonial Secretary to the annexed copies of letters from the Cooma and Eden Bench of Magistrates, dated 3 April, and 27 September, 1858, respectively, complaining of culpable neglect of duty on the part of Mr. Witts; in reply to which he was unable to offer any satisfactory statement. Other instances might be adduced, but it can hardly have escaped the recollection of Mr. Cowper, as the case afforded matter for a correspondence between this Bench and the Colonial Secretary's Office, that a short time previously to the dismissal of Mr. Witts for insolence and insubordination, an inquiry was made into his conduct in his capacity as Bailiff of the Small Debts Courts, and that it was the opinion of the Justices holding the inquiry that, on that occasion, he had acted with great impropriety, and in direct violation of his duty.

6. We have also to refer the Colonial Secretary to the annexed copy of certain proceedings relative to a gross charge preferred by Mr. Witts against the Clerk of the Bench, for abstracting or repressing a letter from the Government, supposed to be favourable to Mr. Witts—a charge made in the most reckless and insolent manner possible, resting on no foundation whatever, and quite sufficient, in the event of his reinstatement to his office of chief constable, to cause his immediate dismissal.

7. We have further to remark, that Mr. Cowper has been misinformed as to the length of service of Mr. Witts in his capacity as chief and ordinary constable entitling him to a pension. There has been no continuous service of Mr. Witts for the alleged period of sixteen years; that period was interrupted by the voluntary resignation of his office as chief constable for the District of Queanbeyan, to enable him to proceed to the gold fields, thereby forfeiting any advantages that might be attached to previous length of service.

8. We are, therefore, of opinion that no valid reasons have been adduced by Mr. Cowper for reversing our decision relative to the dismissal of Mr. Witts, and have to request that the whole matter may be laid before the Governor General, for the consideration of His Excellency.

We have, &c.,

J. NICHOLSON, J.P.
J. B. CAMPBELL, J.P.
H. H. MASSIE, J.P.

The Under Secretary,
Colonial Secretary's Office,
Sydney.

Police Office, Eden,
3 April, 1858.

Gentlemen,

We do ourselves the honor to draw your attention to the *very great unwillingness* evinced by the chief constable in your district to assist in the apprehension of parties who escape from here, and for whom warrants have been issued.

Information was laid before a Magistrate of this Bench, in the month of November last, charging one George Lyons with horse-stealing, on which a warrant was granted; but the accused has as yet escaped the vigilance of the police. Mr. Walker, the chief constable here, informs us that soon after the warrant was granted he communicated with Mr. Witts, and gave him the description of Lyons, but received no reply.

Again, on the 16th February, a warrant was issued for the apprehension of one Henry Archer. This man has since been working at the "Dragon" (in the vicinity of Bombala), though Mr. Witts was aware of a charge being against him, having been informed by Mr. Walker, whose second letter he treated with silence. The man was only apprehended last week by a constable (McMahon) sent from this place, who had been sent to Bombala in the hopes of meeting Lyons at the races. McMahon reports that he arrested Archer near Bombala, and took him to the lock-up, where he was informed by Mr. Witts that he could give him no rations for the prisoner, and further, that he should act as lock-up keeper himself. McMahon told Witts that he was sent to Bombala for the purpose of apprehending Lyons, when Mr. Witts replied that he saw him on the previous evening, and heard him called by name. Had Mr. Witts not been aware that a warrant had been issued for Lyons there would be no grounds for attaching blame to him, but it was clearly shown to us that he had received information of it from Mr. Walker soon after the information was laid.

The Bench of Magistrates,
Bombala.

P. MURRAY, P.M.
HENRY WREN, J.P.
G. P. KEON, P.M.

Police Office, Cooma,
27 September, 1858.

Gentlemen,

The chief constable of Bombala, accompanied by one of his subordinates, arrived at Cooma yesterday afternoon, with an aboriginal prisoner named "Harry" in charge, for whose apprehension a warrant had been granted by this Bench on a charge of rape and attempt to murder one Margaret McMahon, residing in this district.

We are of opinion that the chief constable ought not to have left Cooma as he did, unknown to the Police Magistrate or the Bench, his evidence being essential respecting the apprehension of the prisoner. We consider his conduct extremely uncourteous towards this Bench, and request he may be informed that a summons will be issued for his attendance here on Monday, the 11th proximo, to give evidence in the case, which course would have been avoided had he remained until the sitting of the Court.

We have, &c.,

ROBERT DAWSON, P.M.
FRANCIS SMITH, J.P.

The Bench of Magistrates,
Bombala.

Bombala Police Office,
11 July, 1859.

Gentlemen,

I have the honor to request the favour of your attention to enclosed copy of a charge preferred at this office, on the 25th ultimo, by Mr. Alfred Witts, against myself.

I much regret that the evidence of Mr. Witts' principal witness (recorded by a young constable) was not committed to writing *verbatim*, as he said, in answer to the complainant's interrogation—"that it was all a pack of lies," and that Mr. Witts was always badgering the constables to know what occurred inside the Police Office on Court days. Mr. Baddeley offered to dismiss the case at once, but an adjournment

adjournment was ordered, on my request, to the following Wednesday, that so serious a charge should be more fully investigated. On that Wednesday no Justice attended; but Mr. Witts' daughter (the noon of that day) placed in my hands a lengthy statement, addressed to the "Bench of Magistrates," and throwing the onus of a false and unfounded charge on Constable Bowtell.

A long course of gratuitous insult, disrespect, and annoyance, with a former charge, most unjust and frivolous, I have borne in silence and treated with contempt. Vide copy of letter A.

My arrangements have been interfered with, my influence weakened, and my integrity questioned by Mr. Witts; but he has now gone so far as to prefer a serious charge against me, which is without foundation.

And as I hope the District Magistracy will do me the justice to say that I endeavour to discharge my official duties honestly and conscientiously, I feel I have a right to solicit their interference in a matter that affects my reputation and peace of mind.

I have, &c.,
THOMAS FOX,
Clerk of Petty Sessions.

The Bench of Magistrates,
Bombala.

Bombala, County of Wellesley, }
New South Wales, to wit. }

Alfred Witts, Chief Constable of Bombala, being duly sworn, deposeseth:—I charge Mr. Thomas Fox, the Clerk of Petty Sessions at Bombala, with the following offence or offences:—

1st. That he, the said Thomas Fox, in his capacity of Clerk of Petty Sessions at Bombala aforesaid, has feloniously, and with malice aforethought, kept back or withheld from the Justices of the district a certain document or documents most materially affecting me, and also the course of justice, in the case of "George Hebden, Esq., v myself," to wit, a letter from the Government of New South Wales, that arrived by post on or about Saturday, the 18th day of June, 1859 (if not before the said 18th day of June, 1859).

And further, the said Thomas Fox did issue certain circulars to the said Justices, calling upon them to attend the Police Office, Bombala, on Tuesday, the 21st day of June, 1859, relative to the appointment of a chief constable in my place, although I had not resigned; and he, in the meantime, in possession of the letter from the Government, that I verily believe the contents of are decidedly in my favour.

I therefore pray that the Court House be immediately searched, with a view of finding the said letter, or any other steps taken that may be deemed proper to further the ends of justice.

And this application I make, not out of malice to the said Thomas Fox, Clerk of Petty Sessions aforesaid, but for the purpose of proving whether I am reinstated or not to the office of chief constable for this district, after having for these last nine weeks been suspended.

And if the allegations herein contained be substantiated, I pray the said Thomas Fox be proceeded against according to law.

ALFRED WITTS,
Chief Constable.

Sworn before me, at Bombala, }
this 25th day of June, 1859. }
C. H. BADDELEY, J.P.

Constable Bowtell, sworn, saith:—I was in Kyle's house on duty, on Thursday, June 23rd, 1859; I came home with you; I did not tell you that I saw in the Court House any paper or letter in which you were reinstated, the pay to go on from the day of suspension, and the charges said to be frivolous; I was with you yesterday again (24th); I met you yesterday again; I deny that you asked me was I sure of this conversation we had previously.

By Bench: I never saw a paper in this office to say that Mr. Witts was reinstated.

CHARLES BOWTELL.

Taken and sworn before me, this }
24th day of June, 1859. }
C. H. BADDELEY, J.P.

The foregoing is certified to be a true copy, by
THOMAS FOX,
Clerk of Petty Sessions.

(A.)

Department of Lands and Public Works,
Sydney, 21 December, 1859.

Sir,

Mr. Alfred Witts having represented that he purchased for his daughter certain land at Bombala, for the purpose of erecting a water-mill, being led to do so by the tracings of the land exhibited at sale, and forcibly dwelt upon by the auctioneer, I am directed to call upon you for an explanation, any such portraiture of the supposed advantages attaching to Crown Lands being forbidden under clause 12 of the General Instructions for the guidance of Land Agents, dated 16th November, 1857.

I have, &c.,

MICHL. FITZPATRICK.

The Agent for the Sale of Crown Lands,
Bombala.

(B.)

Police Office, Bombala,
27 July, 1859.

Sir,

We do ourselves the honor to acknowledge the receipt of your letter of the 15th instant, forwarding the letter, herewith returned, from the gentlemen named in the margin, on the subject of a charge brought against Mr. Witts, Chief Constable of Bombala, by one Summers, which was heard by those gentlemen, after it had been dismissed by us. J. B. Campbell,
J.P.
G. Hebden, J.P.
H. Nicholson,
J.P.

2. In reply, we beg to make the following explanation, which we hope will be considered satisfactory, and be the means of bringing this very unpleasant matter to a conclusion.

3. In the third paragraph of the above letter, the gentlemen state that the charge against Witts was not made by Mrs. Summers, which, we regret to say, is untrue, as she attended at this office on the 16th February, when she made the complaint, which we dismissed, it being frivolous, and which we should certainly do again were such another charge laid before us.

4. We must only refer to the last paragraph of the letter, as we presume the whole of the circumstances connected with the case are known to you; but we could not allow the statement to pass without the

the contradiction that Mrs. Summers was not a servant of Mr. Hebden's. Her husband was then, and is now, in that gentleman's employ, and we are aware that Mr. Hebden got his friend to come to Bombala specially to hear the charge against Mr. Witts. Before the case was gone into, Mr. Murray asked the three gentlemen, in open Court, to join with us in the hearing of eight cases then on the cause list; they not only refused to comply, but Mr. Hebden said they came for the purpose of seeing *justice done in the above case*. A few days before this circumstance took place, Mr. Murray remonstrated with Mr. Hebden on his neglect of his duty as a Magistrate, when he stated he had made up his mind never to sit again on the Bombala Bench; at the same time he should not resign, as he had been advised not to do so by his friend, Sir William Macarthur.

5. We enclose a statement, showing how often those gentlemen have acted, from the 26th of October, 1858, to this date, which will clearly show what little desire they have to co-operate with us; and as they are still as little inclined as ever to assist us, we would strongly urge on the Government the necessity of depriving them of the Commission of the Peace at once, as the present disputes tend to lessen the dignity of the Bench.

6. Should you deem it proper to act on our suggestion, we should also recommend that Mr. Witts should be allowed to resume his duties, and that the Clerk of Petty Sessions should be removed to some other district. In so doing, we deem it only right to state, that we have no fault to find with Mr. Fox; but a new officer arriving here would not be under the influence of gentlemen who have already given the Government a great amount of trouble, and who have, we regret to say, shown a very bad example to the inhabitants of the district.

We have, &c.,

C. H. BADDELEY, J.P.
P. J. MURRAY, J.P.

P.S.—It may be well to state that Mr. Witts has been in the Police since the year 1841, and we are not aware of any charge having been brought against him. He did resign at one time for the purpose of going to the gold fields, but his resignation took place six weeks before the Proclamation was published, so that it could in no way affect him.

C. H. B.
P. J. M.

A RETURN of the Attendance of each Member of the Bombala Magistracy acting Magisterially, from 26 October, 1858, to 28 July, 1859.

| DATE OF ATTENDANCE. | J. Nicholson. | H. Massie. | G. Hebden. | J. Campbell. | H. Nicholson. | P. M. from Eden. | C. H. Baddeley. | H. Solomon. |
|---------------------|---------------|------------|-------------|--------------|---------------|------------------|-----------------|-------------|
| 1858. | | | | | | | | |
| 26 October | | | P. | .... | P. | .... | P. | .... |
| 9 November | | | | | | | P. | .... |
| 30 November | | | | | | | P. | .... |
| 7 December | | | | | | | P. | .... |
| 14 December | | | | | | | P. | .... |
| 21 December | | | | | | P. | P. | .... |
| 28 December | | | | | | | P. | .... |
| 1859. | | | | | | | | |
| 19 January | | | | | | P. | P. | .... |
| 16 February | | | | | | P. | P. | .... |
| 16 March | | | P. | P. | P. | P. | P. | .... |
| 19 March | | | | | | | P. | .... |
| 21 March | | | | | | | P. | .... |
| 1 April | | | | | | | P. | .... |
| 2 April | | | | | | | P. | .... |
| 7 April | | | | | | | P. | .... |
| 19 April | P. | P. | P. Witness* | P. | .... | .... | P. | .... |
| 26 April | | | | | | P. | P. | .... |
| 18 May | | | | | | | P. | .... |
| 15 June | | | | | | P. | P. | P.† |
| 6 July | | | | | | P. | P. | P. |
| 28 July | | | | | | P. | P. | P. |
| C. H. B. | 1 | 1 | 2 | 2 | 2 | 8 | 21 | 3 |

P. means "Present."—T. F.

THOS. FOX,
C.P.S.

* Witness only.—C. H. B.

† Sworn in in June, 1859.

(9.)

Colonial Secretary's Office,
Sydney, 30 August, 1859.

Gentlemen,

I am directed by the Colonial Secretary to inform you, with reference to the letters from the Magistrates forming the Bench at Bombala, dated the 20th and 27th of last month, that the circumstances now stated in the former show that Mr. Witts cannot be allowed to remain as chief constable at that place; but although not continued in that office, there will not be any objection to his being considered eligible for employment elsewhere.

2. You will accordingly be pleased to apprise Mr. Witts that his appeal against his removal is disallowed.

I have, &c.,

The Bench of Magistrates,
Bombala.

W. ELYARD.

(10.)

(10.)

Colonial Secretary's Office,
Sydney, 31 August, 1859.

Sir,

With reference to your further report of the 22nd instant, on the subject of the appeal of Mr. Witts against his removal from the office of chief constable of Bombala by the Magistrates, I am directed by the Colonial Secretary to transmit, for your information, a copy of a letter which has been addressed to the Bench, by which you will observe that Mr. Witts' appeal cannot be allowed, although he may be considered eligible for other employment elsewhere.

The Government, however, has not the means of transferring him to another district, as suggested in your report.

I have, &c.,
W. ELYARD.

The Inspector General of Police.

(11.)

Bombala, 9 September, 1859.

To the Honorable the Colonial Secretary of New South Wales.

The humble Petition of Alfred Witts, late Chief Constable of Bombala,—

RESPECTFULLY SHEWETH :—

That the defendant got me non-suited in the case named in the margin, not on account of its merits, but because I had not used the word malice in my notice of action.

Alfred Witts
v.
G. Hebden, Esq.
J.P.

And has cost me in costs in the sum of £26 10s., his expenses.

The consequence is I am ruined, for I cannot pay the costs, not having had any salary for the months of April, May, June, July, and up to the 30th of August (the date of the letter from the Colonial Secretary, stating my removal from my capacity of chief constable at Bombala, on account of a certain letter from this Bench, dated 20 August, which letter the Clerk of the Bench refuses to let me see.)

I therefore emphatically pray your Honor to cause me to be informed if my salary is allowed for the time of my suspension; what amount of pension I am entitled to for sixteen years and four months' service in the Police as chief constable at Queanbeyan and Bombala, and one year and five months as ordinary constable; and if it is your Honor's pleasure to appoint me anywhere else.

I have not earned one farthing during my suspension, fearing it might prejudice me if I took any other employment. I have a large family to support, and earnestly pray to be relieved from this terrible state of suspense.

I would have been much more satisfied if the case against Mr. Hebden had been tried upon its merits, and I did not engage an advocate until Mr. Hebden had so done, and unfortunately for me he selected Mr. Solicitor Freestone, whom I had consulted in the first part of the case, and knew the omission of the word malice.

By granting the prayer of an answer as speedily as possible, your Honor will confer an obligation upon your humble servant,

ALFRED WITTS.

Who, as in duty bound, will ever pray.

To the Honorable

The Colonial Secretary of New South Wales,
Sydney.

(12.)

Copy of Minute of Inspector General of Police on a Petition from Alfred Witts, late Chief Constable of Bombala.

"According to the Rules of the Police Force, the pay of an officer withheld during suspension is only repaid to him when he is reinstated in his office; in this case the chief constable was dismissed; such dismissal also deprives an officer to any claim his services may entitle him from the Police Pension Fund. Witts, however, had no claim, his service not having been continuous."

J. M'L.,
I.G.P.

B. C.—19 Sept.

(13.)

Colonial Secretary's Office,
Sydney, 23 September, 1859.

Sir,

In reply to your Petition of the 9th instant, I am directed by the Colonial Secretary to inform you that, according to the Rules for the regulation of the Police Force, the pay of an officer under suspension can only be issued to him if he is reinstated, and that you are therefore not entitled to any further salary. Your removal from the situation of chief constable at Bombala would also deprive you of any claim on the Police Pension Fund; although, as your service had not been continuous, you would not have been entitled to benefit from it.

I am, &c.,
W. ELYARD.

Mr. Alfred Witts,
Bombala.

(14.)

To His Excellency the Colonial Secretary of New South Wales and its Dependencies.

May it please your Excellency,—

The humble Petition of Alfred Witts, late Chief Constable of Bombala,—

G. Hebden, Esq.,
J.P.,
v.
Alfred Witts, C.C.
April 12th, 1859.

SHEWETH :—

1st. That your Petitioner now forwards to your Excellency the copy of a letter received from Mr. Gemell, Chief Constable of Bombala.

2nd. That your Petitioner earnestly entreats your Excellency will be graciously pleased to cause a communication with the Bench of Justices at Bombala, relative to their opinion as to whether, when I brought the accusation against Mr. Fox, the Clerk of the Court, I had reasonable cause for so doing, by acting upon the statement made to me by Charles Bowtell, a constable at Bombala, and who also had the clearing out of the Court House.

3rd. For your Petitioner hath been ruined by the effects of that accusation; inasmuch as your Petitioner was removed from his office through it.

4th.

4th. And thereby deprived of nearly five months' salary due your Petitioner.
 5th. And also, your Petitioner begs leave to state, he never had the least opportunity of explaining the reason why he brought the accusation; for your Petitioner could never get a sight of the letter dated July 27th, 1859, nor a copy of it, although application has been frequently made.
 6th. Your Petitioner, therefore, humbly prays that the salary due him, for part of April, 1859, until the 30th of August, 1859, be paid him. And that Your Excellency will be graciously pleased to cause him to be appointed to another Government situation.

And your Petitioner will, as in duty bound, ever pray.

ALFRED WITTS.

Bombala, 12 April, 1860.

Bombala Police Office,
 14 January, 1860.

Sir,

I feel it a duty which one man owes to another to apprise you of the following fact:—It is in your recollection that some time since you brought a case before the Court, Witts v. Fox, relative to a letter which Bowtell told you he read (*but afterwards denied on oath*) in Court.

Now, I have found out that Bowtell not alone had that conversation with you, but also with two other men, who can come forward and prove it. Bowtell has sent in his resignation; but I do not think it will be accepted until this matter is looked into. Hoping to hear from you soon, and that you are doing well,—

I remain, &c.,

To Mr. A. Witts,
 Bendock Diggings.

WILLIAM GEMELL,
 Chief Constable, Bombala.

(15.)

MEMO. OF INSPECTOR GENERAL OF POLICE.

THE case of Witts, lately chief constable at Bombala, has received most careful consideration, and subsequent reconsideration; it resulted in his dismissal from the Police Force, but did not preclude his obtaining *other* employment in the Government service.

The Bench of Magistrates at Bombala, when the matter was referred to them, laid marked emphasis upon Witts' infirmity of temper (a failing highly objectionable in an officer of police). It, therefore, does not appear to me that any explanation, such as that presumed to be contained in Chief Constable Gemell's letter, would remove a *constitutional* disability.

2. With respect to Witts' request, that salary calculated from April to 30th August, 1859, be paid him, I, on the 19th September last, reported upon a similar application, that, under the Police Regulations, the pay of an officer withheld during *suspension*, is only repaid to him when *reinstated* in his office; in the present case Witts was dismissed.

Dismissal likewise deprives an officer of any claim (to which his services may entitle him) to provision from the Police Pension Fund; Witts, however, has no foundation for such claim, as his service is not continuous.

I may also remark, that during the whole period of his suspension (for which he now asks payment) he was absolutely *unemployed*.

B.C.—Papers herewith returned.—April 20/60.

JNO. M'LERIE,
 Inspector General of Police.

(16.)

Colonial Secretary's Office,
 Sydney, 10 May, 1860.

Sir,

With reference to your further Petition of the 12th ultimo, praying to be paid the salary that accrued between the period of your suspension and that of your dismissal from the office of Chief Constable, Bombala, and that you may be appointed to another Government situation, I am directed by the Colonial Secretary to refer you to the answer already given on the subject of the salary in question, as conveyed in my communication of the 23rd September last, and to inform you that your removal from the above office does not preclude your obtaining other employment in the Government service.

Mr. Alfred Witts,
 Bombala.

I have, &c.,
 W. ELYARD.

THURSDAY, 30 OCTOBER, 1862.

MR. TERRY, Present:—
 MR. WILSON, | MR. LEARY,
 MR. HARPUR, | MR. DANGAR.

THOMAS GARRETT, Esq., IN THE CHAIR.

Captain M'Lerie, Inspector General of Police, called in and examined:—

Capt. M'Lerie. 193. *By the Chairman:* We have summoned you, Captain M'Lerie, to give evidence relative to the Petitions of Alfred Witts—there are two of them—he presented one Petition in which he states that he was dismissed from his office in April, 1859? Yes.

30 Oct., 1862. 194. Did any correspondence pass through your office in reference to the matter? The matter was merely referred to me for report by the Chief Secretary; at that time the police were under the control of the Benches of Magistrates, but the report of his dismissal, together with the subsequent correspondence respecting it, was referred to me by the Chief Secretary for my report.

195. What was the nature of your report? My first report is dated the 28th June, 1859, and is to the following effect:—"Sir,—In returning the accompanying correspondence, bearing upon the dismissal of Mr. Witts from the office of chief constable at Bombala, together

“together with his appeal against such dismissal, and the depositions taken in the case, Capt. M'Lerie. transmitted to me under your B.C. Memo. of the 30th instant, I do myself the honor to state, for the information of the Chief Secretary, that having carefully perused these 30 Oct., 1862. depositions, together with the letter of the Magistrates transmitting them, it does not appear that the chief constable has sufficient grounds for appeal to His Excellency, under the 9th clause of the Police Regulation Act, 16 Victoria, No. 33; for although the sentence of dismissal from office appears to be a severe one for the offence which has been proved in evidence against him, yet it is found that four of the five Magistrates who usually officiate on the Bench (the fifth having been a witness in the case), record their deliberate opinion, that Mr. Witts' conduct, as chief constable, has for some time past been anything but satisfactory, and that his unfitness for office has become a frequent and increasing matter of complaint.”

196. You do not know anything about the specific charge on which he was dismissed? No, except what appeared on the evidence.

197. Did the evidence extend over a series of charges, or relate to one specific charge? The evidence on which he was dismissed embraced only one charge; but the Magistrates, in recording their opinion on that case, made the comment to which I have just alluded—that his conduct for some time past had been anything but satisfactory.

198. Do you know anything personally of Mr. Witts? I do not; I never saw him.

199. There has never been any complaint made to you in reference to him? No; at that time he was under the control of the Bench.

200. Do you know anything of Mr. Witts' police services? I know that he served in the force for two different periods.

201. He was first in the constabulary and resigned? He was chief constable at Queanbeyan.

202. He states in one of his petitions that he was chief constable at Queanbeyan for thirteen years? Yes.

203. And afterwards that he was chief constable at Bombala for five years? Yes, with a breach in the service.

204. Will the effect of that breach be to invalidate any claim of Mr. Witts to a pension or gratuity? It deprives him of the first period of service altogether, under the 16 Victoria, 33. In the 11th clause it is stated: “Any chief or other constable who shall resign his office, or shall be convicted of unlawfully withdrawing or absenting himself from the duties thereof, shall forfeit all claim to any allowance, remuneration, or superannuation, to which he might otherwise have been entitled on retirement under the provisions of this Act.”

205. Do you know of any case in which this rule has been deviated from? No, it has never been deviated from in any one case.

206. Do you know anything of the case of Mr. Hildebrand, late chief constable at Wollongong? Yes, but the cases are not at all analogous. There was no breach in his service, but only an interregnum of a few days when he was passing from one district to another.

207. He was under appointment all the while? Yes; the cases are not at all similar.

208. By Mr. Wilson: Mr. Witts' interregnum lasted for several years? Yes, I think he was in business for himself for a considerable period.

209. By the Chairman: Under the old system, when a policeman was suspended or dismissed, was it an actual dismissal by the Bench, or was it merely a suspension? It was dismissal under this Act.

210. But according to Mr. Witts' petition it appears that it was some time in August before a decision was come to? Yes, but he was in fact dismissed by the Magistrates. He then appealed. There is a power of appeal under that Act, and that period was pending the appeal. He was, in reality, dismissed.

211. Then under this Act he would not be entitled to any remuneration for the period between April and August? With respect to suspension the rule is this: If a member of the Police Force is suspended during investigation, and that investigation ends in his re-instatement, he is entitled to remuneration, but if he is not re-instated he loses the pay for that time.

212. Has Mr. Witts made any application for employment in the Police Force since his removal by the Bench? Not through my department. I find in a subsequent report that I recommended that he should be re-employed.

213. How did that subsequent report come to be made? When he appealed to the Governor under the Act, his appeal was referred to me, and I thought he had been hardly dealt with, and that, although it might be unadvisable for him to be permitted to remain at that Bench, he might be removed to some other Bench. But at that time the Government had no power to make such appointments in the country; and a reply was received to that effect.

214. He states in his petition that there was a communication sent to the Clerk of the Court in which it was stated that your petitioner had not committed any offence to warrant his dismissal after so many years service? I think it must have come up with the other papers. There is a communication made to the Bench of Magistrates here by the Under Secretary to this effect: “Mr. Witts cannot be allowed to remain chief constable at that place; but although he may not be continued in that office, there will be no objection to his being employed elsewhere.” That is what I recommended. I thought it undesirable that he should remain at that Bench. I believed, however, that he had been treated rather harshly, and that he might be employed elsewhere.

215. Are you of that opinion still? I am. The man is ineligible from age to enter the Police Force, but there are other positions he might occupy. He might be placed in charge of one of those new gaoles; he would be just the sort of man.

- Capt. M'Lerie. 216. *By Mr. Dangar* : You believe Mr. Witts was harshly dealt with ? I think the punishment was more severe than the offence merited.
- 30 Oct., 1862. 217. *By Mr. Harpur* : You are not aware of the circumstances of the case—that on the occasion of his dismissal a number of Magistrates were present who had not sat upon the Bench for some time previously, and that subsequent to the dismissal they never took their seats on the Bench again for a considerable period ? Those are facts which would not come within my knowledge.
218. You have never heard, I suppose, of an unpaid Magistrate ordering a constable to apprehend a young girl in a place like a circus, during the whole time you have been Inspector General of Police ? For what ?
219. *By Mr. Wilson* : Because she was in a circus ? I cannot conceive why a Magistrate should interfere.
220. The circumstances are stated so :—Mr. Witts' family were invited to attend a performance given for the benefit of some local charity. Mr. Hebden, the Magistrate, considered himself a sort of trustee, I believe—in some way connected with the local charity—and took upon himself to order Mr. Witts' daughter out of the circus. Mr. Witts told his daughter not to retire, and then this Hebden called upon a constable to remove her, and she was removed ? I cannot see that a Magistrate had any right to interfere at all ; he may have done so under the impression that the interests of the institution for which the performance was to take place were interfered with, but that was a matter for the proprietor of the circus.
221. *By Mr. Harpur* : It would appear that Mr. Ashton was entitled to a part of the proceeds ? I think the matter one in which the Magistrate had no right to interfere.
222. *By Mr. Dangar* : He then brings an action, and obtains £25 damages ? Yes ; I find that after he gained that verdict he made a claim upon the Government for his pay while under suspension, and I replied to it as follows :—“ The verdict of the jury on which Alfred Witts has renewed his application does not affect the report previously made by me in this matter—namely, that under the Police Regulations an officer has no claim to his pay while “ under suspension, unless he is restored to his office.”
223. *By Mr. Harpur* : Are those regulations independent of the Act, or are they founded upon it ? There were the regulations in existence under *this* Act.
224. This suspension took place before the passing of the Act, and they would not apply to his case ? With respect to pay, they have been in existence since the first Police Act was passed.
225. *By the Chairman* : Can you state whether Mr. Witts resigned before this Police Act came into operation at Queanbeyan ? He resigned during the gold fever, which was after the passing of the Act.
226. Was it not at an early stage of the gold fever ? The Act of 1850 contained a clause precisely similar to that.
227. *By Mr. Dangar* : Were there not separate Police Regulations framed by you on that Act ? On the Act of 1851 ?—not by me, but by my predecessor in office.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

MANAGEMENT OF THE CENTRAL POLICE OFFICE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
12 *December*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 3s. 1d.]

449—*a*

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 25. TUESDAY, 8 JULY, 1862.

9. Management of the Central Police Office:—Mr. Driver moved, pursuant to notice,—
(1.) That a Select Committee be appointed to inquire and report to this House upon the Management and General Working of the George-street Police Office.
(2.) That such Committee consist of Mr. Cowper, Mr. Hay, Mr. W. Forster, Mr. Hoskins, Mr. Wilson, Mr. Windeyer, Mr. Harpur, and the Mover.
Debate ensued.
Mr. Sadleir moved, That the Question be amended by adding at the end of the first resolution, the words “ And the fitness and state of the Building.”
Debate continued.
Question,—That the words proposed to be added be so added,—put and passed.
And Captain Moriarty requiring that the said Committee be appointed by Ballot,—
Question,—That a Select Committee be appointed to inquire and report to this House, upon the Management and General Working of the George-street Police Office, and the fitness and state of the Building,—put and passed.
Whereupon the House proceeded to the Ballot,
And the Speaker declared the following Members to be the Committee duly appointed:—Mr. Driver, Mr. Cowper, Mr. W. Forster, Mr. Lucas, Mr. Hay, Mr. Wilson, Mr. Hoskins, Mr. Windeyer, Mr. Caldwell, and Mr. Dickson.

VOTES, No. 29. TUESDAY, 15 JULY, 1862.

7. Management of the Central Police Office:—Mr. Driver, *with the concurrence of the House*, moved, without notice, That the Select Committee appointed to inquire and report upon the Management and General Working of the George-street Police Office, and the fitness and state of the building, have power to send for persons and papers.
Question put and passed.

VOTES, No. 91. THURSDAY, 30 OCTOBER, 1862.

2. William Radley (Administration of Justice):—Mr. W. Forster, *with the concurrence of the House*, moved (without notice), That the Petition of William Radley, presented by the Rev. Dr. Lang, on August 27, 1862, be referred to the Committee on the Central Police Office.
Question put and passed.

VOTES, No. 116. FRIDAY, 12 DECEMBER, 1862.

2. Management of the Central Police Office:—Mr. Driver, as Chairman, brought up the Report from, and laid upon the Table, the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this subject was referred on the 8th July, 1862.
Ordered to be printed.

CONTENTS.

| | PAGE. |
|---|-------|
| Extracts from the Votes and Proceedings.. | 2 |
| Report | 3 |
| Proceedings of the Committee | 5 |
| List of Witnesses | 13 |
| List of Appendix | 14 |
| Minutes of Evidence | 1 |

1862.

MANAGEMENT OF THE CENTRAL POLICE OFFICE.**REPORT.**

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 8th July last, "*to inquire and report to this House upon the Management and General Working of the George-street Police Office, and the fitness and state of the Building,*" and empowered, on the 15th of the same month, "*to send for persons and papers,*"—have agreed to the following Report:—

Your Committee have examined twenty-seven witnesses (whose evidence is appended hereto), and are of opinion that the business of the Central Police Office has not been conducted in a satisfactory manner.

This state of things appears to your Committee to have in some measure arisen from the number of inconsistent and comparatively trivial duties imposed upon the Police Magistrate, which have been the means of leading him away from his proper sphere of public action and responsibility, and into the habit of depending upon the accidental and irregular assistance of other Magistrates, in the performance of those duties for which a Police Magistrate was specially appointed, and for which this officer should be held more immediately responsible. The ordinary proceedings of the Central Police Office, as reported to your Committee, have for a long time past, too obviously exhibited the want of a constantly presiding authority. To this cause may be traced the absence of harmonious action among the Magistrates, and the undue license assumed by practitioners. Your Committee cannot acquit Captain Scott of blame, but consider him chargeable with want of firmness, in not resisting whatever influences have injuriously affected his public utility, with negligence in not having foreseen and warned the Government of the consequences of the position in which he found himself placed, and with some degree of ignorance of his official duties.

Your Committee recommend that, with a view to the inauguration of an improved system, some arrangement should be effected under which constant and regular attendance on the Bench should be regarded as the special duty of the Central Police Magistrate, who should be held generally responsible for the due administration of justice in that Court.

Your

Your Committee cannot refrain from giving expression to their opinion that the manner in which the Clerk of Petty Sessions gave his evidence is very unsatisfactory.

The buildings occupied as Police Offices, and the Watch House, are in very bad condition, and your Committee are glad to find that the attention of the Government has been already directed to this subject, and that steps have been taken for remedying this evil. Your Committee would earnestly recommend that new buildings, sufficiently commodious, and in every respect suitable for the purpose, should be erected without delay.

RD. DRIVER, JUNR.
Chairman.

*Legislative Assembly Chamber,
Sydney, 11 December, 1862.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 15 JULY, 1862.

MEMBERS PRESENT:—

| | | |
|-------------|--|---------------|
| Mr. Driver, | \| | Mr. Windeyer, |
| Mr. Lucas, | \| | Mr. Hoskins. |

Mr. Driver called to the Chair.

Votes No. 25, containing Order of the House appointing the inquiry,—before the Committee.

Committee deliberated as to their course of proceedings.
Captain Scott to be summoned to give evidence at the next meeting.

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 18 JULY, 1862.

By direction of the Chairman, the meeting of the Committee called for this day,

[Postponed to Friday next, at *Eleven* o'clock.]

FRIDAY, 25 JULY, 1862.

MEMBERS PRESENT:—

Mr. Driver in the Chair.

| | | |
|--------------|--|-----------------|
| Mr. Cowper, | \| | Mr. W. Forster, |
| Mr. Hoskins, | \| | Mr. Caldwell, |

Mr. Hay.

Copies of the following Papers, published by Authority, on the Table:—

1. Manual, for Members of the Police Force, of Enactments affecting their duties.
2. Rules for the Management of the Police Force of New South Wales.

Captain D. C. F. Scott, *Police Magistrate, and Visiting Magistrate, Cockatoo Island*, called in and examined.

Time-book of the Police Court *produced* by witness.

Witness also *handed in* several papers. (*Vide List of Appendix.*)

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 29 JULY, 1862.

MEMBERS PRESENT:—

Mr. Driver in the Chair.

| | | |
|-----------------|--|--------------|
| Mr. W. Forster, | \| | Mr. Hoskins, |
| Mr. Caldwell, | \| | Mr. Lucas, |
| Mr. Cowper, | \| | Mr. Wilson. |

Committee deliberated as to the expediency of further examining Captain Scott.

Motion made (*Mr. Lucas*) and *Question proposed*,—That the further examination of Captain Scott be deferred until the evidence already taken be printed.

Committee deliberated.

Motion by leave withdrawn.

Captain Scott called in and further examined.

Witness withdrew.

Mr. Henry Connell called in and examined.

Witness *handed in* a statement of the increase of Licensing Business; also, certain forms. (*Vide List of Appendix.*)

[Adjourned to to-morrow, at *Eleven* o'clock.]

WEDNESDAY,

WEDNESDAY, 30 JULY, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|-----------------|--|---------------|
| Mr. Lucas, | \| | Mr. Hoskins, |
| Mr. W. Forster, | \| | Mr. Caldwell. |

Mr. H. Connell called in and further examined.

Witness *handed in* a statement of the mode in which the accounts of the Police Office are audited—also several other documents. (*Vide List of Appendix.*)

Witness withdrew.

Committee deliberated.

Motion made (*Mr. Lucas*) and *Question*,—That there be laid before the Committee a Return of the number of cases placed on the summons sheet from 1st January to 1st May, 1859; also from 1st January to 1st May, 1862, showing in both returns the number of postponed cases, and also the number of cases initiated by the City authorities,—*agreed to.*

Ordered, That the Chief Clerk, Police Office, be requested to furnish the same.

[Adjourned to Friday next, at *Eleven o'clock.*]

FRIDAY, 1 AUGUST, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|-----------------|--|---------------|
| Mr. Lucas, | \| | Mr. Hoskins, |
| Mr. W. Forster, | \| | Mr. Cowper, |
| Mr. Dickson, | \| | Mr. Caldwell. |

Committee deliberated.

Mr. S. B. Dowsett called in and examined.

Witness withdrew.

Committee deliberated.

Ordered, That the Chief Clerk, Police Office, be summoned to produce before the Committee,—

1. (1.) The information exhibited by Susannah Bucknell against William Wentworth Bucknell on a charge of bigamy.
- (2.) All papers connected with the case (27th June last) of Charles Thomas Sandon *versus* Timothy Doyle.
2. And that Sub-Inspector Read be summoned to produce the warrant against William Wentworth Bucknell, on a charge of bigamy, dated on or about 3rd June last.

[Adjourned to Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 6 AUGUST, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|--------------|--|-----------------|
| Mr. Hoskins, | \| | Mr. W. Forster, |
| Mr. Lucas, | \| | Mr. Cowper. |

Mr. H. Connell, Junr., called in and further examined.

The "Information," ordered at the last meeting, and other papers, *produced* by witness.

Certain of the above papers *handed in.* (*Vide List of Appendix.*)

Witness withdrew.

Mr. George Read, *Sub-Inspector of Police*, called in and examined.

Warrant against W. W. Bucknell on a charge of bigamy *produced.*

Witness withdrew.

Mr. William Day, J.P., and Mr. Rowan Ronald, examined.

[Adjourned to Friday next, at *Eleven o'clock.*]

FRIDAY,

FRIDAY, 8 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Driver in the Chair.

| | | |
|-----------------|--|---------------|
| Mr. Hoskins, | \| | Mr. Caldwell, |
| Mr. W. Forster, | | Mr. Cowper, |
| Mr. Lucas. | | |

Mr. F. J. Garrick called in and examined.

Witness withdrew.

Mr. E. Reeve called in and examined.

Witness withdrew.

Committee deliberated.

Mr. A. Dawson, *Colonial Architect*, and Mr. E. Bell, *City Engineer*, to be summoned for next meeting; the former to produce a rough ground plan of the present Police Office, the latter to produce a plan of the proposed new Town Hall and Police Office.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 12 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Driver in the Chair.

| | | |
|--------------|--|--------------|
| Mr. Cowper, | \| | Mr. Hoskins, |
| Mr. Dickson. | | |

Mr. A. Dawson, *Colonial Architect*, examined.

Witness produced rough ground plan of the Central Police Office, George-street.

Witness withdrew.

Mr. E. Bell, *City Engineer*, examined.

Witness produced a plan of the proposed new Town Hall and Police Office.

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 15 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Driver in the Chair.

| | | |
|--------------|--|-----------------|
| Mr. Cowper, | \| | Mr. W. Forster, |
| Mr. Lucas, | | Mr. Wilson, |
| Mr. Hoskins. | | |

Mr. W. Conway Armstrong called in and examined.

Witness withdrew.

Mr. J. Icke Kettle, J.P., called in and examined.

Witness withdrew.

The Chairman brought under the notice of the Committee a letter from Capt. Scott, dated 11 August, 1862, requesting that the gentlemen therein enumerated "be requested to attend the inquiry into the management of the Central Police Office."

Committee deliberated.

Ordered,—That the following witnesses be summoned for next meeting:—

His Honor Judge Dowling;
S. North, Esq., W. P. Office;
J. Murphy, Esq., J.P.;
T. Cullen, Esq., J.P.;
Richard Stubbs, Esq.;
Mr. Robt. Rathbone.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY,

WEDNESDAY, 20 AUGUST, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|-----------------|-------------|---------------|
| Mr. W. Forster, | \| | Mr. Windeyer, |
| Mr. Hoskins, | \| | Mr. Cowper, |
| Mr. Caldwell, | \| | Mr. Lucas, |
| | Mr. Wilson. | |

The following witnesses severally examined :—

Mr. Justice Dowling,
Mr. Samuel North, *Water Police Magistrate*.
Mr. J. Murphy, J.P.

Ordered,—That the remaining witnesses, viz. :—Mr. T. Cullen, Mr. R. Stubbs, and Mr. Robert Rathbone, be re-summoned for the next meeting.

[Adjourned to Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 27 AUGUST, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|-----------------|--------------|-------------|
| Mr. W. Forster, | \| | Mr. Cowper, |
| | Mr. Hoskins. | |

Mr. George Hill, J.P., examined.

Witness withdrew.

Mr. Robert Rathbone called in and examined.

[Adjourned to Friday next, at *Eleven o'clock*.]

FRIDAY, 29 AUGUST, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|-----------------|---------------|--------------|
| Mr. W. Forster, | \| | Mr. Hoskins, |
| Mr. Cowper, | \| | Mr. Hay, |
| | Mr. Caldwell. | |

The Chairman laid before the Committee,—

Letter from Mr. S. North, W.P.M., to the Clerk of Legislative Assembly, returning his evidence, and requesting that certain marginal notes he had made thereto may be submitted to the Committee.

The same submitted accordingly, and ordered to be printed.

Letter from Mr. T. Cullen, J.P., dated 28th instant, excusing his attendance this day, in consequence of his having to leave Sydney on serious private business.

Mr. Richard Stubbs called in and examined.

[Adjourned to Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 3 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|-----------------|--|------------|
| Mr. W. Forster, | \| | Mr. Lucas. |
|-----------------|--|------------|

Committee deliberated, and

[Adjourned to Wednesday next, at *Eleven o'clock*.]

WEDNESDAY, 10 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

| | | |
|--------------|-------------|-----------------|
| Mr. Hoskins, | \| | Mr. W. Forster, |
| | Mr. Cowper. | |

Mr. W. Barker, and Mr. R. Forster, M.P., examined.

[Adjourned to Friday, 19th instant, at *Eleven o'clock*.]

FRIDAY,

FRIDAY, 19 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. W. Forster, | Mr. Lucas,
Mr. Hoskins.

In the absence of the Chairman there was no business transacted.
[Adjourned.]

WEDNESDAY, 1 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Cowper, | Mr. W. Forster,
Mr. Hoskins.

The Committee met pursuant to summons.
In the absence of the Chairman no business was transacted.

Witnesses in attendance :—

Mr. C. J. Smithers.

Mr. W. Crane.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 8 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

Mr. Wilson, | Mr. Hoskins,
Mr. W. Forster.

Mr. W. Crane called in and examined.

Witness withdrew.

Mr. C. J. Smithers called in and examined.

Witness withdrew.

Whereupon the Chairman stated that he had been requested by Mr. Birrell, a witness summoned for this day, to apologize to the Committee for his non-attendance, as he has urgent business to attend to.

Mr. Lucas and Mr. Birrell to be summoned for next meeting.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 15 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

Mr. Cowper, | Mr. Hoskins.

Mr. J. S. Birrell called in and examined.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 22 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

Mr. Cowper, | Mr. Hoskins.

The Chairman laid before the Committee,—

Letter just received from Mr. Justice Wise, regretting that the business of the Court precludes him from attendance this day before the Committee, and stating that he could arrange to be present on any day in the following week.

Captain D. C. F. Scott, *Police Magistrate*, called in and further examined.

Certain papers handed in. (*Vide List of Appendix.*)

Witness withdrew.

Mr. W. Elyard, *Principal Under Secretary*, called in and examined.

Original letter from Mr. Justice Wise to the Hon. Colonial Secretary, dated Supreme Court, Sydney, April 12, 1862,—*produced.*

Copy of same handed in. (*Vide List of Appendix.*)

Witness withdrew.

Mr. J. C. Read, *Gaoler, Darlinghurst*, called in and examined :—

Witness withdrew.

Mr. Robert Scott Ross called in and examined.

[Adjourned to Tuesday next, at half-past *Ten* o'clock.]

TUESDAY, 28 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

Mr. Cowper,
Mr. Lucas,

Mr. Hoskins,
Mr. Caldwell.

His Honor Mr. Justice Wise examined.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 7 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

Mr. Wilson,

Mr. Hoskins,

Mr. Cowper.

Committee met pursuant to summons.

Table. Printed copies of Petition of William Radley, referred on the 30th ultimo,—on the

Mr. William Radley called in and examined.

Witness withdrew.

Committee deliberated.

Resolved,—That it is not expedient that the evidence just taken be printed.

Copies of printed evidence to be circulated prior to next meeting.

(Adjourned to Wednesday next, at *Twelve o'clock*.)

WEDNESDAY, 12 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

Mr. Wilson,

Mr. Hoskins.

Printed evidence previously *circulated*.

Chairman submitted Draft Report.

Same read 1^o, viz. :—

“ Your Committee have examined twenty-seven witnesses (whose evidence is appended hereto), and it appears to your Committee that the business of the Central Police Office has been conducted in a most irregular and unsatisfactory manner.

“ 2. The irregularity in a great measure arises from the want of a competent person to preside over the Department, the present Police Magistrate being, in the opinion of your Committee, altogether unsuited for such an office, who should forthwith be removed to some other branch of the Public Service. Cases have been brought under the notice of your Committee, showing that the liberty of the subject has been trifled with, suitors put to unnecessary delay and great inconvenience, and decisions given of a most unsatisfactory nature, utterly at variance with both law and evidence.

“ 3. Your Committee have been somewhat surprised at the evidence given with respect to the disgraceful conduct of some of the Police Office Practitioners, who evidently do as they please in the Court, without any strong effort on the part of the Bench to maintain its dignity, and that Magistrates have not unfrequently taken particular cases, where they have been specially solicited to do so by the parties concerned. This practice is calculated to bring the administration of justice into contempt, and strong efforts should be made by the Government to detect persons guilty of such gross misconduct, and at once remove them from the Commission of the Peace.

“ 4. The building itself is in a very bad condition, and your Committee would recommend the adoption of the plan for new offices produced by the City Surveyor.

“ 5. The appointment of the present Clerk of Petty Sessions over the heads of gentlemen many years in the same department, has led to much confusion and irregularity; and your Committee cannot too strongly condemn the conduct of that officer in endeavouring wilfully to mislead and impose upon your Committee in furnishing certain forms of information and summons as fair samples of those in daily use, whilst the samples produced were not only seldom used, but exceedingly lengthy, and were specially selected at the request of that officer, who ought, in the opinion of your Committee, to be immediately removed from the public service.

“ 6.

“ 6. As many cases of considerable importance are frequently entered upon at the Central Police Office, your Committee beg to recommend that a professional gentleman, of some standing in his profession, should be appointed Police Magistrate, and who should be directed to devote the greater portion of his time to Bench duties.”

Committee deliberated.

Motion made (*Mr. Wilson*) and *Question*,—That the Draft Report be printed and circulated amongst the Members of the Committee prior to next meeting,—*agreed to*.
[Adjourned.]

TUESDAY, 18 NOVEMBER, 1862.

By direction of the Chairman the meeting called for this day,
[Postponed to Friday next, at Twelve o'clock.]

FRIDAY, 21 NOVEMBER, 1862.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting called for this day lapsed.

FRIDAY, 28 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Driver in the Chair.

Mr. Cowper
Mr. W. Forster,

Mr. Hoskins,
Mr. Caldwell.

Committee met pursuant to summons.

Chairman laid before the Committee letter from Mr. Justice Wise, expressing a wish that certain observations, enclosed, respecting Jury Lists in the Supreme Court, may be added to his evidence.

Committee deliberated, and *Resolved*,—That it is inexpedient to print the same.

Draft Report as submitted by Chairman on the 12th instant—before the Committee—printed copies having been previously circulated.

Draft Report read 2^o paragraph by paragraph.

Paragraph 1 read, amended, and agreed to.

Paragraph 2 read and considered.

Motion made (*Mr. W. Forster*) and *Question*,—That this paragraph be omitted with the view to substitute the following :—

“ This state of things appears to your Committee to have in some measure arisen from the number of inconsistent and comparatively trivial duties imposed upon the Police Magistrate, which have been the means of leading him away from his proper sphere of public action and responsibility, and into the habit of depending upon the accidental and irregular assistance of other Magistrates, in the performance of those duties for which a Police Magistrate was specially appointed, and for which this officer should be held specially responsible. The ordinary proceedings of the Central Police Office, as reported to your Committee, have, for a long time past, too obviously exhibited the want of a constant presiding authority. To this cause may be traced the absence of harmonious action among the Magistrates, and the undue license assumed by practitioners. Your Committee cannot entirely acquit Captain Scott, who must be charged with want of firmness in not resisting whatever influences have injuriously affected his public utility, and whose undoubted duty it was to have foreseen and warned the Government of the consequences of the position in which he found himself placed. At the same time, your Committee consider the chief fault to have been in the system itself, which, owing to the great increase of business, has been gradually growing worse and worse, and which unquestionably calls for immediate consideration and amendment,”—*agreed to*.

Paragraph 3 read and *negatived*.

Paragraph 4 read and postponed.

Paragraph 5 read and considered.

Motion made (*Mr. W. Forster*) and *Question*—That this paragraph be omitted, with the view to substitute the following :—

“ Your Committee, therefore, recommend that, with a view to the inauguration of an improved system, some arrangement should be effected for relieving Captain Scott of his duties on the Bench, and for separating the chamber from the other business, while in future the Central Police Magistrate should be
“ instructed

"instructed to consider constant and regular attendance on the Bench as his
"special duty, and that he should be held generally responsible for the due
"administration of justice in that Court,"—*agreed to.*

Paragraph 6 read and *negatived.*

Postponed paragraph considered.

Motion made (*Mr. Cowper*) and *Question*,—That this paragraph be omitted, with the
view to substitute the following, to stand as the concluding paragraph of the Report:—

"The buildings occupied as Police Offices, and the Watch House, are in very
"bad condition, and your Committee are glad to find that the attention of the
"Government has been already directed to this subject, and that steps have been
"taken for remedying this evil. Your Committee would earnestly recommend
"that new buildings, sufficiently commodious and in every respect suitable for the
"purpose, should be erected without delay,"—*agreed to.*

Draft Report to be further considered.

Re-assembling of the Committee to be arranged by Chairman.

[Adjourned.]

TUESDAY, 9 DECEMBER, 1862.

MEMBERS PRESENT:—

| | | |
|-------------|--|-----------------|
| Mr. Cowper, | \| | Mr. W. Forster, |
| | | Mr. Lucas. |

Committee met pursuant to summons.

Mr. W. Forster, in the absence of the Chairman, called to the Chair.

Draft Report submitted at the last meeting further considered and amended.

Letter to be written to Captain Scott, to furnish copies of all the summonses and
informations issued from the Central Police Office during the month of February last.

[Adjourned to Thursday next, at *Twelve* o'clock.]

THURSDAY, 11 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Driver in the Chair.

| | | |
|-----------------|--|---------------|
| Mr. W. Forster, | \| | Mr. Cowper, |
| Mr. Lucas, | | Mr. Wilson, |
| Mr. Windeyer, | | Mr. Caldwell. |

Copies of the summonses and informations issued from the Central Police Office
during the month of February last, as forwarded to the Chairman, before the Committee.

Draft of amended Report considered, paragraph by paragraph.

Paragraph 1 read, and agreed to without amendment.

Paragraph 2 read, viz.:—

"2. This state of things appears to your Committee to have in some measure
"arisen from the number of inconsistent and comparatively trivial duties imposed
"upon the Police Magistrate, which have been the means of leading him away
"from his proper sphere of public action and responsibility, and into the habit of
"depending upon the accidental and irregular assistance of other Magistrates, in
"the performance of those duties for which a Police Magistrate was specially
"appointed, and for which this officer should be held more immediately responsible.
"The ordinary proceedings of the Central Police Office, as reported to your Com-
"mittee, have for a long time past too obviously exhibited the want of a constantly
"presiding authority. To this cause may be traced the absence of harmonious
"action among the Magistrates, and the undue license assumed by practitioners.
"Your Committee cannot 'entirely' acquit Captain Scott of blame, but consider
"him chargeable with want of firmness in not resisting whatever influences have
"injuriously affected his public 'utility,' with negligence in not having foreseen
"and warned the Government of the consequences of the position in which he
"found himself 'placed.' At the same time, your Committee consider the chief
"fault to have been in the system itself, which, owing to the great increase of
"business, has been gradually growing worse and worse, and unquestionably calls
"for immediate consideration and amendment."

Motion made (*Mr. Windeyer*) and *Question proposed*,—That the word "entirely," in
the 14th line, be omitted from the proposed paragraph.

Question,—That the word proposed to be omitted stand part of the paragraph,—*put.*
Committee divided.

| | | |
|-------------|--|-----------------|
| Aye, 1. | \| | Noes, 4. |
| Mr. Cowper. | | Mr. Windeyer, |
| | | Mr. Lucas, |
| | | Mr. Wilson, |
| | | Mr. W. Forster. |

Word omitted.

Motion made (*Mr. Windeyer*) and *Question proposed*,—That after the word "utility,"
in the 16th line, the following words be added, viz., "with ignorance of his official duties."

Question,—

Question,—That the words proposed to be added be so added,—*put*.
Committee divided.

| | |
|-----------------|---------------|
| Ayes, 2. | Noes, 4. |
| Mr. Windeyer, | Mr. Cowper, |
| Mr. W. Forster. | Mr. Lucas, |
| | Mr. Wilson, |
| | Mr. Caldwell. |

Motion made (*Mr. W. Forster*), and *Question*,—That after the word “placed,” in the 18th line, the following words be added, viz., “and with some degree of ignorance of his official duties,”—*agreed to*.

Motion made (*Mr. Cowper*), and *Question*,—That the last sentence of the paragraph be struck out,—*agreed to*.

Paragraph, as amended, agreed to.

Paragraph 3 read, amended, and agreed to.

Paragraph 4 read and agreed to without amendment.

Motion made (*Mr. Wilson*), and *Question*,—That the following new paragraph be inserted after paragraph 3 of the Report,—

“Your Committee cannot refrain from giving expression to their opinion, that the manner in which the Clerk of Petty Sessions gave his evidence is very “unsatisfactory,”—*agreed to*.

Motion made, and *Question*,—That this Report be the Report of the Committee,—*put*.
Committee divided.

| | |
|---------------|---------------|
| Ayes, 3. | No, 1. |
| Mr. Wilson, | Mr. Windeyer. |
| Mr. Lucas, | |
| Mr. Caldwell. | |

Chairman to report to the House.

LIST OF WITNESSES.

| | PAGE. |
|---------------------------------------|------------|
| Armstrong, Mr. William Conway | 80 |
| Barker, William, Esq. | 107 |
| Bell, Edward, Esq., C.E. | 79 |
| Birrell, John, Esq. | 120 |
| Connell, Henry, Junr., Esq. | 19, 31, 54 |
| Crane, Mr. William | 113 |
| Dawson, Alexander, Esq. | 78 |
| Day, William, Esq. | 60 |
| Dowling, James Sheen, Esq. | 84 |
| Dowsett, Mr. Samuel Bailey | 44 |
| Elyard, William, Esq. | 122 |
| Forster, Robert, Esq., M.P. | 110 |
| Garrick, Francis James, Esq. | 69 |
| Hill, George, Esq. | 95 |
| Kettle, John Icke, Esq. | 83 |
| Murphy, James, Esq. | 91 |
| North, Samuel, Esq. | 90 |
| Rathbone, Mr. Robert | 102 |
| Read, Sub-Inspector George. | 56 |
| Read, Mr. John Cecil. | 123 |
| Reeve, Edward, Esq. | 75 |
| Ronald, Rowan, Esq. | 60 |
| Ross, Robert Scott, Esq. | 124 |
| Scott, Captain D. C. F., P.M. | 1, 19, 121 |
| Smithers, Mr. Charles | 117 |
| Stubbs, Mr. Richard | 102 |
| Wise, His Honor Mr. Justice | 126 |

LIST OF APPENDIX.

(To Evidence given by Captain D. C. F. Scott. 25 July, 1862.)

| | |
|--|-------------|
| A. | |
| <i>Document No. 1.</i> | |
| List of Clerks in the Police Office, specifying their term of service and salaries | PAGE. 17 |
| B. | |
| <i>Document No. 2.</i> | |
| Duties of Mr. Connell, junr., Clerk of Petty Sessions | 17 |
| <i>Document No. 3.</i> | |
| The duties of Mr. Smithers | 17 |
| <i>Document No. 4.</i> | |
| The duties of Mr. Martin | 17 |
| <i>Document No. 5.</i> | |
| The duties of Mr. Ormiston | 17 |
| <i>Document No. 6.</i> | |
| Mr. Armstrong's duties;—assisted by Mr. Felton | 18 |
| <i>Document No. 7.</i> | |
| Mr. Delohery's duties | 18 |
| <i>Document No. 8.</i> | |
| Mr. Hale's duties | 18 |
| <i>Document No. 9.</i> | |
| Duties of Mr. Fraser | 18 |
| C. | |
| <i>Document No. 10.</i> | |
| List of Books used at the Central Police Office, Sydney | 18 |
| D. | |
| <i>Document No. 11.</i> | |
| Number of Summonses issued from 1st July, 1859, to 30th June, 1862 | 18 |

(To Evidence given by H. Connell, junr., Esq., 29 July, 1862.)

| | |
|---|----|
| A. | |
| Auditor General to Police Magistrate, dated Sydney, 21 July, 1862 | 29 |
| B. | |
| Under Secretary for Finance and Trade to Police Magistrate, dated 28 July, 1862 | 29 |
| C. | |
| Chief Inspector of Distilleries to Police Magistrate, dated Sydney, 24 July, 1862 | 29 |
| D. | |
| Applications for Licenses under the Publicans' Act, Hawkers' Act, Pawnbrokers' Act, Auctioneers' Act, Spirit Merchants', Brewers', Slaughtering Act | 30 |

(To Evidence given by H. Connell, junr., Esq., 30 July, 1862.)

| | |
|--|--------|
| A. | |
| Statements shewing the way in which the accounts are audited | 40, 41 |
| B. | |
| Form of Information (under the Bakers' and Millers' Act) | 42 |
| B 2. | |
| Another form of Information | 42 |
| C. | |
| Copy of Summons (filled up) | 42 |
| C 2. | |
| Ditto | 42 |
| C 3. | |
| Ditto | 43 |
| C 4. | |
| Ditto | 43 |
| D. | |
| Memorandum of Captain Scott, directing a Time-book to be established | 43 |
| E. | |
| Paper signed by thirty-three Magistrates, recommending Mr. Connell's appointment to the Magistracy | 44 |

(To

(To Evidence given by H. Connell, junr., Esq., 6 August, 1862.)

| | PAGE. |
|---|-------|
| A. | |
| A Return of the number of Cases placed on the Summons Sheet at the Central Police Office, Sydney, from the 1st day of January, to the 1st day of May, 1859, shewing the number of postponed cases, and also the number of cases initiated by the City authorities | 55 |
| Similar Return from 1st January to 1st May, 1862 | 55 |
| B. | |
| Information exhibited against William Wentworth Bucknell | 55 |
| C. | |
| Arrears in the Central Police Office when Mr. Connell was appointed Clerk of Petty Sessions .. | 56 |
| (To Evidence given by E. Reeve, Esq., 8 August, 1862.) | |
| Addendum (Note) | 78 |
| (To Evidence given by Mr. W. C. Armstrong, 15 August, 1862.) | |
| Statement of his duties | 82 |
| (To Evidence given by R. Forster, Esq., M.P., 10 September, 1862.) | |
| Addendum (Note) | 113 |
| (To Evidence given by Capt. D. C. F. Scott, 22 October, 1862.) | |
| Edward J. Cory to Police Magistrate, 21 October, 1862, with reference to the case of Nicholas Ward | 122 |
| (To Evidence given by W. Elyard, Esq., 22 October, 1862.) | |
| Edward Wise to Colonial Secretary, Sydney, 12 April, 1862; with reference to the case of Susannah O'Brien | 122 |
| (To Evidence given by His Honor Mr. Justice Wise, 28 October, 1862.) | |
| In Barrons v. Luscombe, 3 Adolphus and Ellis | 132 |

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CENTRAL POLICE OFFICE.

FRIDAY, 25 JULY, 1862.

Present:—

| | | |
|--------------|--|-----------------|
| MR. COWPER, | | MR. HAY, |
| MR. HOSKINS, | \| | MR. CALDWELL, |
| | | MR. W. FORSTER. |

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Captain D. C. F. Scott called in and examined:—

1. *By the Chairman*: You are doubtless aware of the object of this Committee, which was appointed to inquire and report upon the management and general working of the Central Police Office? Perfectly. Captain
D. C. F. Scott.
2. What is your name? David Charles Frederick Scott. 25 July, 1862.
3. And you are a Police Magistrate of this city? I am Police Magistrate of this city, and have been so for two years and a few weeks; before I was appointed to that office I was for twenty-two years a Magistrate of the Territory; I acted for some time as Police Magistrate of Muswellbrook; and once acted in Sydney, in the absence of Mr. Forbes.
4. Can you state how long you acted in the absence of Mr. Forbes? I think about a fortnight; I am not sure.
5. And how long at Muswellbrook? Two or three different times in the absence of Mr. Allman, and also I think in the absence of Mr. Day; the time I allude to is about fifteen or sixteen years ago.
6. Do you desire to make any statement to the Committee? No; I have merely come here to answer any questions that may be put to me.
7. Do you consider the management of the George-street Police Office as perfect? Not quite as perfect, but in far better working order than it was when I received it: at that time many of the books were a year in arrears, moneys received were not entered for three months, and were not paid to the Government for eighteen months after being received by my predecessor.
8. Have all these arrears been made up? They have all been made up; and so anxious was I to forward the work, that I paid a clerk for three months out of my own pocket.
9. Have you increased the staff of your office? It is the same now, with this exception, that in the place of Mr. Seely, who received £200 a year, two clerks have been introduced at £100 a year each. The number of clerks at present is nine. Mr. Martin died a short time ago, and there are really now only eight working clerks. I hand in a list of the clerks, specifying their term of service and salaries. (*Vide Appendix A.*)
10. I believe the term of service set down for Mr. Connell, namely eighteen years, relates to the whole time he has been in the public service? It relates to his public services altogether.

- Captain
D. C. F. Scott.
- 25 July, 1862.
11. Is there not a gentleman named Day employed in the office? No; he is a volunteer.
 12. *By Mr. Cowper*: Not salaried? No; I have two or three volunteers; there was another of the name of Tunks who received no salary.
 13. *By Mr. Hoskins*: They perform the duties without salaries? Day is remarkably useful in copying electoral rolls and jury lists, and we give him a certain sum—about £30 or £40 a year; he writes a very good hand.
 14. Are these volunteers daily in attendance? Yes; a son of Major Chisholm (the husband of Mrs. Caroline Chisholm, so well known in connection with immigration) was in the office for eighteen months without receiving a penny.
 15. *By the Chairman*: Is Mr. Day paid to perform any other duties? Only those two.
 16. Was he not employed to prepare the list of applicants for publicans' general licenses? No, that is Mr. Delohery's business.
 17. Was he employed to do so? I think not; they are Mr. Delohery's duties.
 18. *By Mr. Cowper*: If he did it he was not paid for it by the Government? No.
 19. *By the Chairman*: You are sure Mr. Day was not paid a sum of money for preparing the list of applicants for publicans' general licenses? I think not a penny. May I hand in a statement of the duties of every clerk in my department, as it may save the Committee some trouble; I have put them all upon different sheets. (*Vide Appendix B.*)
 20. Do you consider the clerical assistance sufficient or insufficient? I think that when the vacancy occasioned by the death of Mr. Martin is filled it is sufficient.
 21. *By Mr. Cowper*: Do you consider it more than sufficient? Certainly not.
 22. Are there not arrears in the office now? None; and there have not been any for a long time to my knowledge.
 23. *By the Chairman*: With the exception of the experience you have already stated, had you any other before being appointed to the office of Police Magistrate? Reading and studying at home.
 24. Have any complaints been made to you at any time, as to the manner in which the business of the office has been conducted? In what way?
 25. In any way? Sometimes. On one occasion myself and four clerks were summoned away at the same time to attend other Courts, and occasionally they are absent from sickness, having to work in a very unhealthy place, where, from the closeness of the office to the markets and a draystand, they suffer from the nasty stinks that is almost continual.
 26. *By Mr. Hoskins*: What Courts do they attend? I am talking of the office where the clerks perform their duties.
 27. You say they are sometimes called away to attend other Courts; what Courts? The District Court and Supreme Court as witnesses; clerks are constantly being called away for that purpose, and on account of illness.
 28. Do you know of more than one occasion when yourself and four clerks have been called away on any one day? Only on one occasion. Two or three have been absent several times.
 29. From what cause? From being sick, on medical certificate.
 30. In point of fact, I understand you to say you have not received any complaints? Oh yes. The Magistrates have sat once or twice when they complained that there was not a clerk to perform the duty in Court. I recollect one occasion—I think the last; I was absent on account of Colonel Barney's death, and Mr. Connell was absent on account of the dangerous illness of a near relation. Mr. Smithers then came out and stated that there was no clerk for the second Court. That was the last time, I think. I may add that I have repeatedly, on the bench and in my private room, acted as Magistrate and clerk, to expedite the public business; and I believe you are aware of that, Mr. Driver.
 31. Has not the second Court been frequently closed in consequence of the inability to procure a deposition clerk? I think not, not lately, for I have three deposition clerks.
 32. How long have you had three deposition clerks? Mr. Hales has been in the office fourteen months.
 33. Are you not aware that many irregularities exist in that office? I will answer that if you point them out.
 34. Do you recollect the 2nd of June last? I recollect that there was a 2nd of June.
 35. Do you recollect a case, Butt against Martin the younger, for an assault, being called on before yourself and Mr. Murphy. Yes.
 36. Was that case adjourned by you until the following day at twelve o'clock? It was. There were two cases of assault, and with regard to the one we declined to give a decision until the following day, in order that both might be heard, so that we could judge more fairly.
 37. Do you recollect the case being called on on the 3rd of June? I recollect the case being called on on the day to which it was adjourned.
 38. Do you recollect any application being made to you to adjourn the case? Yes.
 39. By whom was it made? By Mr. Moffat?
 40. On whose behalf? On behalf of the defendant, I think; I am not quite sure.
 41. Was the complainant present? He was, in the body of the Court, among the spectators.
 42. Are you quite certain of that? I saw him there myself. I feel as certain as I can be, though from seeing so many faces there I cannot positively swear it.
 43. What was the nature of the application of Mr. Moffat? To adjourn the case, as far as my recollection goes.
 44. Did you adjourn the case? I did. All assault cases require the attendance of two Magistrates, and I was on the bench alone. It was in the evening.
 45. Do you then consider you had the power to adjourn the case, in the absence of a second Magistrate? Scarcely, but for the convenience of the public I think we ought to have the power.

46. Was the complainant represented by counsel or attorney? I was on the bench alone when the application was made, and after some discussion I said the case should be adjourned, when in came Mr. Murphy. He said—"I have private business of my own, and cannot attend to the case." Two of us then, at Mr. Moffat's request, and whilst Mr. Cory was standing near him, consented to comply with the application for an adjournment. We did adjourn the case, but afterwards Mr. Cory came into my private room and said he would not consent to it.
47. Then behind the back of complainant and his attorney this case was adjourned? The first case. I adjourned it simply because I was unable to sit upon it in the absence of a second Magistrate.
48. Was not the complainant in attendance with his witnesses? Probably he was, but as I could not go into the case I adjourned it.
49. As you before stated, believing you had not the power to do so? That is doubtful. I know it is often done.
50. Why doubtful? Doubtful whether I have the power or not. I am not to keep the public there the whole day, and say I will not adjourn the case to oblige them. I have a certain time daily to be at the office, and I sat there the whole time.
51. Do you recollect an information being exhibited by a Mrs. Bucknell before you? Perfectly.
52. Was that information upon oath? Well I suppose it must have been, but I have not seen it since. It was a bigamy case, I think.
53. If you signed it, it would be exhibited upon oath? I do not think I should have signed it unless it was.
54. You are certain the information was exhibited by Mrs. Bucknell? By Mrs. Bucknell, with Mr. Moffat, I think.
55. Do you recollect the information? It was charging her husband with bigamy.
56. The offence was clearly stated in the information, was it not? I think so, but I have not seen the information since I signed it.
57. Did any person appear with her, to present or exhibit the information? I think Mr. Moffat.
58. What was done upon the information? A warrant was issued.
59. Was that warrant duly prepared in the proper office? In the first place.
60. In the proper office? In the first place.
61. What afterwards became of it? It was withdrawn, at the request of Mrs. Bucknell, and a summons was issued, she stating that a summons would do as well as a warrant.
62. Did you withdraw that warrant? I did.
63. Or cancelled it? I cancelled it.
64. Which was it? It is one and the same thing, I think. I cancelled it.
65. How long had that warrant been in the hands of the police before it was cancelled? That I cannot answer, but I do not think it was more than a day or two.
66. You have no doubt about its being in the hands of the police a day or two? Not the slightest.
67. And the only reason you had for cancelling that warrant was because Mrs. Bucknell stated a summons would do as well? Yes; I did not think it my duty to bring a respectable man down to the Court upon a warrant, putting the Government to great expense.
68. Did you consider it your duty to issue the warrant? I did.
69. And you still consider it was your duty? In the first instance.
70. Did it never strike you that Mrs. Bucknell, the party submitting that information, was not a competent witness, and that therefore the whole proceeding was highly irregular? I do not see that it was irregular in any way. I have since ascertained that she has committed bigamy, by marrying a man named Reuben Bryant.
71. But you were not aware of that fact at the time the information was exhibited? No, it was a day or two afterwards.
72. After you had ordered the cancellation of the warrant? After I had ordered that.
73. I think I understood you to say that after the warrant was cancelled a summons was issued—was a summons issued? I believe so; I gave an order to that effect.
74. Does it appear upon the proceedings in the case, either upon the information or warrant? I do not know; I have not seen it since. In nine hundred and ninety-nine cases out of a thousand I give an order in my office in writing if a warrant or summons is to issue, and that is filed when the summons or warrant is issued.
75. Is it not customary to indorse upon the information what steps are to be taken in the matter—whether a warrant or summons is to be issued? No, it is done from my little slip of paper, which is the authority to the clerk to draw out a summons or warrant.
76. Was that summons regularly entered and numbered? Oh yes, I think so.
77. Then you do not know whether any record remains of your instructions? If they were carried out it would remain.
78. To whom were the instructions given? Who the clerk having that duty was at that time I do not know. It may have been Mr. Davidson. However, it was to that clerk who had the duty to perform at the time—the duty of drawing out summonses.
79. Should these instructions appear upon the face of the proceedings in any way? No proceedings were taken.
80. There was an information, certainly? Yes, an information.
81. And warrant? The proceedings are these:—I grant an information; it is brought to me and sworn to or exhibited; I sign it and send it to Mr. Armstrong, who draws up the summons or warrant. Those are the proceedings in the office.
82. You stated just now that Mrs. Bucknell called and requested that this warrant should be withdrawn? I think so.

- Captain D. C. F. Scott. 25 July, 1862.
83. Was it not Mr. Moffat, her attorney? I cannot say.
84. Do you not know that Mr. Moffat indorsed some statement on the warrant itself? He was sent for to attend at the office of Mr. Read, the Police Inspector, and there, I believe, he put something on that warrant; I believe it was the place where Mr. Bucknell resided, or something of that kind.
85. Nothing else? Not that I know of.
86. Do you not know that a statement has been indorsed on the back of that warrant by Mr. Moffat, or have you never heard of it till now? I saw something in his handwriting on that warrant, but what it is I am perfectly ignorant of.
87. Have you the warrant with you? No.
88. Can you produce it to this Committee? I believe so; I think it is at the office.
89. You say it never struck you that the complainant or person exhibiting the information in that case was not a competent witness? I had no occasion to think of it. She laid her complaint of bigamy.
90. Do you not know, as a matter of law, that no warrant can or ought to issue upon the information of any person not being a competent witness? I fancy that when the case came on she could swear to the facts; that she was married to him on a certain day.
91. But did it never occur to you that she was not a competent witness? She could on that point.
92. What point? That she was married to him.
93. You still adhere to that opinion? I think so.
94. Did you take any trouble to inquire or look into that point before you ordered the warrant to issue? I am always particular about all —
95. Did you take any steps to ascertain whether you were right upon that point? I considered the point, and ordered the warrant to issue.
96. Did you take trouble to look into the question before you directed the warrant to issue? In what way?
97. As to whether she was a competent witness? No, that was a matter for after consideration when the case came on.
98. But do you not know that a warrant should not be granted on the information of a person who is not a competent witness? I think that, as far as regards proof of the marriage, she was a competent witness.
99. Can you give any instance from your experience as a Police Magistrate, where a warrant was cancelled after being placed in the hands of the police for execution? Many.
100. Can you name them? A woman gets, for instance, a warrant against her husband who may be at Lambing Flat, but subsequently she gets a remittance, stops the case, and gets the warrant cancelled.
101. But those cases are of rare occurrence, are they not? I have known of about half a dozen.
102. In how many cases positively? I cannot say positively.
103. Do you not know that it is irregular and improper? I think it would be irregular to drag a man down from the country when his wife was perfectly satisfied.
104. *By Mr. Hoskins*: Have you power by law to cancel warrants? I cannot say positively, but I think I have.
105. *By the Chairman*: Do you think that you have power to cancel a warrant in any case? Perhaps not by law, but by justice I have. The warrant is brought to me by the Chief Inspector, with a request that it be cancelled.
106. Did the Chief Inspector bring this warrant in Bucknell's case, with a request to cancel it? No, he did not.
107. Did Mr. Read make any request to you in this matter? I do not think he interfered at all in the matter.
108. Do you recollect the 27th of September last? If you mention any fact, I shall recollect it, perhaps.
109. Were you in the office that day? I think I have been four days absent from the office, on account of sickness.
110. You were not present then? I might have been.
111. Do you recollect two females waiting there the whole day, one in order to prefer a charge of felony, and the other a charge of assault? If you mention the case I may know. Once a week I am absent at Cockatoo Island.
112. Then you have other duties to discharge besides those at the Police Office? I am Visiting Magistrate at Cockatoo Island.
113. Does that require you to absent yourself from the Police Office? I am ordered to attend once a week if I can. I have not been able to do so always; I have been absent about eight times, I think, in two years. On other occasions, when I have not been able to attend, I have asked Mr. North or other Magistrates to go and perform my duty there.
114. Do you recollect an information being exhibited by Sir George Blaxland Rogers before you? I recollect something about it.
115. Against a person named Crosse, I think? I do not know the name.
116. Where did he then reside? I do not know.
117. Was it not at the Macdonald River? He exhibited it, said it was his name and signature, and I signed it.
118. He exhibited the information? I think so.
119. What was the charge set forth in the information? If I had to read all the informations that come through my hands, I could not do so if I were cut in four.
120. Do you direct summonses and warrants to issue upon informations without reading them? I think it is impossible to read them all. I ask questions before signing them.
- 121.

121. *By Mr. Hoskins*: What questions do you ask generally? I inquire as to the truth of the statements contained. If a woman wants a warrant against her husband, I ask her how long she has been married; how long she has been deserted; how long since she received support from him; and if he lives in Sydney I grant a summons; if a digger, I usually grant a warrant with bail. Captain
D. C. F. Scott.
25 July, 1862.
122. *By the Chairman*: Was not this an information charging Crosse, the defendant, with obtaining money under false pretences? I have heard so many cases that I cannot bear each in recollection. Will you tell me what the false pretences were, or the amount.
123. You recollect the information being exhibited by Rogers? Yes.
124. Was the informant sworn to the truth of his information? I do not think he was; not that I recollect. He might have been.
125. And without swearing him, you directed a summons to issue;—do you not know that it is necessary that an information should be upon oath? I do not recollect that it was upon oath, but if he was to be sworn I swore him.
126. Can you say that Rogers was ever sworn to the truth of that information? I cannot tell without referring to the case.
127. If he swore to it would it appear upon the information? I think so.
128. *By Mr. Hoskins*: Is every information sworn to? They are always upon oath, as far as I recollect, except exhibits.
129. *By the Chairman*: In this case the information was not sworn? I cannot tell you. If you had mentioned it I might have brought up the papers. I recollect a person coming in about this matter, but what took place I do not recollect.
130. Are you aware that it is absolutely necessary, where a charge is made of obtaining money under false pretences, that the informant should swear to his information? Yes.
131. But in this case you do not believe he was sworn? I cannot tell you whether he was or not. I recollect the person coming in with a long statement occupying about four sheets, but what it was about I do not know.
132. Do you recollect a case of Cowie against Cardwell? Cardwell has been at the Court about twenty times; he is a poundkeeper, I think.
133. The case was part heard by Mr. Peden and Mr. Ronald? I do not recollect the case. What was the offence?
134. You do not recollect the case? Not that individual case.
135. Is it customary for the Police Magistrate to step in after a case has been part heard by other Magistrates, and order a further adjournment without consulting the presiding Justices or the parties to the suit? It is not customary.
136. Was it not done by yourself in the case I have just named? I do not recollect. If it was I had good reason for doing it. The parties very likely were not present.
137. Do you undertake to say that neither of the parties was present? I do not; but the Justices may not have been present. The parties very probably were present.
138. Do you recollect adjourning it further for four days? Every adjourned case is marked upon the sheets.
139. Do you recollect a person named O'Brien being brought before you, for stealing to the value of 8s.? No.
140. Is it usual upon the application of either of the parties to order witnesses to leave the Court? Certainly.
141. Are not witnesses compelled after proclamation to leave the Court? Yes.
142. Is it usual after such an order has been made to allow any particular witness to remain in Court? The prosecutor is generally allowed to remain.
143. No other witness? Not that I know of.
144. Have you ever done so? I do not recollect. I have not willingly done it to my knowledge.
145. You do not recollect this case of O'Brien? I have not the slightest recollection of it.
146. You cannot say that he requested you to order witnesses out of Court in that case? No. If requested I always order it.
147. Do you recollect Mr. Moffat appearing for the complainant, and requesting you to rescind the order? I do not recollect the case at all.
148. Had such an application been made to you by any person in any case, would you have consented? No.
149. Will you undertake to say you did not in this case? I have not the slightest recollection of the case.
150. I will give you the name of the witness—Mr. Rennie? I do not recollect it.
151. Will you say you did not in that case allow this person to remain after giving evidence? I do not recollect the case in any one way.
152. Do you recollect a person named Fitzsimmons being fined for a trivial assault? No.
153. When persons are fined for trivial assaults, with the alternative of a few days in gaol, is it usual to give them time for the payment of the fine? If the assaulted party consents; but it is very seldom, if done at all. I do not recollect it being done.
154. Are they not generally taken off to the station-house at once? Yes, unless they pay the fine. Directly the depositions are signed, if they wish to pay the fine, they are taken into the clerk's room.
155. How long after? They wait till the depositions are sent off the bench, and then they are taken out at once.
156. They are never detained for two or three hours? Never.
157. If the fine in this case was paid at half-past ten, how soon after would the defendant have been discharged? Immediately; I do not interfere with that.
158. Can you state why this person was detained in custody (the fine having been paid at half-

- Captain
D. C. F. Scott,
25 July, 1862.
- half-past ten) until a quarter before four o'clock? I do not know the case; I do not know that he was so detained in custody. As far as I recollect, he never complained to me in the matter.
159. Will you state that he never did? No; but I think I should have had a recollection of it if he did. I should have made a row about it.
160. Did you inquire into the circumstance? I do not recollect it.
161. You do not state that he did not make a complaint, but you know you did not interfere? I do not recollect the case; if I could see the papers it would then revive my recollection.
162. Can you tell me who regulates the charges for informations and other processes? In all the offices there is a printed list of charges.
163. What is the usual charge for a summons? A summons for wages is 4s. 10d., a summons for assault about 6s. 6d., for obstructing pavements about 2s. 6d., a declaration I think is 2s. I do not know the whole of them, but all are printed in a list which is stuck up in the offices, according to the Act; and the Clerk of Petty Sessions is subject to fine unless he does it.
164. Do you recollect a case of the Queen against Cardwell within the last two months—I think he was fined £2 16s. 6d.—a case in which a prohibition was afterwards obtained? Was I on that case?
165. No? Cardwell has appeared so often that I cannot recollect a particular case.
166. Who has charge of the moneys in that department? The moneys all finally get into the charge of Mr. Connell. Some moneys for summonses and other things are received by Mr. Armstrong, and some by Mr. Delohery, and some by one of the other clerks.
167. By whom, and upon what and whose authority, are moneys paid out of that office? The authority of the appropriation. The clerk who receives is checked by two other clerks, and the appropriation made by a third clerk. Some moneys go to the Benevolent Asylum—such as fines from drunkards. Fines for assaults upon police are divided, one-half going to the police, and the other to the general revenue. Others go to the Corporation, others entirely to the general revenue; and these appropriations are made by Mr. Ormiston, the accountant, and the money is placed every day in the bank.
168. You have not answered the question—By whom, and upon what and whose authority, are moneys paid out of that office? When a person is fined he is taken to the Clerk of Petty Sessions, to whom it is paid. That has always been the custom. He makes out his account, and pays the money into the bank every day. The money books are made up every hour.
169. By whom are these books kept? By several parties. There is a list of the books. (*Vide Appendix C.*) When I took charge I introduced ten new ones, to make the business of the Court much clearer.
170. Then what moneys are paid out of that office are paid by the chief clerk upon his own responsibility? Yes, into the bank. I have seen him examine and check the accounts repeatedly.
171. Do you recollect Messrs. Smithers and Cohen adjudicating in a case, I think, named *The Queen v. Cardwell*? No.
172. Do you recollect a prohibition being applied for in that case? I recollect that they showed me a prohibition.
173. I believe 10s. 6d. was awarded to Mr. Redman upon that occasion, for professional costs? I am not aware of it.
174. Then you do not know whether the money was paid or not? No.
175. Who could give that information? Mr. Connell.
176. And him only? I think he is the person. Perhaps Mr. Ormiston can do it too.
177. Did you not know that at the time that money was paid to Mr. Redman a rule *nisi* for prohibition had been obtained from the Supreme Court, and a prohibition afterwards directed to issue? I knew something about it, but I do not know that money was awarded to Mr. Redman at all.
178. But did you not know that Messrs. Smithers and Cohen have complained that they were called upon to pay this amount? Mr. Connell, I think, can explain that satisfactorily.
179. Do you not know that Messrs. Smithers and Cohen had to pay the money? I think the prohibition was established after the money was paid.
180. Have any steps been taken by you on behalf of these gentlemen, or on behalf of either of them, to obtain from Mr. Redman that amount? I told Mr. Cohen that his best plan would be to draw up a plain statement of the case and lay it before the Government, when the money would be refunded.
181. Do you not consider that that should have been done by the chief clerk under your directions? I have spoken to him about it, and he seems to think not. I have a very vague recollection upon the matter.
182. Do you usually consult the chief clerk upon such matters? Mr. Smithers told me that the prohibition had been granted after the money had been made payable to Mr. Redman.
183. In cases of summary conviction do you interfere in the preparation of the various documents, further than signing them? Those who go to gaol—I sign those.
184. By whom are those documents generally prepared? They are usually prepared by Mr. Martin, sometimes by Mr. Hales, sometimes by Mr. Fraser, and sometimes by Mr. Smithers.
185. Are these documents generally very carefully read by yourself, or do you trust entirely to your officers? Formerly some few mistakes were made; but latterly they are drawn up by one clerk, checked by Mr. Smithers, and checked a second time by Mr. Connell, produced before me, and I sign them.

186. You have not answered my question? I never read them after the two checks.
187. Then warrants of commitment and other documents are signed by you without reading them? Nearly all. If I sat there all night I could not read them. Captain
D. C. F. Scott.
188. Do you recollect the case of Lavers against Douglass? No. 25 July, 1862.
189. Another case in which a prohibition was granted, and pending the decision a warrant to arrest, signed by yourself, was issued, and the man was actually incarcerated, pending the application for prohibition? I have no recollection of the case.
190. Did not Douglass complain to you himself about the matter? I do not recollect.
191. Have you any doubt about it? I have. I do not recollect it. If I could see the documents I could tell at once.
192. The case was Lavers against Douglass? What was the crime?
193. The case was tried before Mr. Day and Mr. Donovan? I do not recollect it.
194. Do you recollect a case Mulligan *versus* Mulligan—husband against wife? Yes.
195. Did the husband prefer a charge against her? He preferred against her as his barmaid, for robbing him of £40.
196. Did he prefer any charge against his wife? He stated to me that she was not his wife, and no relation, but his barmaid. I then made an order for a warrant, and when he took it to Mr. Davidson, Mr. Davidson said, "this is your wife?" Mulligan then said, "By the Holy Christ she is not." Mr. Davidson then said, "She is your relative?" To which Mulligan replied, "By the Holy Ghost she is not," or words to that effect. Then the warrant was granted. He then told Mr. Carroll, and I think Mr. Roberts, that he had obtained a warrant under false pretences, that this was his barmaid and not his wife.
197. *By Mr. Hoskins*: Did he make an affidavit to that effect? Yes.
198. *By the Chairman*: And obtained a warrant against his wife? Yes, under that false pretence.
199. That warrant was issued by your order? Yes.
200. The wife was apprehended, and afterwards discharged? Yes.
201. How long was this person in custody under warrant? I suppose during the night. She was brought before Mr. Solomon Cohen, who, instead of reprimanding, sympathized with her, and sent out constables to apprehend him on a charge of perjury. Mr. Cohen is in town, and willing to be examined. Any human being might be deceived by that false swearing.
202. Have you not frequently declined to adjudicate upon informations brought before you? No, I do not think so.
203. Have you never in any case declined to adjudicate? In any case in which I am interested, or may know the parties, I believe I do not adjudicate.
204. Have you told us correctly the whole of your duties from the time of your appointment as Police Magistrate? No; my duties are to be at the office at nine o'clock in summer, and perform all the duties there until four in the evening.
205. You visit Cockatoo Island on the Wednesday? Yes, or oftener if possible.
206. *By Mr. Cowper*: You do not adjourn the Court at four o'clock, simply because it is four o'clock? No, it is often carried on later.
207. *By the Chairman*: How often since you have been appointed? Many times.
208. Half a dozen? Many more times than that.
209. How often have you occupied the bench after that time? Only about half a dozen times, I think.
210. Have you any other duties? Granting warrants and summonses, hearing people who come in to make declarations, swearing in volunteers, and people appointed to the post office, soldiers; and people are constantly coming for advice, for admission to the Benevolent Asylum and Infirmary, and many other things of that kind.
211. Have you any idea what number of summonses have issued from that office during the past twelve months? From the 1st July, 1859, to the 31st December, 1860, the average was 4,886 cases; and from the 1st January, 1861, to the 30th June, 1862, the average was 4,104 cases. (*Vide Appendix D.*)
212. Have all these cases been disposed of at the Police Office? I cannot say.
213. About how many have been actually tried? To answer that would require a look at the books.
214. Do cases involving complicated matters of law and fact frequently arise before you? Oh yes.
215. Cases involving the most difficult and complicated questions? Yes. May I mention that it is my invariable custom to go into the room of the clerk who draws out the sheets, to look at every case, and when I find cases that I am not acquainted with I go into my office and read up. The result is, that out of about ten thousand cases I have tried, I do not know of an appeal against any one judgment I have given, or of one mandamus being issued.
216. *By Mr. Hoskins*: Will you explain what you mean by cases that you are not acquainted with? A lawyer himself is obliged to bring books into Court and read up his cases. Cases of protection, of drunkenness, use of obscene language, and things of that kind I know what to do with; but if there is any complicated cases, which sometimes, though seldom, come before the Court, I get a few books and look into the mode of dealing with such cases.
217. *By Mr. Cowper*: Do you mean ejection cases? No, I do not think them difficult.
218. What cases, involving questions of law, come before the Court that require reading up? There are cases of that kind.
219. *By the Chairman*: Very nice points of law arise there at times? Yes.
220. *By Mr. Cowper*: But such as are usually dealt with by Magistrates throughout the country—nothing else? No.

- Captain
D. C. F. Scott.
25 July, 1862.
221. *By the Chairman*: During the whole experience you had at Muswellbrook, and other places you have named, did any difficult question arise? Muswellbrook is a small place, and the Court sits only once a week, generally.
222. Is it not a fact that the business at the George-street Police Office is greatly in advance of that at any Police Office in the country? It is a most gigantic establishment.
223. Do not many questions frequently arise there that very rarely or never arise in country districts? I think so, being so much larger. Our average is about thirty-four cases a day.
224. *By Mr. Cowper*: Does that include drunkards? Every case. Some cases occupy many days.
225. *By the Chairman*: Have Magistrates at any time complained to you of insolence of the clerks in that establishment? Well, they have said that one or two had been uncivil to them.
226. Have not some, or what steps have been taken thereon by you? I never received an official complaint, but in private conversation I have been told that So-and-so was rude or brusque.
227. Although you have been told by Magistrates that clerks have been offensive or insolent? Yes.
228. And complaints not having been made officially, you did not feel called upon to interfere? No, and very probably they would not like me to interfere.
229. But you did not? It has been said that Mr. Smithers was out of temper, or something of that kind. They would tell me such things as this.
230. *By Mr. Cowper*: What kind of insolence or discourtesy had been complained of? He sometimes answers them sharply.
231. *By the Chairman*: Is Mr. Smithers the only clerk against whom complaints have been made? Complaints have been made against Mr. Davidson.
232. Any one else? Not to me officially. I do not know of any, even privately.
233. Do you recollect on the 14th April leaving some papers with Mr. Connell, to be produced in Court? No, I do not recollect; I might have done it.
234. Do you recollect Mr. Ronald speaking to you of the chief clerk having refused to produce those papers? That is a licensing case, and if he did so the chief clerk obeyed my orders. I have devoted two days in the week, Tuesdays and Fridays, for Mr. Stubbs's cases, and this was one of those days, and he called for the papers against the rule.
235. Who called for them? Mr. Ronald.
236. As a Justice of the Peace, in the discharge of his duties? No; because they had no right to be placed before him.
237. And yet the chief clerk refused to produce papers which ought to be before him when discharging his duties? They ought not; it would be breaking the rules of the office.
238. Have you any rules made with regard to these papers? Yes.
239. Will you state them? Yes.
240. Is yours a Court of Record? Yes, but they have been badly kept. I think you could scarcely trace them five or six years. When I went to the office I found that any person, particularly attorneys, could at any time go and look into these documents without permission, and I thought it but justice to the public to stop that. Suppose an important document were attached to any of these records, it might be taken away at any time by some of these persons coming to look at them. I adopted the course pursued at the Water Police Office, precluding any person from examining the documents without an order from me in writing. That is the rule.
241. And that is the only rule you have made with regard to them? I might have made other rules.
242. With reference to the perusal and inspection of documents? They ask me for permission, and I give it them in writing.
243. Are not reporters allowed to peruse the papers without an order? They are allowed to peruse the papers of the day without an order.
244. But yet attorneys and others having business there are required to obtain an order from yourself? That is for documents that have been placed by, not documents of the day. I do not think I ever refused any application.
245. Still there is such a rule in existence? Well, I do not think there is; I do not know it; I do not think it ever occurred to me. I know the reporters come and complete their reports by the documents, because they cannot be in both Courts at once; and the attorney often takes up a document in Court and reads it, and I never interfere.
246. But an attorney requiring to see papers filed, of record, in that office, would be compelled, before seeing them, to obtain an order from yourself? Not only attorneys, but everybody else.
247. How is it provided for in the event of your absence? They must wait till I come back. I am never absent a whole day, and from nine to eleven I am invariably in the office.
248. But during your absence? During those three or four hours the parties must wait.
249. Do you not know that that rule has led to a vast amount of confusion? I do not believe it, or know of it. I know Mr. Cory has complained of it. I am very seldom absent, even on my visits to Cockatoo Island, more than three hours.
250. Have you occasionally other duties to discharge? Latterly.
251. Do you occasionally act as Coroner? I did.
252. When? I acted for about a fortnight.
253. Do you recollect a case tried before Mr. Justice Wise, when your name appeared prominently before the public? That was a Coroner's case. I simply did the Coroner's duty whilst he was sick. I did it to assist him during illness, and not as part of my duties. I occasionally also go to Darlinghurst Gaol.

254. *By Mr. Hoskins*: Do you consider that part of your duties? No, I go there to assist Captain M'Lerie and Mr. Read. Captain
D. C. F. Scott.
255. *By the Chairman*: Do you recollect a case coming before you on Tuesday last—James Carnes, charged with stealing wearing apparel? There are many charges of that kind. 25 July, 1862.
256. Do you recollect making any order for money to be paid to Mr. Moffat? Yes, perfectly.
257. Was James Carnes in custody? Yes.
258. On how many charges? He might have been on more than one.
259. Do you recollect the application being made for restoration of some money? Yes. The articles were owned by some sailors belonging to one of the steamers, and all were found. The money found on him was not part of the property stolen, and an application was made to the Bench by Mr. Moffat to have this money given to him to defend prisoner.
260. Do you not know, or did you not know when the application was made, that there were other charges against the prisoner? No.
261. Were you not told so by Inspector Ryland, in open Court? No; he said there might be. He said that during that time there were other properties stolen, but never said a word about there being other charges against prisoner.
262. Had you any conversation with Sub-Inspector Read upon this matter? He refused to give up the money, and the Bench agreeing with myself, ordered it to be produced in Court, and I then, on the application of Mr. Moffat that he wanted the money for the defence of prisoner, granted it.
263. Notwithstanding the refusal of Sub-Inspector Read, you ordered its production in Court? Yes, but I was not then aware of the provisions of New Police Act as regards the retention of money by the constables.
264. Did not Mr. Read or Mr. Ryland state that they could not hand over this money—that it would be a breach of duty? Mr. Read previously told me so.
265. And notwithstanding all this, you handed over the money? Yes.
266. How was the money handed over? It was given to Mr. Moffat to defend the prisoner, by Mr. Cohen and myself.
267. Did you handle the money? No, I think not.
268. Did you not take the money, and say, "Here, Mr. Moffat," and hand it to him? I think not.
269. Will you undertake to say you did not? No, I will not.
270. You ordered the money to be given over? Yes.
271. Had you read the Police Regulations then? Not the new ones.
272. How long after they had been in force? I do not think I should have handled the money.
273. Will you undertake to say that Mr. Moffat did not enter the bar by the deposition clerk, and receive the money from your hands? I do not think he did.
274. And that you did not hand over the money to Mr. Moffat? I do not think I did.
275. There was a strong remonstrance on the part of the police? Mr. Read said he could not obey the written order I gave; we afterwards consulted, and I thought it only just to the prisoner.
276. Before going into Court on that occasion, had you any conversation with Inspector Read about the case? Yes.
277. And Inspector Read then told you it would be a breach of duty? I think not—I think not; he said he was ordered not to give up the money.
278. Did he not say it would be a breach of the Police Regulations to hand over the money? No, or I should have referred to the Police Regulations.
279. I believe you said, in an early part of this examination, that you considered the clerical assistance at present not too much? Yes.
280. And that it is impossible to dispense with the services of any of them? I think so; our duties are not exactly the Court duties; we have all the lists of applicants for publicans' general licenses, electoral lists, jury lists, registration of dogs, auctioneers, hawkers, and pedlars, to prepare in the office. I think the dog registration necessitates about 25,000 entries.
281. *By Mr. Cowper*: Have you any to do for pawnbrokers? Yes, there are also pawnbrokers' licenses.
282. *By Mr. Hoskins*: You were never before a Police Magistrate in any part of the Colony? No.
283. Were you paid at Muswellbrook? No, unpaid.
284. How often were you in the habit of sitting? I resided about five miles off, and used to attend about once a week or fortnight.
285. Did you ever have any legal training or devote yourself to legal studies? None, but as a Magistrate, and reading up in cases.
286. Previous to your receiving this appointment, I understand, you had studied law? By myself.
287. Had you any object in view? I applied for this situation, but did not get it for months afterwards.
288. You admit that there are much more intricate cases, that require a knowledge of law, than ejection and Corporation cases? Yes; those are easy. With regard to ejections it is necessary to know something.
289. Do you ever consult the Crown Solicitor? Yes, I put off a case for that purpose, and I also consult the Attorney General.
290. Before giving a decision? Yes.
291. Some cases involve considerable sums of money? Cases of robbery, such as that of Oliver, or the case of the Bible Society, which involved some £700.

Captain
D. C. F. Scott.
25 July, 1862.

292. Were you presiding on the bench when the case of Lassiter, with regard to some premises in George-street, came before the Court? Yes, and I committed; it was clearly proved that the parties not only knocked the place down, but had gone inside the house.

293. You considered that a difficult case? Yes, a nasty case.

294. You frequently have cases as difficult as that? Yes.

295. Did you receive any instructions from the Government as to what your duties were? No positive instructions, but I have all these things to do that I have mentioned. The office is full, and I sit all day; I sit down in the office at nine o'clock in the summer, and at half-past nine in the winter, and remain there till four in the afternoon.

296. I want to know what other duties, besides those mentioned, you have to perform? I have bench duties, and see that the books are all kept up, and that the people of the office attend regularly; I have to act on the Classification Board once a month.

297. What is the Classification Board? It is a Board comprising Capt. McLerie, Mr. North, and myself, to report upon the petitions and memorials of all prisoners from Berrima, Cockatoo, Darlinghurst, and Parramatta.

298. How often does it meet? Once a month, and occupies one or two hours.

299. What other duties have you? None.

300. Are you Visiting Magistrate to the Gaol or Cockatoo? At Cockatoo.

301. How frequently do you visit there? My orders are for once a week, but when I cannot go I ask Mr. North, and sometimes an unpaid Magistrate, to go for me. I think that I have been absent perhaps eight times during the two years.

302. Do you mean to say that you sit on the bench every day, except when you visit Cockatoo? Yes. I visited Cockatoo to-day and knocked off about twelve cases, and sometimes on my return I have to sit again. Magistrates sometimes adjourn the Court for an hour, and then do not come back.

303. Ought you not to sit all day? My office business is of importance.

304. Do you not think that when the Government appointed a paid Magistrate for Sydney, he should adjudicate upon cases in Court? I always do if I am wanted, and have sat upon about 8,000 or 10,000 cases.

305. Are there not as many decided by unpaid Magistrates as by yourself? Very probably. There are often several Courts open.

306. Are there not many hours in each day when you do not preside? Not in each day. Many days I preside for a short time; there are very few days when I do not sit at all on the bench.

307. For a few hours? Sometimes all day, and sometimes a few hours. There was a large meeting of Magistrates some time ago, who seemed to think the office duties of more importance than anything else.

308. Do you think so? Except in particular cases, I do not think so. If a particular case is going on in Court it is my duty to be there, or otherwise my duties in the office are more important.

309. Have you heard any complaints about your not being in attendance doing the duties of Police Magistrate on the bench? No. I do not think that I have been off the bench above two or three times when I was wanted.

310. You know that there are stipendiary Magistrates in London? Yes.

311. Are you not aware that they are always in attendance upon the Bench until the whole of the cases are disposed of? I never was in a London Police Court in my life.

312. They sit the whole of the day? Yes; but there must be the assistance of another person in the private room to do the office duties. If I leave the bench to get a glass of water, I almost always find two or three persons waiting at the office door for summonses or something of that kind. Sometimes they go upon the bench and ask an unpaid Magistrate, who generally tells them to go to the Police Magistrate. The public business is often interrupted by parties coming to the bench to ask questions.

313. Did you receive any instructions from the Government when you were appointed, except to attend regularly in Court and dispense justice? I did not.

314. Do you consider that the Magistrates who generally attend the Central Police Office in Sydney, are men of sufficient intelligence and practical acquaintance with the law to perform properly the duties of Magistrates? I think many of them are. Many of them are old Magistrates, who have sat in a very large number of cases. Some of the new Magistrates are not; many will not take the Chair. I have often done this: I have said to them, with reference to such and such a case,—if guilty, such punishment; and in that way have gone through the whole sheet. If I had not made that explanation they would not have sat. I say,—for this offence, if proved, the fine is 5s., for that 10s., for some other 40s., referring to each separate case, so that a young Magistrate is thus up to every case he has to deal with.

315. *By the Chairman*: Can you tell what the penalty should be for these offences without reference to the evidence? No; I tell them what the law is if the parties are guilty.

316. *By Mr. Hoskins*: You consider that, in adjudicating cases, the evidence will affect that materially? Yes.

317. Do you know, as a matter of fact, that there have been a great number of appeals in cases where other Magistrates have presided? A good number of mandamuses.

318. *By the Chairman*: A large number? They never told me, and I cannot say for a certainty.

319. *By Mr. Hoskins*: There are a number of the Magistrates who do not possess the qualifications they ought to have for the discharge of their duties? A number of them are very good.

320. How many Magistrates are there on the roster? There is an average of perhaps twenty during the six days of each week, some come every week, others only once or twice in a month; but they do not all attend regularly. This morning not one of the Magistrates summoned attended there, and I had to send for three other Magistrates before I could begin. Captain
D. C. F. Scott.
25 July, 1862.
321. Do you, at the end of every week, allot the days of attendance for the ensuing week? I have a roster book with the days of the week, and the names of the Magistrates who are summoned to attend. They are written to, and requested, in the name of the Mayor, to attend. On the other side there is a list of those who attend without being asked. I keep that myself.
322. Does it frequently occur that cases are postponed on account of the laxity in the attendance of Magistrates? Sometimes.
323. Frequently? When cases are remanded, perhaps one will come who has not acted upon them, whilst those who have are not in attendance, and delay occurs in that way sometimes. Yesterday, and generally, I knock off all the cases.
324. How many Magistrates attend at the Police Office generally? We sent in a return the other day. By guess I should say about forty or forty-five.
325. In giving your opinion, do you think that they are generally very inattentive to their duties? Oh no; they are attentive in the morning, but I only wish they would come back sooner. During nine months Mr. Peden has attended 189 times, because he lives opposite, and I had frequently to send to him and come and finish the day's work.
326. Are there not many who never obey the summons to attend? Some come but once a year, others but once a month, and we scratch their names off if they do not attend.
327. If another Police Magistrate were appointed would not the business be expedited? Not in that Court.
328. Is it not in arrears? No. I think it would be a great convenience to the public if the Government would establish a Police Magistrate and Clerk of Petty Sessions somewhere about the Glebe, taking one of my clerks with a small salary, and give him all the work coming from Homebush, Burwood, the Glebe, and those places around. I think there would be more money got in for summonses, and those kind of things, than would be required to pay the expenses. People would rather submit to many offences than incur the expense and inconvenience of coming for a long distance to the Central Police Court.
329. You consider the arrangements are not perfect; what are the imperfections? The building is very bad, though it is getting better now. I cannot recommend anything for improvement. I do not consider it perfect, nor can I recommend the appointment of another Police Magistrate. I think the improvement would be the establishment of another Court.
330. In the suburbs—to relieve the George-street Police Office? Yes.
331. Do you consider there is a sufficient number of clerks? Yes, when the vacancy occasioned by the death of Mr. Martin is filled up.
332. You have some volunteers? Yes, to help the others in copying.
333. Of what ages are these young men—do they receive any salary? Both, I think, are about twenty or twenty-two.
334. Appointed by the Government? No, they come there by my permission.
335. Are they not considered as responsible for anything they do? They are not recognized; the heads of their departments are responsible. One is the son of Dr. Day, of Windsor, the other a son of Mr. Tunks, the cricketer, and we had also a son of Major Chisholm.
336. Do you consider you have the power to cancel a warrant issued without having the prisoner brought before you? Perhaps I have not, but I think in some cases it ought to be done, for instance in maintenance cases where the husband may be living in the country, and may send remittances after the warrant is issued, when the wife may not desire to proceed.
337. Are you in the habit of doing it? In maintenance cases.
338. In any other cases? None except the cases alluded to, when a summons would do as well as a warrant.
339. Previous to granting any warrant, do you not ascertain whether a summons will have the desired object? A summons will hardly do when a party is a long way off; a digger would laugh at a summons.
340. Do you never issue a warrant without taking affidavits? We always take affidavits.
341. Under any circumstances? Unless they grant bail. In very few instances.
342. You consider you have the power also to order witnesses out of Court? Yes, I request the parties to leave the Court.
343. And on their refusal to leave? I consider that contempt of Court.
344. And may punish them? Yes.
345. Did you preside in the case of Cullen v. Keith Collins? No, I was not present at the altercation when Colonel Hamilton refused to leave.
346. Did he refuse to your knowledge? He told me himself that he did not consider himself a witness at all, and he said to the Magistrates, "but if you wish it I will leave the Court."
347. Are you in the habit of allowing persons to give evidence from the bench? Well, some people do. I invariably go into the box.
348. Have you allowed persons to give evidence from the bench? Medical men.
349. Why is the exception made? He generally steps down when a question is asked. I have never heard any person make objection to it.
350. Does this exception frequently take place when persons occupying a higher social position than ordinary are called as witnesses? I do not suppose it takes place more than once or twice in a month.
351. By Mr. Cowper: Not with regard to the Magistrates? No.

- Captain
D. C. F. Scott.
25 July, 1862.
352. *By the Chairman*: With regard to military officers? They go into the box. They were in the box. When the Roman Catholic Bishop of Adelaide appeared as a witness he give his evidence from the bench.
353. *By Mr. Hoskins*: Do you admit that you recognize the principle? In some cases.
354. *By Mr. Cowper*: In cases of eminent persons.
355. *By Mr. Hoskins*: You could compel them, if it were desirable, to go into the witness box? Yes, I have the power.
356. *By Mr. Caldwell*: Have any complaints been made to you respecting the accommodation provided for Magistrates? There is no accommodation except my small room. I do not think there is sufficient accommodation; but now they are building a room for the Magistrates.
357. Have any complaints been made to you in consequence of the Magistrates not having Acts of Parliament to refer to? Yes.
358. Do you think a sufficient accommodation is provided for the public who are waiting on business? Particularly bad accommodation. They are obliged to remain in the passage. There is no consulting room for professional gentlemen, nor any room for people to sit in when waiting for business with Magistrates.
359. Do you think the situation of the Police Office is suitable? I think it very bad, being close to the market, and filth being thrown close around us. The central position is a good one.
360. *By Mr. W. Forster*: How long have you been a Magistrate? Two or three and twenty years.
361. What is your opinion as to the necessity for a Police Magistrate in Sydney—can the business be conducted properly without one? I will tell you the fact. When I received the office I found a great number of the books had not been kept up for upwards of a year; and the moneys were not entered for three months. I found the whole office in a state of great disorder.
362. But were these disorders capable of being remedied if the other Magistrates attended to their duties? No, the books require some one to be constantly seeing that they are kept up.
363. You consider that, from the large amount of business in Sydney, and the central situation, it is not possible to conduct the public business properly without a Police Magistrate? I think it scarcely possible.
364. I suppose you are aware that people now make complaints of the delays and postponements of business? Perfectly.
365. Do you think that any of these take place to suit the personal convenience of Magistrates? Sometimes; and sometimes to suit the convenience of legal gentlemen.
366. Which is the commonest? If a legal gentleman has a case in both Courts, I have agreed that one of them should be postponed when it can be done.
367. That is when there is an agreement between the parties, and when there is no objection to it? Yes. I think those Magistrates who do attend perform their duty properly.
368. With regard to these postponements to suit the convenience of the parties, are not witnesses considered? No.
369. Their convenience is never considered? Seldom.
370. It never enters the heads of Magistrates to consider whether witnesses are kept waiting or not? It is sometimes mentioned in Court.
371. Then the convenience of legal gentlemen is attended to more than that of other parties? Sometimes; and sometimes their clients will not go on without the presence of their legal advisers, whom they have to seek perhaps in another Court, and importune them to come and look after their cases.
372. Do you think the hearing of cases is in any way lengthened by the conduct of the legal gentlemen who attend in them? Yes; very much the same questions are frequently asked over and over again.
373. Are there any means of preventing it? When they are spoken to about it they answer that they are doing their best for their client, and they continue to put the same questions to a witness several times.
374. And you cannot interfere? Not if they behave correctly.
375. You have some power to keep them to their subject? I sometimes say that does not bear upon the question at issue, but they say, stop till you see how I am going to make it apply.
376. Do you think that is profitable to them? If they are paid by the day.
377. *By Mr. Hoskins*: Have they any legal status or right to plead? I believe so; I do not think we have a right to prevent them.
378. Could you prevent a civilian from pleading? I think so.
379. On what authority? It is the custom in all Courts of law to allow none but legal gentlemen to plead.
380. You have no objection to state, with regard to the unpaid Magistrates in giving you assistance? No, except with regard to those who do not come.
381. You get sufficient assistance? I am quite satisfied with it.
382. Do you think any difference prevails in the practice, with regard to the regularity of proceedings, when you are on the bench and when you are not; or because the other Magistrates allow greater latitude to lawyers than is right;—are you aware of any difference in the practice when you are on the bench from that when others are presiding? Some Magistrates are far more quiet than others, and do not enter into the arguments; others will talk and argue, and when unnecessary questions are put that would be stopped.
383. You make it a point of presiding in cases of importance? I always take the Crime Court or York-street Court, and remain there if other Magistrates will take the other work.

384. Are you not in the habit of asking the advice of other Magistrates? I consult with them, and with the clerks sometimes.

Captain
D. C. F. Scott.

385. With regard to the practice of issuing warrants, are there any Magistrates who take upon themselves to cancel warrants? I am not aware.

25 July, 1862.

386. Are you aware that it is done by other Police Magistrates? No.

387. Was it done up the country where you acted as a Magistrate? I have no recollection.

388. Then it is not a general rule that warrants are invariably enforced? In the cases I have alluded to we should be putting the parties to great inconvenience and incurring much expense; if the husband is brought from a distance on warrant he may claim his satisfaction.

389. In cancelling warrants have you cancelled any that were granted by other Magistrates? I do not recollect; I have repeatedly refused to interfere with matters adjudicated on by others.

390. Any warrants you cancelled were warrants granted by yourself? Very few have been cancelled except this.

391. Other Magistrates have the power? Oh yes.

392. You do not interfere if they grant warrants? No, as far as I know, I have declined.

393. Are not functions performed by Magistrates in some instances which you think might safely be confided to the clerks; for instance, the granting of summonses? He can sign certain exhibits. I think in wages cases there are.

394. Do you think it would be a good plan to give a clerk the power of issuing summonses? If you make him a Magistrate. One trial was made before my time, but I believe failed, because the Clerk of Petty Sessions would sit as a Magistrate instead of doing office business only.

395. *By Mr. Cowper*: There was at that time no Police Magistrate? No.

396. *By the Chairman*: Was he not compelled to sit in consequence of the non-attendance of other Magistrates? Very probably.

397. *By Mr. W. Forster*: You think it would be advisable to give a clerk the power of a Magistrate, in order that he might attend to office duties exclusively? I think it would be a benefit if he were made a Magistrate. He could prevent any interruption of the public business of the Court, by persons applying to me whilst I am on the bench, and could attend to the business of those parties who are often kept waiting for hours. He would then also have the power, whilst I was absent at Cockatoo or elsewhere, of giving orders for advocates to look at depositions.

398. Are you aware of any public inconvenience arising in any case from the late alterations in the police force? No; I think it has rather tended to decrease crime.

399. You think it has been beneficial? Yes, and I think the longer it is in existence the more beneficial it will prove.

400. There is no difficulty in carrying out orders given to constables? None.

401. And no disposition on the part of the police to be insubordinate or resist orders? They are always very courteous to me, as I am to them.

402. Are there any complaints by other Magistrates on that subject? No; the senior sergeants and men are generally very respectful.

403. *By Mr. Cowper*: Practically the system did not affect the Sydney police? The improvement I mean is, that the present police force detect crime sooner.

404. There is more organization; but the principle was carried out in Sydney before the new Police Act came into operation; it was then only extended to the country? Yes.

405. With reference to your opinion as to the qualifications for a Police Magistrate—will you state what official appointments you have held during your life? I was in the Army, and holding very good staff appointments.

406. How long? Eighteen years.

407. What rank? Captain.

408. Was it in the Imperial or in the Company's service? In the Company's. I was a cadet in the Royal Engineers, with Sir William Denison and Sir W. Williams of Kars. I went up to Bombay, and was there for sixteen years, holding a situation as brigade major, adjutant of a regiment, and also as engineer for the Company. Then I came out here.

409. What was your occupation here—that of a settler? Yes; I bought land, occupied it as a country gentleman, and acted as a Magistrate in country districts.

410. What was your first appointment? Disputed Boundary Commissioner.

411. How long? About three months, when I settled all claims.

412. You were afterwards appointed to what? A short time afterwards I was made Provincial Inspector of Police.

413. Under the system at that time? Yes, just as the gold discovery broke out.

414. In 1851? Or 1852.

415. How long did you hold that appointment? About two years. I was in charge of the whole of the mounted and foot police between Bathurst, Shoalhaven, to within a few miles of Newcastle; and had frequently to ride 600 miles a month.

416. What was your next appointment? That of engineer upon the Bathurst Road.

417. How long did you hold that? About two years.

418. What was your next official appointment? I became Private Secretary to Mr. Donaldson.

419. How long did you hold that office? Until you assumed office. After that I was Private Secretary to Sir Henry Watson Parker for a short time, who offered me the appointment of Police Magistrate at Parramatta, and I declined it.

420. Have you, since you have held the office of Police Magistrate in Sydney, felt yourself embarrassed in the performance of your duties, from the alleged ignorance of law on your part? Very seldom. I have stated it as a fact, that out of the many cases I have tried I have never heard of any dissatisfaction, or of an appeal or mandamus, to my recollection.

Captain
D. C. F. Scott.
25 July, 1862.

421. You never had an appeal or mandamus? I do not recollect any.
422. Do you suppose that the duties in Sydney are more difficult for a layman to perform than those at Bathurst, Goulburn, or Maitland;—must not the Magistrates there have quite as many questions involving points of law—or, although they may not be so numerous, have they not the same classes of cases? Yes; I think a layman, who has the qualifications, can fill the place as well as a legally bred man.
423. If a lawyer is necessary in Sydney, he would be just as necessary in Bathurst, Maitland, and Goulburn? Yes.
424. *By Mr. Hoskins*: But more necessary in Sydney? Yes. I think that the Police Magistrate should be a married man, of a certain age, of good moral character, on account of the numerous temptations he every day meets with in his office, a man of known integrity, of education, courteous, possessing a good temper, and having many other necessary personal qualities. He should be able to write all the correspondence of his office; he should be a gentleman by education and birth, on whose word people may rely as much as if it were upon oath. I think these qualifications are as necessary as a full knowledge of the law.
425. With regard to the duties and the time you devote to them—do you not understand that you are bound to be in the office during the usual official hours? Yes, generally; and I take my luncheon in my hand.
426. And you are always either on the bench or in your office? Yes.
427. Do you find that the supervision of the office duties occupies much time? No; they are particularly under the care of Mr. Connell.
428. You exercise a general supervision? Oh yes.
429. Have you any periodical examination of accounts, to see that the fees are correctly entered and the books properly made up? Every evening the page for such and such a day comes under my notice, and I see that Mr. Connell's signature is there to show that he has inspected it.
430. Who regulates the fees, or sees that the proper fee is charged in every case according to the scale? There is a printed form in every room hung up, and from that the fees are charged.
431. And returns made for the Auditor General's checking? Yes.
432. How do you check them? By looking them over.
433. You certify to their correctness—is it monthly or quarterly? No. They are sent to the different departments—to the four different departments—by Mr. Connell, and then receive his signature.
434. Then the Auditor General must have some returns to check your accounts? No other return.
435. You must have some statement of accounts? There is a statement sent to him of so many fees received.
436. I am speaking of returns? There is a return sent when the money is sent.
437. There is always a declaration on oath attached to the warrant by the clerk? Yes.
438. Do you not check that before it is sent away from the office? I take Mr. Connell's sworn declaration to the truth of it.
439. *By the Chairman*: Do you look into the books? Occasionally.
440. Do you examine the entries and compare them with the documents? No.
441. *By Mr. Cowper*: Then if the clerk acted dishonestly you would not find him out? He is checked by others, and he makes a declaration of his statement being perfectly true.
442. Have you, since your appointment, introduced many changes, in order to establish a more regular system than existed previously? There was great irregularity there. I have introduced a book for the registering of dogs, and ten new books for publicans', auctioneers', and other licenses, &c., so that the whole thing is simplified.
443. You stated that when you came into the office the accounts were in arrear? Yes.
444. Are they now correct and regular? Quite so.
445. The time book is one that shows when the different persons employed there come and go from the office? Yes.
446. Every clerk has to enter his name in it? Yes. Mr. Smithers is sometimes irregular.
447. *By the Chairman*: Mr. Smithers seems to be the black sheep there? At times he is irregular.
448. *By Mr. Cowper*: With regard to queries by the Auditor General—second accounts come through you from Mr. Connell? Yes.
449. And if he committed mistakes it would be known in the office, if the query led to that conclusion? Yes.
450. How do you know that the money is periodically paid to the bank;—is a report made, or do you require to see the book? I see it entered in the book as paid.
451. Do you never require the bank book to be exhibited? I have seen it, but did not examine it.
452. Is there any particular time when it is submitted periodically? No; I look at it often.
453. Which book? The fee book.
454. You never examine the bank pass book? No.
455. With regard to the attendance of the unpaid Magistrates, does the Court often fail for want of such attendance? Only perhaps in the evening, or if it is a rainy day.
456. You have a roster? Yes.
457. Do they attend upon that regularly? About two-thirds of them.
458. Can you form an estimate of the acting Magistrates in your Court? I should say about forty. Some are very particular in their attendance, and others are just the contrary.
459. With reference to your suggestion of establishing a Court in the suburbs, have you fully

fully considered the subject of appointing the Clerk of Petty Sessions as a Police Magistrate, and do you approve of that principle? I do not think he could take the office unless you appointed two clerks. I thought more of the expense than of the principle.

Captain
D. C. F. Scott.

460. Has any representation been made to you in favour of the establishment of a police office in the suburbs? I have heard suggestions upon that matter. 25 July, 1862.

461. You have heard that there is to be a new division between the Water Police and Central Police Office districts;—do you not think that would be a better means of remedying the evils you speak of? If they take some of the office business from me it will be better, but if they simply take the assault and summons cases I do not think it will remove 200 cases in the year.

462. Is it not likely to relieve you of more business than if a police office were established at the Glebe? No. There are many places all round that district—Burwood, Ashfield, Newtown, Canterbury—the cases from which would all go to that Court.

463. *By Mr. Hoskins*: Do you make the suggestion with a view to relieve people from the necessity of travelling a distance, or in order to reduce the amount of business at your Court? Both. I should like a Court there because it would relieve these parties, and also the people of Sydney who had to wait so long for a hearing of their cases.

464. *By Mr. Cowper*: You have no arrears of business? None.

465. Then what necessity is there for an additional office? In order that people might not be kept waiting.

466. You say that is rather occasioned by attorneys? Sometimes I have opened three Courts, and once four Courts, in order to expedite the public business.

467. If the business of the Water Police Office is extended to relieve you of part of your business, some of the clerks can be removed. Yes, if they supply their district with publicans' licenses and dog registrations, otherwise it will not relieve me of 200 cases.

468. *By Mr. Hoskins*: Do you think that the persons who have business in your Court generally are satisfied with having a Police Magistrate to dispense justice without an unpaid Magistrate? I have often been asked to sit in cases, but I make it a point not go out of the ordinary routine of my duties.

469. *By Mr. Cowper*: Have you not observed that some of the unpaid Magistrates attend in particular cases, but do not attend to their general duties on the bench? I have seen Magistrates take part in cases in which they had an interest.

470. It does not go to a great extent? No.

471. *By the Chairman*: You know it does exist? I think I have traced it. I do not think it is a general practice.

472. But you have seen it in particular cases? I think I have, but I am not acquainted with all the ramifications and all the relationships.

473. *By Mr. Cowper*: Do you consider that the clerks now in the office are efficient in their various capacities? I am satisfied with them.

474. Mr. Martin has died since the appointment of this Committee? Yes.

475. You consider that the clerks are efficient, and the office well conducted? Yes. Mr. Connell is a first-rate person in his office, Mr. Ormiston is a first-rate accountant; then comes Mr. Armstrong with all the summonses—he attends well to his duty.

476. Who are the three deposition clerks? Mr. Smithers, Mr. Hales, and Mr. Felton—he writes a good hand, and has an aptitude for taking depositions.

477. You are not aware of any grounds for a charge of general inefficiency against your establishment? I have all the books to produce.

478. You make a suggestion, and spoke of the facilities that might be given for the transaction of office business if the chief clerk were appointed a Magistrate? Yes.

479. Would not that interfere with the general duties of his office? Not if he promised not to sit upon the bench.

480. You are aware that Mr. Warburton made the same promise and did not fulfil it? Mr. Connell has conducted himself remarkably well. It would prevent persons interrupting us on the bench.

481. What time do you devote to those office duties? From nine to ten o'clock in the morning, and whenever I am not required on the bench.

482. Is not that sufficient to keep up that branch of your duties? It causes delay.

483. Serious delay? I have seen people waiting for an hour or more. Ladies do not like to come to the bench when there is no person in my room.

484. *By Mr. Hoskins*: If the suggestion as to the establishment of a police office in the suburbs were carried out, you would be able to attend more frequently, and for longer periods on the bench than at present? Oh yes; there would be fewer demands upon my time in the private room.

485. Do you not think that is much to be desired? I think it would be a great benefit to all classes.

486. *By Mr. Caldwell*: In reference to summonses—have private Magistrates ever granted summonses without going through your office? Sometimes, but not often. They frequently sit in the room and do some work.

487. Have they ever granted summonses without the ordinary fees being paid into Court? Not often; because my distinct order is that payment should be made at once, unless I put "credit" on the document.

488. Have Magistrates obtained forms in order to grant summonses without paying the fees? It might have occurred. As far as the office is concerned we decidedly object to it; I do not allow a Magistrate to give a summons on credit.

489. *By the Chairman*: You stated that you did not recollect a case where a mandamus or prohibition was issued against yourself? I do not recollect any.

- Captain
D. C. F. Scott.
- 25 July, 1862.
490. You usually sit for the disposal of the charge sheet? Yes.
491. Where prisoners are committed to take their trial? Yes.
492. It is not usual to have prohibitions in such instances? I have been threatened five or six times by Mr. Moffat and others that application would be made.
493. You say that you have introduced several changes into the management of the office, and amongst others the time book? Yes.
494. It does not appear to be signed by the chief clerk? I do not think the chief clerk of any department in the Colony signs a book. In some offices the heads of rooms do not sign.
495. You sign it, but not the chief clerk? I signed it for a short time, as an example to others to do it.
496. The first name on the book is H. H. Roscoe, introduced by you? Yes.
497. Do you know where he is? At Darlington.
498. He was one of the changes you made? Yes.
499. Do you recollect any fault being found with his appointment when it was made? I heard the charge made that he was not native born.
500. No fault stated by clerks or others in the establishment against him? I heard that he was addicted to drink, and that caused his dismissal.
501. How long was he in the office before that was discovered? Some months. I had no idea of it myself.
502. You have stated that the attorneys take up much of the time of the Court;—can you say how many attend there constantly? There is Mr. Moffat, Mr. Roberts, Mr. Carroll, yourself.
503. I say constantly? You practice twice a week—that is pretty constant—in Stubbs's cases.
504. But once a week for the Corporation? There are other attorneys that come now and then; there is Mr. Cory.
505. Who are the attorneys you have difficulty in keeping in order, and who waste the time of the Court? Every one. I mean that if the same assault case could be tried in two Courts—the one before unpaid Magistrates without the appearance of legal gentlemen, and the other before four Magistrates with attorneys to plead—the former would be settled in an hour, whilst the latter would occupy two or three hours.
506. And you never attempt to check these gentlemen? Oh! I have often done it.
507. You stated that you did not believe that Magistrates attended there to take particular cases? I believe some do, although I do not know their family relationship.
508. Have you not seen in some cases of particular interest a large number of Magistrates attending, who seldom or never attend to their duties, except to take such cases? I think I have.
509. Have you any doubt about it? I have no doubt it has been done once or twice; I cannot mention it as a matter of fact. I have heard it said that a certain party came to the Court, and that it was likely for the purpose of taking this or that particular case.
510. You believe the whole of the clerks in the office are highly efficient? Not the younger ones; they are learning. The others are.
511. And you have no fault to find with the mode of conducting business? No.
512. How long has it been in this perfect state? We had to find fault with a clerk a fortnight or three weeks ago, but with that exception we have been getting on very well lately, except with regard to Mr. Davidson. One gentleman was reported to me as being drunk, and I packed him off.
513. This gentleman does not now belong to your office? No; I requested him to resign, and he did so. I am perfectly satisfied with the parties who now fill the vacancy.
514. With the exception of the complaint you have spoken of, have you heard any other? Not that I am aware of.
515. From the head of the establishment? Against one of the clerks, that he is not zealous, and does not assist in instructing the young clerks, or give sufficient time to the duties of his office. This was reported, but he is now very attentive to his duties.
516. I believe you have had occasion to check some solicitors for misconduct? Yes.
517. And declined to hear them? One.
518. Did you refuse to hear him for a stated time? Three months.
519. How long is that since? I think his time expired some time last year.
520. And now he enjoys an extensive practice in your Court? Yes. He lost his temper.
521. And you say that you have found the police, since the passing of the new Bill, to be attentive and courteous? I have no complaint to make about them.
522. Have complaints been made by clerks, that they could not get the police to do anything for them since the passing of the new Bill? I do not think so, because since then we have had a messenger, and do not employ the police at all.
523. Has it been reported by the chief clerk, that it was impossible to get one of the police to do anything for them? I cannot say.
524. If he stated it to others, it was untrue? I cannot say.
525. *By Mr. Couper*: What could he call upon the police to do? I do not know. What I ask the police to do is as a favour.
526. *By the Chairman*: You have a messenger connected with your establishment, you say? Yes.
527. And the only fault you have to find with the situation of the Police Office is that there is a stench there from the markets and the dray stand in York-street? It is not a suitable building.
528. Have you made any complaints about the filth of the markets? I sent out one day to say, that if a heap of dirt that was there was not removed I would bring the party up for a nuisance.
- 529.

529. Who made the complaint? I sent out one of the clerks.
530. That was in regard to the dray stand? If we open the windows in summer the smell all round is very bad. Captain
D. C. F. Scott.
531. *By Mr. Caldwell:* You also suffer inconvenience from the noise? Oh! very much. 25 July, 1862.
532. *By the Chairman:* With the exception of the knowledge you have stated you possessed as a qualification for your office, you have no knowledge of accounts? I have been accused of saying in Court that I was no accountant.
533. You never meant that? The statement I made was this:—A serious case was being tried against the Secretary of the Bible Society, for a robbery of £700. Mr. Ronald and myself had gone into the case to some extent, when Mr. Ronald said he must go away. Addressing Mr. Roberts, I then said, “Mr. Ronald is obliged to go away, and as this evidence hinges upon the accountant’s books, I should like to have Mr. Ronald’s assistance.”
534. You are not an accountant? I took high honors in mathematics at Woolwich.
535. *By Mr. Caldwell:* Did you say you were not an accountant? I did not, I believe. I said Mr. Ronald was an accountant, and as I should like his assistance, I asked for a postponement.

APPENDIX.

A.

DOCUMENT No. 1.

Clerks in No 9.

1. Mr. Connell, junior; service, 18 years and 4 months; salary, £430 per annum.
2. Mr. Smithers; service, 13 years and 4 months; salary, £350 per annum.
3. Mr. Martin, lately dead; service, 9 years; salary, £300 per annum.
4. Mr. Ormiston; service, 9 years; salary, £250 per annum.
5. Mr. Armstrong; service, 17 years (not continuous); salary, £220 per annum.
6. Mr. Delohery; service, 2 years; salary, £175 per annum.
7. Mr. Hales; service, 14 months; salary, £175 per annum.
8. Mr. Felton; service, 2 months; salary, £120 per annum.
9. Mr. Fraser; service, 2 months; salary, £120 per annum.

D. C. F. SCOTT, P.M.

B.

DOCUMENT No. 2.

Duties of Mr. Connell, junr., Clerk of Petty Sessions.

The general management of the office; to record fees and fines; to pay informers' and claimants' costs; to add up and bank, daily, the previous day's money received; to receive fines inflicted on prisoners, and release them; to audit poundkeepers' accounts, eight in number; to check all warrants; to compare and check accounts with the summons and warrant clerks, and moneys received from gaol, Darlinghurst; to pay fines, weekly, as appropriated, to the Benevolent Asylum, the Police Reward Fund, and City Corporation, granting informations and summonses under the Masters and Servants Act; to take charge of the postage stamps and stationery; to conduct the correspondence of the office, and to post notices in the *Government Gazette*, and in the newspapers, for hawkers, pedlers, auctioneers, and general licensing, business, jury, and electoral lists, all of which require strict attention to various Acts, a neglect of which will entail serious inconvenience to the public, and subject him to heavy penalties. There are many other responsible duties, small apparently, but absolutely necessary, which require much care and give much trouble.

D. C. F. SCOTT, P.M.

Mr. Connell gives security, self £500, two £250 each.—D. C. F. S., P.M.

DOCUMENT No. 3.

The duties of Mr. Smithers.

To take depositions; to prepare and forward to the Honorable the Attorney General the committal cases taken by him; to check warrants of committal of prisoners; and, when required, to draw up maintenance and other cases, and to perform such duties as he is directed to do.

D. C. F. SCOTT, P.M.

DOCUMENT No. 4.

The duties of Mr. Martin.

To draw informations for summonses and warrants on informations; to draw committal warrants; to keep register of convictions where payment of fines is ordered by levy and distress; to issue copies of order of Justices to parties fined; to issue warrants of distress or commitment in case of non-payment; to keep register of fines paid; and to check his accounts with Mr. Connell.

D. C. F. SCOTT, P.M.

DOCUMENT No. 5.

The duties of Mr. Ormiston.

To enter moneys received daily into the collection book under the various heads of fees, fines, licenses and costs, with the names of the offenders and nature of each offence; appropriating the fines according to the various Acts under which they are imposed; to make a weekly recapitulation of the same; to prepare vouchers and cheques for the payment of the receipts to the General Revenue, Police Reward Fund, Benevolent Asylum, and City Fund, and making at the end of every month a general recapitulation of the whole, to preparing attested accounts of fines for the Audit Office, showing the names, offences, amount of fines, and Act under which each fine was inflicted, and how the penalty was appropriated; to prepare monthly account of fees and licenses; to prepare abstracts and cheques for the payment of salaries, expenses of electoral and jury lists, and many other duties requiring great care and correctness.

D. C. F. SCOTT, P.M.

Captain
D. C. F. Scott.

DOCUMENT No. 6.

Mr. Armstrong's duties;—assisted by Mr Felton.

25 July, 1862. Filing and recording informations; filling in summonses; issuing subpoenas; registering dogs; binding over witnesses; preparing recognizances and notices; admitting to bail; affidavits of justification of bail; keeping book recording above; also record book for all cases for trial at Quarter Sessions and Gaol Delivery; day book of all moneys received for summonses, warrants, informations, subpoenas, &c.; checking it with Mr. Connell; alphabetical dog-book; summons sheets, &c.; and many other duties appertaining to his room.

Mr. Felton assists in these duties; and also acts as deposition clerk, and other duties when required.

D. C. F. SCOTT, P.M.

DOCUMENT No. 7.

Mr. Delohery's duties.

Licensing business; assisting in taking moneys (fees, fines, licenses, &c.); copying and entering letters; preparing declarations; keeping the general register—kept for the purpose of registering all letters, applications received, giving the number and date when received, from whom, substance of each letter or application, and the result of the same; indexing books, viz., from the departments of the Colonial Secretary, Treasurer, Audit Office, Crown Law Officers, and miscellaneous book, licensing books, viz., publicans general licensing book, transfer, auctioneers, hawkers, pawnbrokers, and general register; with other duties when required.

D. C. F. SCOTT, P.M.

DOCUMENT No. 8.

Mr. Hale's duties.

Second deposition clerk; to prepare, enter, and forward to the Attorney General, the proceedings in committal cases taken by him; when not so engaged, to assist in the general business of the office as required.

D. C. F. SCOTT, P.M.

DOCUMENT No. 9.

Duties of Mr. Fraser.

Assisting in preparing informations and other documents; keeping alphabetical index of cases heard in the Courts, with names of the parties; assisting generally as required.

D. C. F. SCOTT, P.M.

C.

DOCUMENT No. 10.

LIST of Books used at the Central Police Office, Sydney:—

| | | | |
|--|--------|---|--------|
| General Licensing Book | Old. | Salary Abstract Book | Old. |
| Transfer Book | New. | Requisition Book | Old. |
| Hawkers Book | New. | Collections | Old. |
| Auctioneers Book | New. | Dog Register | New. |
| Pawnbrokers Book | New. | Day Book | New. |
| Licensing Minutes | Old. | Quarter Sessions and Gaol Delivery Book | Old. |
| Spirit Merchants Book | Old. | Justification of Bail Book | Old. |
| General Register | New. | Two Stationery Books | New. |
| Day Book (cash) | Old. | Index Book (Register of Crime) | Old. |
| Claimants Book | Old. | Order Book, and Distress and Capias | } Old. |
| Miscellaneous Letter Book | Old. | (Moneys to pay) | |
| Electoral Minutes | Old. | Fines and Costs paid | Old. |
| Crown Law Officers Letter Book | New. | Gaol Delivery Book | Old. |
| Auditor General & Colonial Treasurer's | } New. | Gaol Receipt Book | Old. |
| Letter Book | | Remand Book | Old. |
| Colonial Secretary's Letter Book | Old. | Clerk of the Peace Book | Old. |

30 Books—10 new.

The Licensing and Letter Books were never indexed till the appointment of Mr. Connell. The Index Book (Register of Crime) was in arrears eighteen months. There are now no arrears.

D. C. F. SCOTT, P.M.

D.

DOCUMENT No. 11.

NUMBER of Summonses issued from 1st July, 1859, to 30th June, 1862:—

| | |
|---------------------------------------|-------|
| 1st July to 31st December, 1859 | 1,475 |
| 1st January to 30th June, 1860 | 1,352 |
| 1st July to 31st December, 1860 | 2,059 |
| 1st January to 30th June, 1861 | 1,459 |
| 1st July to 31st December, 1861 | 1,430 |
| 1st January to 30th June, 1862 | 1,215 |

Averaging, from 1st July, 1859, to 31st December, 1860, 4,886 cases; and from 1st January, 1861, to 30th June, 1862, 4,104 cases.

D. C. F. SCOTT, P.M.

TUESDAY,

TUESDAY, 29 JULY, 1862.

Present:—

MR. COWPER,
MR. CALDWELL,
MR. W. FORSTER,MR. HOSKINS,
MR. LUCAS,
MR. WILSON.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Captain D. C. F. Scott, Police Magistrate, called in and further examined:—

536. *By the Chairman*: I believe you are desirous of offering some explanation with respect to some of the evidence you gave the other day? I have a few documents here. Captain
D. C. F. Scott.
29 July, 1862.
537. I wish you to understand that this is not by way of examination on the part of the Committee, but merely by way of explanation at your own request, because the Committee may desire to have you further examined, and no doubt will further examine you with regard to these matters; you will please confine yourself merely to explanation? These charges, or whatever they are—these accusations, have lasted over two years, and of course my memory cannot carry me to every point during two years.
538. *By Mr. Lucas*: What charges? About the management, and what I have done in this case and in that—why I issued a warrant, or why I cancelled a warrant—why I did this, and why I did that—why I issued a distress warrant when a prohibition was applied for—and all that kind of thing—these are what I mean. I will just read you this, if you please. This is from Captain North; these were some of the questions put to me, and I have got Captain North's answers to them. "Do you permit civilians to plead in your Court when they are neither complainants nor defendants?" Captain North says, "Never." (*Objection being taken that the Committee could examine Captain North for themselves, the reading of the document alluded to by witness was not proceeded with.*) Would you wish me to explain Mr. Rogers's case—here is the information on which I issued the summons. Here is a case where a warrant of distress was issued.
539. *By Mr. Cowper*: What is your object in bringing these documents? Just to show that I have not been in fault in any one case in which I have been accused. This is the case where it was said a warrant of distress was issued when no order was made by the Magistrates. There is the Magistrate's name, and there is no order for a prohibition at all.
540. *By the Chairman*: What case was it? The case of Taylor against Cardwell.
541. Was that the case in which the professional costs were paid to Mr. Redman? The same. There is no record here of any application for a prohibition, and of course in the office we cannot do anything except on the record of the Magistrates.
542. *By Mr. Cowper*: You mean to produce that to show you are not culpable? Exactly; nor the clerks in the office. I was asked whether I gave certain money to Mr. Moffat; the constable says he gave it, not me. In the morning before I came here, I told Mr. Read that if I had committed any fault in the matter I was answerable for the money, and he went then and told Captain M'Lerie that I was answerable. There is another point I wish to explain, that when Mr. Roscoe committed the forgery he had long left our office.
543. I believe he was recommended to the Government by Sir William Macarthur? He brought out letters to Sir William Macarthur, Mr. Mitchell, and several other gentlemen; he was a grandson of the great historian, Roscoe, and behaved very well until he took to drink. This is a case I have been much abused about, in a leading article in the *Herald*, and in other ways, Penfold against Harrison. These are the papers.
544. *By the Chairman*: Are these the only documents you desire to produce before the Committee? No, others will be produced by other parties; these are merely in explanation of what took place on Friday; they show that our department was not in the wrong.

Henry Connell, junr., Esq., called in and examined:—

545. *By the Chairman*: You are Clerk of Petty Sessions for Sydney? I am. H. Connell,
junr., Esq.
29 July, 1862.
546. Do you recollect the date of your appointment? 13th August, 1860.
547. *By Mr. Cowper*: Previously to being appointed to that office, what other position in the Government service had you filled? I was a clerk in the Colonial Secretary's Office, from the 21st August, 1844—nearly seventeen years.
548. Just state to the Committee what was the position of the office when you took charge of it;—were the accounts made up, or the records generally in a state of regularity? I found everything in the worst state of irregularity; I found the accounts had not been settled, and they were not settled for eighteen months afterwards. Subsequently to my appointment there was a great deal of correspondence with the Government on the subject, and they were finally posted about eighteen months afterwards. I found none of the books were indexed; the letter books were kept in the most irregular state; the fines and fees very often, instead of being taken in the day book, were taken on sheets of paper; and I dare say it would be found very difficult to find any record at all of anything previous to my appointment.
549. Any record of what? Of depositions or letters; in fact, of anything connected with the department; it was a mere piece of luck if you could find any of the papers at all.
550. Was there no place where these records were put up for safety—systematically, I mean? None. The dome is the record place at present, and it contains police clothing, old hats, coats, and boots, and all descriptions of old records are deposited there.
551. What was the system when you entered the office;—were not the different clerks appropriated to different classes of duties? Yes.

- H. Connell, junr., Esq.
29 July, 1862.
552. What clerk was it to whom was intrusted the duty of looking after these records? I am not aware who the clerk was.
553. Did you not inquire? Well, the office was so badly conducted altogether that no clerk was allowed to do any particular duty; there were sometimes two, sometimes three, sometimes four Courts sitting, and consequently the clerks were taken away from their duties.
554. You consider the office now in a comparative state of order? In a perfect state.
555. Will you state to the Committee what you have done to put it on the footing on which it is now? In the first place, I have had a day book of the moneys received kept regularly, and they are banked regularly every day; in the second place, I have initiated a regular system of licensing books—for the licensing business is very extensive—I might say gigantic.
556. Do you mean publicans' licenses? All licenses: publicans' licenses, removals, transfers, temporary extension licenses, auctioneers' licenses, pawnbrokers' licenses, spirit merchants' licenses, and so on. I have had a daily register introduced into the office, by which means all papers and documents that come into the office are registered, showing the date, the subject, from whom, and the ultimate result of the application.
557. So that you can trace them? I can trace any document in one moment. With the permission of the Committee I will show the book. (*Book produced.*) It is very neatly kept up to date, and would be a credit to any establishment. This book was introduced when I first joined, and has been kept up and all the entries made up to this morning. Now, there is a perfect index to this. If I want to find a letter from the Colonial Secretary, for instance, or the Colonial Treasurer, the Crown Law Officers, letters from poundkeepers, for authority to sell, or with returns—any subject can be discovered in a moment; letters respecting depositions, or anything else, at a minute's notice, by any person who refers to the book.
558. What other books have you introduced? There was only one licensing book for all the licensing business. All kinds of licenses were entered into it, and I believe it was not properly kept; they considered it depended entirely on the importance of the case whether it was entered or not; but now I have an auctioneers book, a pawnbrokers book—the law requires a pawnbrokers book to be kept, under a penalty, and it is *prima facie* evidence under the summary jurisdiction of the Magistrates. I have a transfer and removal book, a hawkers and pedlers book—there are two descriptions, pack and foot. These books are all kept perfect in themselves, and there is an index to them, so that any license can be traced at a moment's notice.
559. Are there any new books for the receipt of fines and fees, or cash of any kind? It was a very poor book they had when I first went there. This is the day book. (*Produced.*) Since I have been in the office this has been kept up regularly, and the money banked every morning to the credit of the Crown.
560. How do you know that the proper amount that ought to be paid is paid to you from the clerk that hands it over to you? I receive it myself. There may be occasions, when I am very busy, when another clerk may receive money.
561. Then it is part of your own duty to receive the proper amount of fees payable according to law? Yes, and it is rather a difficult matter. I am obliged to know every statute that provides for the appropriation of fees under it, and some of these are very long. Where it is not provided for by special Act, the 16 Victoria, No. 1, section 24, provides that half the penalty shall go to the informer.
562. You retain in your own hands this duty? Yes.
563. What are the duties of Mr. Ormiston, as accountant? I will show you his duties. (*Book produced.*) These are the statements of the daily collections. They are appropriated here.
564. That book is kept by Mr. Ormiston? Yes, entirely.
565. And he is to a certain extent a check upon you? Yes, his book must balance with mine. I have other books. I am not aware that they have been even a fraction out, not even the fiftieth part of a half-penny, since I have been in the office.
566. When do you make statements of your accounts to the Auditor General? Monthly, and that regularly. I beg to hand in copies of letters that have been received from the Colonial Treasurer and Auditor General, as to the correctness of the accounts; also a letter from the Chief Inspector of Distilleries. I will read them to you. (*Letters read and handed in. Vide Appendices A, B, and C.*)
567. What is the document you transmit to the Auditor General monthly;—have you a blank form of it here? No. It is usually rather voluminous; it takes in sometimes six and twenty pages; the offence, the party's name, and the Act of Parliament under which the fine is imposed, are given.
568. Does the Police Magistrate ever go through your accounts so as to check them? He frequently comes to my table and looks over the accounts. Sometimes I have known him to come daily.
569. Is there any minute periodical examination of them? None whatever, by the Police Magistrate. I must tell you, with regard to the fees of office, that Mr. Armstrong, the summons clerk, who prepares all summonses, enters in a book kept by him the amounts received for them, and at the end of the day he brings his book and compares it with mine, so that no irregularity can take place there with regard to the fees. In the same way with regard to distress warrants and other fines, Mr. Martin, who is now dead, used to bring his book; and his successor, Mr. Hales, now does so, and compares with me also. In the same way the books of Mr. Delohery, the licensing clerk, are compared with mine. By these means there is a perfect check for every day.
570. You have to attest your accounts by declaration? Yes, monthly.
571. Before whom do you make that? Captain Scott. He then looks over my accounts, but he has not much time to do it; not so much time as I should require.

572. Will you go on to state what other books you have introduced, with the view of putting the office duties on a more regular footing? We have a new book—the Crown Law Officers book; there is correspondence, not very frequently, with that department. H. Connell,
Junn., Esq.
573. That is only a letter book? Yes. Then there is the dog register. 29 July, 1862.
574. Was there no dog register previous to your appointment? No. If there is not a dog register kept I am liable to a penalty.
575. Was Mr. Ormiston the accountant before you went there? He was.
576. Were his accounts then in the confused state which you describe? They were not brought up.
577. Do you know why? Mr. Warburton had taken him away from his duties, to do other work; I believe that was the reason.
578. What were his duties? His duties were the accountant's duties, but he was taken away to receive money and attend to other duties in the office.
579. *By the Chairman*: You do not know this of your own knowledge? No, except that there was a great deal of correspondence with the office about it afterwards.
580. *By Mr. Cowper*: Were there no books of account when you went there? Yes, but the books had not been brought up for many months. The day book had been very irregularly kept.
581. What do you consider now your peculiar duties? My duties are these:—To inspect, first of all, the charge sheet and summons sheet every morning; to bank the previous day's moneys; to pay informers and other claimants their proportion of fines or costs. I must add, that my office is made very irregular by the number of interruptions I have during the day, by people coming in on these and other matters. All day long I am constantly interrupted.
582. *By Mr. Hoskins*: When you received your appointment did you receive instructions that these were your duties? No, I received no instructions as to what my duties were; I only know that their accounts are the stumbling block of most Clerks of Petty Sessions, and I was determined they should not be mine. To receive the fines and fees of the day; to discharge prisoners who pay their fines; to check the warrants for the conveyance of prisoners to gaol; to sign and forward various license returns to the Auditor General and the Treasury—I am subject to a penalty if this is not done; to initial all license papers referred to the Inspector General of Police for police report; to grant informations and sign summonses under the Masters and Servants Act—these are numerous; to inspect and initial informations before they are placed on the sheet. I have introduced this system because it was the rule before I went there for attorneys to place their cases on the sheets, and thereby the fee of 6s. 6d. was frequently lost to the Crown. I thought the best plan was to give an order to the summons clerk to have my initials before any case could be placed on the list, and of course I take care not to initial any information until the fee is paid. To make a certificate on license applications before the Bench can entertain the cases. The Publicans Act requires that there shall be no police objection known to the Clerk of Petty Sessions, so I am bound in all cases, and they are very numerous, to write the certificate. Then there is the correspondence of the office; initialling poundkeepers' applications for authority to sell. I have eight poundkeepers in the Police District of Sydney to attend to, and their accounts must be audited and checked. I have repeated letters from the Treasury, complaining of these parties not paying in surplus money; and I am bound to write to them to pay the money in. Before any poundkeeper can sell any horse or other animal, he must first come and get his book initialled by me, to show that his accounts are correct, before the Magistrate can sign his authority to sell. To furnish the Treasury with poundkeepers' accounts, and to post them on the Police Office door. These returns are forwarded to me in triplicate, and by the Poundkeepers Act, 19 Victoria, No. 36, I am obliged to furnish the Treasury with one copy, keep a second for record, and post the third, for public inspection, on the door. To pay weekly the amounts received for fines, fees, and licenses, to the Treasury, the Police Reward Fund, the Benevolent Asylum, and the City Corporation, according as they may be appropriated by Act of Parliament; to forward returns of spirit merchants and brewers to the Chief Inspector of Distilleries within ten days after registration, under a penalty; to furnish monthly my attested accounts to the Auditor General, and to make a declaration before a Magistrate as to the correctness of the same; to take affidavits and declarations as a Commissioner of the Supreme Court.
583. *By Mr. Lucas*: Does that form part of your duty? Yes; and it is very useful to the public. To show that the applications are numerous, I beg to state that my fees from that source amount to about £20 a year. I received 4s. this morning as Commissioner before I came away.
584. *By Mr. Cowper*: Do you pay that money into the Treasury? No; that is my own, as a Commissioner of the Supreme Court.
585. *By Mr. Lucas*: How much do you get for each case? 1s. for the affidavit, and 6d. each for exhibits. In the case I have alluded to, that of Oliver, who is being prosecuted for embezzlement, he filed his schedule on oath, and I was sent for to swear him; there were six exhibits at 6d. each, and the affidavit 1s., which made altogether 4s. I have also been appointed by the Chief Justice to administer the oath to naturalized foreigners, and there I get a fee of 13s. My fees for the last twelve months, by an account I kept of them, amounted altogether to nearly £20. In the country I believe the Clerk of Petty Sessions, or rather the Commissioner, is allowed 2s. instead of 1s. You will find that nearly all the Clerks of Petty Sessions, who are Commissioners for Affidavits, receive from £5 to £20. To post notices respecting hawkers, auctioneers, and general licenses, on the police door; to have the jury list transcribed and revised. Four copies are made; two copies in the

H. Connell,
junr., Esq.
29 July, 1862.

the first instance when they are brought before the Bench and revised by the Magistrates, and afterwards one copy each for the District Judge and the Sheriff. These lists contain somewhere about 4,000 names. I am allowed a clerk for one month specially for this duty, to make a transcript of the names. To have thirteen electoral lists prepared and revised, and to forward them to seven Returning Officers. Fourteen Members of Parliament are returned in the Police District of Sydney. This duty entails a great deal of trouble. In fact I entirely supervise or perform the duty myself. When these thirteen lists are prepared, Revision Courts have to be appointed for the different electorates. Collectors and clerks have to be appointed, and furnished with returns to complete the lists; and I am subject to penalties if the work is not properly conducted or carried out. Preparing and checking the accounts with the warrant and summons clerks; checking moneys received from the gaol, paid there by prisoners. A man committed to gaol in default of payment of a fine may pay it there, and it is forwarded to me by the gaoler; this is forwarded monthly. Issuing stationery, stamps, and requisitions, and directing the operations of the office generally.

586. *By Mr. Couper*: You exercise a general supervision over other clerks? Yes.

587. The office establishment you say is now in good working order? Yes, excellent.

588. Are there no arrears? No arrears of any sort.

589. When did Mr. Martin die? On the 13th of this month, I think.

590. There have been two vacancies recently in your office—Mr. Martin and Mr. Davidson? Yes.

591. Neither of whom were very efficient, were they? Mr. Davidson was a very efficient clerk.

592. Was he not frequently absent? He was frequently absent, but he was an efficient clerk when he was there; he was an excellent clerk. His duties, preparing informations, requires a man of some ability and knowledge of the law to understand his business; he was there eight or nine years. Mr. Martin was also a very excellent clerk; but he was a very stout man and could not move about much, and he was getting deaf latterly.

593. He was ready with the pen? Yes, but getting infirm latterly. He was a man of great intelligence and ability, as much so as any other man in the office.

594. But infirm from old age? Yes, he was seventy-two years of age.

595. *By Mr. Hoskins*: Are your duties confined to the office entirely? Yes.

596. You are never in the Court? Never in the Court except casually.

597. Is Captain Scott's office contiguous to your office? It is alongside of mine; the doors open so that we can see one another.

598. Is Captain Scott in his office a great portion of the day, or during the day, attending to any office business? He is there sometimes. He is frequently sent for when on the bench, to do chamber business. He attends every morning at nine o'clock; sometimes I have known him to come at half-past eight, to attend to persons who come to see him there.

599. Can you say whether he is more in the office or in the Police Court? That is very hard to say. One day in the week he is at Cockatoo Island; another half-day, or sometimes more, he gives to the Convict Classification Board. Then there are two Courts, and he is sometimes in one and sometimes in the other, so that when he is not in his office I cannot say whether he is on the bench or not, and I have got plenty to do without watching him.

600. You cannot say whether Captain Scott sits on the bench every day? I believe he does every day, more or less. I have known him to be there from ten o'clock in the morning till six in the evening.

601. I am not asking you about any particular occasions? On many occasions. A hundred times I have known him to be there all day, and not even to go away to get luncheon. The chamber business takes him a good deal away from the bench.

602. Do you think it desirable to have a clerk invested with the power of doing what is called chamber business? Yes, I think if it were done the complaints would cease.

603. There are complaints? Yes, persons go away dissatisfied.

604. What is the nature of these complaints? People get dissatisfied when they come there wanting informations and cannot get a Magistrate to attend to them. They are obliged to go on the bench to get a Magistrate to sign the informations. I may say the bench is a bear garden during the day; it is interrupted frequently and frequently; and the Magistrates will often refuse to sign them. It was only the other day I went myself to Messrs. Hill and Neale, to get some distress warrants signed, and they said they would not do it, and I was obliged, as is very often the case, to send a clerk to some Magistrate's house to get the warrants signed.

605. Where was Captain Scott? At Cockatoo Island.

606. *By Mr. Couper*: Do they require two Magistrates? No, only one signature. The Magistrates frequently will not sign affidavits or distress warrants. They say, "Where is Captain Scott?" and Captain Scott may be either away at Cockatoo Island, or on the Convict Classification Board, or he may be on the bench, and the Court so densely crowded that it is almost a matter of impossibility to get to him.

607. *By Mr. Hoskins*: You mean to say that the multifarious duties Captain Scott has to attend to, take him away from the chamber business? Yes, frequently.

608. And you think this difficulty would be obviated by giving the Clerk of Petty Sessions the power of swearing informations, issuing summonses, and so on? Yes; I will just give you an example. A person comes there to get an information; he cannot get that, in many cases, without going to a Magistrate on the bench; he gets a slip of paper ordering the clerk to give him an information; he then comes to me and pays his money, 6s. 6d., and instead of signing it, as I might do as a Magistrate, I can only initial it to show that the fee has been paid; he then goes back to the bench again, and the Magistrate signs it; he then brings it back to the Summons Clerk, and goes away. When the summonses are prepared, they

they have to go to the house of the Magistrate who signed the information, if, as is most likely the case, he has left the bench, for signature—some to Canterbury, some to Manly Beach, and other places.

H. Connell,
junr., Esq.

29 July, 1862.

609. Who takes them? The constables.

610. What time of the day is this? At all hours.

611. Where is Captain Scott? Captain Scott cannot sign the summonses, because he did not sign the information. The Magistrate who signed the information has probably left the Court and does not come back again. I have known them to be sent to Brisbane Water. Only the other day one or two were sent there to Mr. Hargraves.

612. Who had been in the Court in the early part of the day? Yes, and signed the information, and the summonses were sent after him. Such instances as these are very numerous.

613. You think these inconveniences might be obviated by empowering the clerk to do this duty? Yes. When I enter the summonses in the book there would be an end of the business if I signed them.

614. You think there is great inconvenience to the public at present? Great inconvenience. If it was not for Mr. Peden, a Magistrate of Sydney, I think the office would sometimes be at a stand-still. When prisoners are committed to gaol, the warrants cannot be sent with them without the signature of a Magistrate, and Mr. Read, the Gaoler, has often complained of the warrants not being sent up in time. The prisoners cannot be classified; they have not time to get washed, and go to bed filthy; that is because the warrants are not signed; they must be sent to Mr. Peden, or Mr. Cooper, or Mr. Ross, or any one we can get to sign them.

615. The Magistrates sign the informations that are laid before them? Yes, and they are supposed to sign the summonses.

616. Between the time of signing the information and signing the summonses some lengthened period elapses? Yes.

617. And when the summonses are ready they are not there to sign them? Just so.

618. *By Mr. Cowper*: Why could you not prepare the summonses at the same time with the information? They are very numerous; first of all the information has to be drawn out, and some of them, under the Bakers and Millers Act for instance, are very long.

619. Why cannot the clerk who prepares the information complete the matter by preparing the summonses at the same time, so that a Magistrate accepting an information on oath can at once sign the summonses? The summonses are not prepared by the same clerk who prepares the information, and at the particular time the information is ready the summons clerk, Mr. Armstrong, may be engaged in some other duty which cannot be put aside—preparing bailbonds for parties to prosecute, binding over witnesses to appear at gaol delivery, and such things.

620. Is there any reason why the clerk who prepares the informations should not also prepare the summonses? There are other persons waiting for informations—which is he to do first?

621. *By Mr. Hoskins*: Is the clerical staff sufficient to carry out the arrangement Mr. Cowper proposes? No, it would require a dozen clerks, if all the parties who came there are to be attended to at once. Supposing fourteen persons to come there for informations and summonses, the summonses require to be prepared in duplicate, and if the clerk commenced to finish one case at a time when would he finish the fourteen?

622. Still the work is done? It is done, because it is done during the lull. At times the cases are very numerous; I have known Mr. Armstrong to stop there till five, or six, or even eight or nine at night, and to take work home with him.

623. *By Mr. Lucas*: Have you got a form of summons? I have not.

624. *By Mr. Hoskins*: Why is it not done at the time? There is an immense quantity of writing in many instances; sometimes he has to quote the whole of the information.

625. *By Mr. Cowper*: It comes to this: the party has to wait and lose some portion of time—would he not lose less time by waiting until the clerk had completed the summons as well as the information, so that he might go to the Magistrate with both documents, instead of requiring to come back again to get the summons? The party is not put to inconvenience who comes for a summons. The information is signed and the party goes away, and the summonses are signed in due time and served, but the party himself is not put to inconvenience. We have to send to get them signed, and they are served by a constable; perhaps it may be two, three, or even four days before they are signed and served.

626. *By Mr. Hoskins*: You mean to say that there is no inconvenience to the public from these four days delay? The public are not inconvenienced at all.

627. A person wishing to obtain a summons may have to wait four days, you say? No; he has only to wait till he gets the information signed; after that the summons can be prepared at convenience; Sir John Jervis most distinctly points out the necessity of giving parties time in order that the defendant may have an opportunity to bring his witnesses. As a rule we never make the summonses returnable till that day week.

628. In the event of the information and summonses being signed on the same day, would it not expedite the hearing of the case? Not one minute.

629. Why not? Because the summonses are made returnable seven days afterwards. Sir John Jervis states here, that it is better to allow a case to be as long as possible, say seven days, in order that the defendant may have an opportunity of bringing his witnesses.

630. Defendant knows nothing about the complaint till he gets the summons? No.

631. Is the law to the effect that cases are to be heard seven days after service of the summons, or seven days after the information is filed? Seven days after the information is filed.

632. *By the Chairman*: Is the law to that effect? No, not the law, but Sir John Jervis recommends it; the rule since I have been in the office—and I did not make the rule, I am not

H. Connell,
junr., Esq.
29 July, 1862.

not a Magistrate, and can only obey instructions—the rule is to make these summonses in every instance returnable in seven days, except where there is a warrant, or if there is any supposition or well grounded belief that the defendant is going away; then a warrant is issued and the case tried immediately on his apprehension; in all other cases the summonses are made returnable that day week—in all cases that come under the category of summary jurisdiction.

633. *By Mr. Lucas*: There is nothing in Sir John Jervis' Act that prevents it coming on before that day week? I imagine the principle is adopted so that the defendant may have time to prepare.

634. Sir John Jervis says he should have time after he receives the summons? Yes; if there is any irregularity, it is from the Magistrates not being able to sign the summonses.

635. *By Mr. Hoskins*: Why are the Magistrates not able to sign the summonses at the same time as the information? Because they cannot be prepared in time.

636. Why cannot they be done at the same time? Because the clerk has other duties to do.

637. Are warrants never granted except on an affidavit by the person applying for one? No; warrants are, of course, granted at the discretion of the Magistrate.

638. Does the person applying for a warrant make an affidavit? He swears to the correctness of his information.

639. Have you ever seen any departure from that practice;—have you known warrants to be granted without the information being sworn to? No, I do not think I ever knew one. Sir John Jervis expressly states that a summons may be granted on parole evidence, but no warrant except on information.

640. Do you know whether warrants have been cancelled without the persons for whose apprehension they were granted having been brought before the Magistrates? I recollect two cases—one of Captain Scott's in reference to Bucknell's case, and the other of Mr. Day; these are the only two cases, that I am aware of, where a warrant has been suspended.

641. Can you tell us how many hours a day, on the average, Captain Scott spends in the office during office hours? I could not tell you that; I have not an opportunity of knowing all his movements. Frequently I am very busily engaged, and do not go out of my room perhaps all day; when he is not in his office, he may be on the other bench for anything I know.

642. Do you know whether cases are frequently adjourned for want of Magistrates? Frequently.

643. Is it more frequently the rule or not? I cannot say; it is not my business to know why cases are adjourned; I may see by the list that they are adjourned, but I do not know why.

644. Do you happen to know whether the unpaid Magistrates are very regular in their attendance;—is the Court frequently adjourned for want of Magistrates? There is often delay from that cause; even this morning they did not commence till eleven o'clock because there were no Magistrates.

645. How many Magistrates are there altogether? I believe about 60 or 70 for the City of Sydney.

646. Are Magistrates usually to be found in attendance from nine or ten in the morning till four? No; some go away at one o'clock, some at twelve; some at one hour and some at another.

647. And seldom return? Seldom return.

648. Is it not the fact that there is an accumulation of cases not disposed of? Sometimes there is.

649. Is it not so now? No. Sometimes the whole of the business on the sheet is finished, but frequently the cases are not all gone through. I have known 60 or 70 cases to be on the charge sheet and summons sheet at once.

650. Are there not now a large amount of arrears of cases unsettled? No, I do not think so. I think this morning there were about 18 cases on the charge sheet, and 11 on the summons sheet. For the last few days the Court has been over much earlier than usual.

651. *By Mr. Forster*: Is the summons generally longer or shorter than the information? Never longer.

652. Is it not generally much shorter? Yes.

653. If every information had the summons tacked on to it as a matter of course, would it not occupy the clerk only a short time longer in proportion to the time already spent in preparing the information? Frequently he may be engaged on other duties, and cannot attend to this.

654. When he prepares the information—? The summons clerk does not prepare the information at all; another clerk prepares the information. It is an important matter to prepare an information properly; if it is incorrectly prepared it may be thrown out of Court—the plaintiff may be nonsuited. It frequently requires great care, and great research, and some knowledge of the law. That is one clerk's special duty.

655. If the summons were added to that it would make very little difference;—could not the same clerk prepare the two? He would not have time to do it, because they are separate duties.

656. Would it not be possible to arrange to have them both prepared by the same clerk? If that were done, other persons who might be waiting to have informations prepared would have longer to stop. To practically carry it out would be a very difficult matter; they are different duties altogether; one man has to set his head to work, the other is merely a machine, and copies from the information.

657. One follows the other so naturally, that I do not see why the clerk who does all the head work should not be allowed to relax himself a little by preparing the summons? Where one

one prepares the information, and the other copies, it must necessarily be done with greater expedition than if one had to copy what he had already written.

658. Well, I grant the general rule that division of labour does lead to greater expedition, but there may be peculiarities in the case—and you, I think, have shown those peculiarities—that may make the division of labour an absolute delay; it seems to delay somebody—does it not delay the public? I do not see that the public are delayed at all.

659. If you are obliged to send these summonses about, in the way you have described, to get them signed, is not the public put to greater expense than they would be the other way? The constables serve them.

660. This delay, on your own showing, arises from the two things not being done simultaneously;—may there not be greater expense, delay, and trouble, caused by separating these two processes into two different departments, than if you did them together? No, I think not. If you knew the many ramifications attached to the office you would not think so. Very often they cannot be prepared at all that day because we must go on with other business.

661. Assuming that the information is prepared, why should not the summons follow as a matter of course? Then another party would have to wait.

662. Other parties would have to wait if the information that was being taken happened to be a little longer? So they would.

663. Then it would make no greater difference if the summons were treated as part of the information, and prepared at the same time accordingly? It would upset the whole system. There are books kept by the various clerks for all these things. The clerk who copies the summons enters the information in the book, and the party who wanted it would have to wait for that also.

664. I presume that this arrangement is one that you originated? No; it has existed a long time.

665. It is a very antiquated custom then? It may be a very antiquated custom, but I confess I think it is a good one.

666. You have described the bench as on certain occasions a bear garden? That is from the numerous applications that are made to the Magistrates when on the bench. I am sure Mr. Caldwell can testify as to the number of times he has been interrupted in his business.

667. What do you mean by its being a bear garden? The proceedings of the Bench are very frequently suspended, by applications from persons for summonses and informations. Sometimes there are five or six persons in one case being bound over to appear at Quarter Sessions or Gaol Delivery.

668. You do not mean that the Magistrates themselves make it a bear garden? No; the Magistrates cannot help it.

669. Summonses are sometimes granted without an oath? Yes.

670. Where an information is taken it implies an information on oath? Yes.

671. You spoke of having to send warrants to be signed? Yes, we have frequently.

672. And in the absence of these warrants the parties cannot be sent to gaol? No; these are warrants of committal.

673. Not warrants to apprehend? No. As prisoners are convicted of the various offences the clerk prepares the warrants for their committal to gaol—sometimes twenty or thirty in a day—and these are taken to the Police Magistrate to be signed, if he is there, and if he is not there, some other Magistrate must be got to sign them.

674. These are merely the sequences of the proceedings of the Court? Yes.

675. Can you give the Committee any idea of the proportion of copying work that is done in your office—mere copying? I think there is very little copying except the copying of these summonses and entering letters.

676. *By Mr. Lucas:* The jury lists? The jury lists once a year.

677. *By Mr. Foster:* Are there many letters? Yes.

678. Can you state the proportion of copying work, including letters and any other copying work that is done in your office, compared with what may be called original work—work that is written without copying? I do not know whether you call depositions copying; that is copying in one sense.

679. Do you mean that after the depositions are taken a copy is made? No; the clerks take them down from an oral statement.

680. Sometimes you have to prepare copies of depositions? Yes; if copies are applied for, and we can find time, I have it done in the office, because it brings in an additional revenue to the Crown; they are paid for at the rate of 8d. a folio of 72 words.

681. You make no distinction of parties? No.

682. Does the amount you name fully pay the expense? Yes, I think so. If there is a lull in the office it is better to be doing something.

683. Do you think the copying part of the work of the office could be done by contract in any way, or by sending it out to be copied;—do you think there is any feasibility in a plan of that sort;—I have heard it spoken of in other offices? Do you mean that we should send out our letter books and letters to be entered—if we wrote a letter to the Colonial Secretary, for instance, that we should call a cab and send the letter book and the letter out to have it entered?

684. Whatever copying you wanted done, suppose you got it done by contract? That is a thing I could not reconcile in our office.

685. For what reason? I do not think it could be worked.

686. A plan of that kind would not be practicable in your office? No.

687. You state that you have often heard complaints made by the public of the delay of justice in the Court? I never heard persons complain of justice there.

688. I mean the delay? No, I never heard any one complain of delay.

H. Connell,
junr., Esq.

29 July, 1862.

689. Did you not state that there were complaints? I said complaints with regard to not getting Magistrates to sign informations.

690. Do these complaints come generally from the parties? Yes; I have known persons to remain in my room waiting for Magistrates for a considerable time.

691. You never heard any complaints from witnesses who are summoned to attend the Court? No, I have nothing at all to do with them.

692. *By Mr. Caldwell:* You state that Captain Scott visits Cockatoo Island? Yes.

693. Does he attend to any office duty on the day he visits Cockatoo? Yes; first of all he opens the Court, and after he sees that there are sufficient Magistrates to conduct the business, he goes.

694. Would it not assist in clearing off the business of the office if Captain Scott was relieved of the Cockatoo duties? I think it would materially.

695. Have you known private Magistrates to continue the Court till four o'clock or later in the afternoon? We have plenty of Magistrates, but they do not sit till four o'clock, except in special cases to finish their business.

696. Have you not known the Court continued on till four o'clock with general business by the private Magistrates? Yes, and to six, seven, and eight o'clock occasionally.

697. Is it not frequently the case that the private Magistrates clear off all the business on the sheet before they leave? Yes, except in cases which require remand. Sometimes they leave at one or two o'clock, because they are under the impression that the remaining cases will be taken in the other Court.

698. Do you think there is sufficient accommodation provided for conducting the business of the Court? There is plenty of accommodation, but the building is so very ill contrived that it neutralizes the good effects.

699. Is there any room that Magistrates can retire to, to consult upon cases? None.

700. Do you think it necessary that the Magistrates should have a room to retire to? I think so.

701. Have there been any complaints of the want of books for reference? Yes, we have frequent complaints.

702. Are there books provided for the Magistrates? I have had some correspondence in getting the books. Recently I have had three copies of the Public Statutes supplied by the Government, one for each Court, and one for office use.

703. Where are they kept? In the Court. I have given special instructions, written instructions, to each deposition clerk, that these books are to be kept in his desk, for the use only of the Magistrates and himself, and not to be taken out of the Court.

704. Have you not a case provided specially on the bench for books of reference? Yes.

705. Are the books not kept there? No, the clerk keeps them in his desk, as being more convenient for the Magistrates; he can turn to what is required and hand it up to the bench.

706. Have you heard any complaints about the noise arising from the situation of the building? I have. The Police Magistrate has received two or three letters on the subject—from Mr. Ronald on one occasion, I forget who the other was—complaining that they could not hear the cases, in consequence of the noise from the dray stand outside; and application was then made by Captain Scott to the City Corporation, but they did not comply with his wishes that the dray stand should be removed.

707. Are not considerable alterations being carried out now at the Police Office? Yes.

708. What is the object? To make the offices more convenient; they are to be built so as to be contiguous to one another, instead of, as at present, three on one side and three on the other.

709. Will it make it a complete establishment when that is done? I think so; it will make it pretty perfect.

710. Do you think the business of the office is increasing? Yes. I beg to hand in a statement which will show the increase of licensing business. (*Vide Appendix D.*)

711. *By Mr. Lucas:* I believe this (*referring to a form of summons*) is a copy of the summons required, is it not? Yes, it is the skeleton of it.

712. This shows how it is to be filled up? Yes.

713. Taking the summonses generally that are filled up in the office, how long does it take a clerk to fill up one of these summonses? It might not take in some instances five minutes; to fill up the duplicates also, I should say ten minutes.

714. Will you let us have one of the forms of summons, and a form of information, as used in the Police Office? Yes.

715. I believe in the space left for filling in a summons, it is impossible to put in more than three or four lines? There are ten or twelve sometimes.

716. *By the Chairman:* Those are extreme cases? Yes, they are not common.

717. *By Mr. Lucas:* There are usually about four lines? Yes.

718. Have you ever known cases to be dismissed because the summons was not properly drawn with the information? I am not aware of it. I have known cases to be dismissed when the summons was not properly drawn out, but that was the fault of the police.

719. What have the police to do with the summons? They give us the complaint. Under the Police Act no information is required.

720. I asked you whether you had known any cases to be dismissed because the summons was not in keeping with the information? No.

721. Does it not state on the form of summons—"here state shortly the matter of the information?" Yes.

722. Can not the person who draws up the information draw up the summons more readily and correctly than by handing it to another clerk? That would do away with the necessity of a summons clerk at all.

723. *By the Chairman*: That is not an answer. Could it not be done more easily? No. H. Connell, junr., Esq.
724. *By Mr. Lucas*: The present system is this:—The complainant goes to a Magistrate and gets an order for an information, and at the bottom of the slip the Magistrate puts down a warrant or a summons, whichever he thinks proper; the party takes this to the information clerk, in some part of the building, gets his information drawn up and brings it back to the Magistrate and is sworn to it; he then takes it back again to the person who originally drew the information —? No. 29 July, 1862.
725. Where does he take it? To the summons clerk.
726. How does he find the summons clerk? In the same way that he found the information clerk.
727. How many different clerks has he to go to before his business is done? He has to go to the information clerk to get the information prepared, and then he has to go to the summons clerk to give the name of the party and where he lives.
728. Could he not, much easier than running all over the building, give these particulars to the information clerk; would it be more easy to do it? It would, of course.
729. Then he has to pay the money to you? Yes.
730. Then, in reality, he has to go to three or four different rooms before he can get his business done? Yes, in the present building.
731. And these rooms are in all parts of the building? In all parts of the building.
732. It is your duty to look after the preparation of the electoral lists? In what way?
733. In the appointment of collectors? It is not my duty to appoint them; that is done by the Magistrates.
734. Do you know of your own knowledge a case where one collector was paid by the Magistrates £20 more than he asked for performing the duties? Yes.
735. He asked £100, and they very liberally gave him £120? The rule is to appoint fourteen collectors in December, to take the electoral lists between the first and twenty-eighth of January, and the Magistrates have power to give what they consider a fair and proper price for the duty. This particular case was that of Mr. Solomons, the collector for St. Leonards.
736. Are you sure it was Mr. Solomons? Yes.
737. Are you sure Mr. Leggatt did not get £20 more than he asked? He did not get 6d. The Electoral Act, 22 Victoria, No. 20, I think, distinctly states that the Magistrates shall fix the remuneration.
738. *By Mr. Cowper*: They did fix £20 more than the man asked? They gave him what they considered right and correct. They gave Mr. Solomons £100 for doing the duty, but the case was subsequently brought forward before the Magistrates in Petty Sessions, on the ground that the sum allowed was not sufficient remuneration for the trouble and difficulty he had in performing the duty.
739. *By Mr. Lucas*: Do you know how long he was engaged in it? No, I cannot tell. The Magistrates decided that it was not sufficient remuneration, and awarded him £20 more. It was recommended by fourteen Magistrates before it was brought before the Bench.
740. Is it not usual for persons to give in a tender of what they will do the lists for? It has not been so in my time.
741. How are they appointed? They are appointed by the Magistrates. There were twenty-six Magistrates present the last time.
742. No tenders had been called for? I never heard of them. The work was done by the police formerly; but about the time I went there, there was some correspondence with the Government, and it was decided that in future it should be done by collectors appointed by the Magistrates.
743. Can you tell us what Mr. Leggatt got for performing the duties the last time? £120. That was the amount awarded him by the Magistrates in Petty Sessions. It was decided by six and twenty gentlemen that he should have £120.
744. Are you sure? Yes.
745. Have you had any conversation with me on the subject? Yes; from the inquiries you made of me I have looked into the matter, and I find it to be as I state.
746. *By Mr. Cowper*: Have there been any complaints with regard to the way in which these lists are prepared? None.
747. Have you any reason to believe they are well prepared, or not? I think they are pretty well.
748. Do you think they were better prepared by the police formerly? I do not know.
749. You have no means of knowing? No.
750. *By Mr. Lucas*: Have you ever summoned any Magistrates to perform the chamber duties? No.
751. Have you heard it suggested that that should be done? I have heard it spoken of.
752. Have you never, on any occasion, summoned Magistrates specially to do chamber duty? Never.
753. If Magistrates were to attend and do chamber duty, it would get rid of all these objections as to signing informations? Yes.
754. *By Mr. Cowper*: Are you aware whether Captain Scott, in consequence of a suggestion of mine to him, some months ago, endeavoured to carry out a system of summoning two sets of Magistrates on the roster, the one for the performance of bench duties, and the other for chamber duties? Yes, I am aware of it; Captain Scott said something to that effect at the meeting of Magistrates which took place.
755. Did he attempt to carry that out? No.
756. You think it would not work? The Magistrates will not sign the informations in many instances; they say, let Captain Scott do it, he is a paid officer. Most of them will
not

H. Connell, junr., Esq. not do it. Some Magistrates, however, will work like a horse when they are there. I have known them even to sign summonses in blank.

29 July, 1862. 757. They must sign a good number of these informations, because you have already told us that the difficulty consists in having to send the summonses to their private residences? Yes, that is very often the case; but there are all kinds of persons who require to be sworn besides those who get informations; persons who accept office under the Post Office Department must make a declaration; then there are volunteers and many others.

758. You think there is an unwillingness on the part of the unpaid Magistrates to perform these duties in the chamber? Yes.

759. Captain Scott has never tried the system of summoning them regularly for it? No; there are some Magistrates who will do it; I think Mr. Lucas has offered to come and do chamber duties; Mr. Cullen, in particular, has given a great deal of assistance.

760. *By Mr. Lucas*: If the Magistrates were summoned, no doubt they would perform that duty as well as sitting on the bench? If they would come —

761. You have never tried it? Never, but I do not think it would ever work.

762. At the same time you admit that several Magistrates do come? Yes.

763. Mr. Cullen, Mr. Burdekin, and several others? Yes. I must confess that in many instances it is a great nuisance to me, for I am constantly interrupted with questions as to what is to be done, and it takes me some time to explain what may be done in a moment.

764. Professional costs awarded by the Bench are paid to you? Yes.

765. To whom do you hand them over—to the professional man or to his client? To the professional man.

766. What check is there against what moneys you receive there? There is a check against every sum.

767. How does Mr. Ormiston, the accountant, get the amounts;—where does he take his amounts from? From my book.

768. What check is there upon you? He is a check upon me.

769. How does he get the check on you;—suppose you should omit—I do not say it offensively—any sum in your account? Mr. Armstrong keeps a book of all fees received by me, entered separately; that is brought to me to compare with mine, and sometimes when there is an affidavit short it is made up.

770. There are a large number of fines—what check is there against you for that? There are two books, one called the gaol book—if a man does not pay his money he goes to gaol and there is an end of him; then there is what is called the levy and distress book.

771. Who keeps these books? Mr. Martin did before he died.

772. Who keeps the account of fines paid? I do.

773. Any person else? No.

774. What becomes of the Magistrates' sheet? They are filed in the office.

775. They are in duplicate—one kept by the police and one for the Magistrates? Yes.

776. In each Court—both summons and charge sheets? Yes.

777. There are two copies of each, one for the police and one for the Magistrates? Yes.

778. With reference to the Magistrates' room, I think you took possession of it, did you not;—there was a Magistrates' room at one time, but you took possession of it? Yes.

779. Before you came there I believe the whole of the clerical duties were performed on the other side of the office? No, I am not aware of it; I believe Mr. Warburton did the duties in that room.

780. Before he was made a Magistrate he used to sit in the small room at the other end of the building? I am not aware; I was never in the building in my life until I went there on my appointment.

781. You bank your moneys every evening? Every morning, the first thing when ten o'clock comes.

782. *By Mr. Cowper*: I think I gave you an order strictly to do that when you were appointed? Yes, and it has been strictly adhered to.

783. *By Mr. Lucas*: Do you know the number of cases postponed? There have been cases postponed, but not as a rule—not if the business can be got through.

784. Is the business got through? There are occasions when there are a large number of cases, when they cannot all be gone through.

785. Have you known cases to be put off for three or four days at a time, and written off at last, "no parties"? Yes, frequently.

786. That is where they are postponed from day to day? I cannot tell when there have been postponements in these cases; I say there are many instances where cases have been dismissed for want of parties, but I cannot say whether they have been postponed cases. You must take into consideration that I am not in the Court; I just pick up what I know of the matter from the papers, and therefore I cannot give satisfactory answers to questions of this kind.

787. What form of subpoena is usually issued to witnesses whose attendance is required at the Central Police Court? There are two classes of subpoena,—the common subpoena and what is called the summons subpoena.

788. Are you aware that a witness cannot be made to attend under the common form of subpoena? They are always attended to.

789. The Magistrates cannot compel a witness to attend under it? No, they cannot.

790. Do you think they should continue to issue these things;—do you think it does not bring the administration of justice into contempt? It is nothing more than any other form; in the Police Court or the District Court, if a witness disobeys a summons, the Court can issue a warrant.

791. Can a Magistrate issue a warrant if a witness neglects a common subpoena? No.

792. I believe that (*referring to a form*) is the form of summons for a witness, is it not? *H. Connell, junr., Esq.*
Yes; a warrant is issued where a witness has not obeyed a summons.
793. Do you often issue this form of warrant? Not very often; it is done sometimes in an affiliation case, for instance, where the man does not appear—when it is proved on oath that the summons has been served ——— *29 July, 1862.*
794. And the money tendered for his expenses? And the money tendered for his expenses, then the warrant is issued.
795. You still continue to issue the other document? Yes.
796. Do you charge anything for it? Yes, 1s. 6d. and 4d. for every copy.
797. What do you charge for one of these summonses under Sir John Jervis' Act? That is a part of the process.
798. Do you charge anything for it? No, not when he is made come.
799. You charge 1s. 6d. for a thing that is valueless, and issue a proper summons for nothing? Yes.
800. *By the Chairman:* That swells the fees of the establishment? Yes, it does a little.
801. *By Mr. Lucas:* Do you think any decisions are given at the Police Office for the purpose of swelling the revenue? I do not sit on the bench, and therefore I cannot answer that question.

APPENDIX.

A.

*Audit Office,
Sydney, 21 July, 1862.*

Sir,
In reply to your letter, dated 17th instant, requesting me to state in what manner the attested accounts of the Central Police Office are furnished to the Audit Office by the Clerk of Petty Sessions, I have the honor to remark, that since the appointment of Mr. Connell, the monthly attested accounts of fees, fines, and licenses, have been carefully made out and rendered regularly, and the payments duly made to the Treasury.

I have, &c.,
W. C. MAYNE,
A. G.

The Police Magistrate,
Sydney.

B.

*The Treasury, New South Wales,
28 July, 1862.*

Sir,
In reply to your letter of the 24th instant, I do myself the honor to inform you that the collections made by the Clerk of Petty Sessions, Sydney, appear to have been paid into the Treasury with regularity; and the regulations, so far as this office is concerned, appear to have been strictly complied with.

I have, &c.,
HENRY LANE,
Under Secretary.

The Police Magistrate,
Sydney.

C.

*Chief Inspector of Distilleries' Office,
Sydney, 24 July, 1862.*

Sir,
In reply to your letter of this day's date, I have the honor to state that the Returns of Spirit Merchants and Brewers therein referred to have been furnished to me, by the Clerk of Petty Sessions, with due regularity.

I have, &c.,
HENRY LUMSDAINE,
C. I. D.

D. C. F. Scott, Esq., P.M.

D.

H. Connell,
junr., Esq.

D.

APPLICATIONS for Licenses under the Publicans Act, Hawkers Act, Pawnbrokers Act, Auctioneers Act, Spirit Merchants, Brewers, Slaughtering Act.

29 July, 1862.

| NATURE OF LICENSE. | 1861. 1st January to 31st December. | 1862. 1st January to 30th June. | REMARKS. |
|---|---|---------------------------------------|--|
| For publicans' licenses. | 513 | 415 | Every application is registered in the daily register, the number, date when received, and nature of application, is recorded in red ink on the application; a list is then made of every application, name, residence, sign, &c., and posted on the police door on the third Tuesday of each month through the year, with the exception of April. The annual meeting takes place in that month, and the list is posted on the first Tuesday. Each application is then forwarded to the Inspector General of Police, for police report, under blank cover; after its return, with report, it is entered in the general licensing book, and brought before the Bench, after due notice has been given as required by law; if approved a certificate is made out in favour of applicant. (For certificate, see form A.) A return is then made out as required by law, and furnished respectively to the Colonial Treasurer and Auditor General. Licenses are granted every month, and circulars sent to the Justices, informing them of the time each meeting takes place. The license fee is £30. |
| For transfer of licenses ... | 82 | 63 | A similar course pursued as above in every case. (For forms of certificate, see B. C. D. and E.) Applications can be made at any time, and granted, on giving fifteen days' notice, in transfer and removals. |
| „ removal „ | 37 | 14 | |
| „ appointment of agents in insolvent and de- ceased publicans' estates | 23 | 7 | |
| „ packet licenses | 20 | 7 | |
| „ confectioners' licenses | 24 | 1 | |
| „ night licenses | 15 | 0 | |
| „ billiard table licenses | 288 | 0 | |
| „ bagatelle licenses | 19 | 15 | A similar course pursued as above, with the exception of there being no certificates. License fees—billiard table, £10; bagatelle, £5 a year. |
| „ music licenses | 0 | 38 | |
| „ temporary extension licenses | 138 | 96 | The same course as above, with the exception of no return to the Auditor General and Colonial Treasurer. Certificates issued on the payment of 2s. 6d. and 10s. respectively. (For certificates, see forms F. and G.) |
| Hawkers: | | | |
| For hawkers' foot licenses | 91 | 74 | |
| „ „ pack licenses | 103 | 57 | Applications dealt with as above; they are made every quarter; notice has to be given in the <i>Government Gazette</i> and posted on Court House door of each meeting; circulars have to be sent to the Magistrates; certificates issued on the payment of £1 and £2 respectively for the year. (For forms of certificate, see H. and I.) Applications are made on the third Tuesdays in February, May, August, and November, and are granted on the second Tuesdays in March, June, September, and December. |
| „ „ | 11 | 16 | |
| Auctioneers: | | | |
| For auctioneers' general licenses | 58 | 79 | Applications dealt with as above. The annual meeting takes place the fourth Tuesday in November in every year; but special applications are granted at any time through the year. (For certificates, see forms J. and K.) The license for the year is £15. |
| Pawnbrokers' licenses | 26 | 8 | Applications dealt with as above. Certificates issued on payment of £10. (For certificate, see form L.) |
| Slaughtering licenses | 1 | 2 | Applications are registered as above, and forwarded to the Inspector of Slaughter-houses, for report. Certificates are issued on payment of 2s. 6d. (For certificate, see M.) |
| Total | 1,446 | 880 | |
| Spirit merchants registered | 58 | 59 | |
| Brewers registered | 2 | 2 | |
| | 1,506 | 941 | |

Inquiries are constantly being made throughout the day, by parties who have licensing business on hand, as to when their cases are coming on; and also reference has constantly to be made to papers months back, which take up a great deal of time. In cases where objections are lodged against an applicant for a license, minutes have to be taken and entered in a book, and signed by the Chairman.

Central Police Office,
Sydney, 11 July, 1862.

HENRY CONNELL, JUNR.,
Clerk of Petty Sessions,
Sydney.

WEDNESDAY,

WEDNESDAY, 30 JULY, 1862.

Present:—

MR. CALDWELL,
MR. W. FORSTER,MR. HOSKINS,
MR. LUCAS.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Henry Connell, junr., Esq., C.P.S., Sydney, called in and further examined:—

802. *By the Chairman*: I believe you stated yesterday that you had been a clerk in the Colonial Secretary's Office since August, 1844? Since the 21st August, 1844.

803. And remained as a clerk in the Colonial Secretary's Office from that time until your appointment as Clerk of Petty Sessions? Yes.

804. Do you perform the whole of the duties mentioned by yourself yesterday? Assisted by Mr. Delohery.

805. Is that the only assistance you receive? When I want to bank the previous day's moneys, for instance, I do not go to the bank myself.

806. Just answer my question;—Is that the only assistance you receive? In some slight respects I may be assisted by others.

807. How many clerks were in the office when you were appointed? Including myself, do you mean?

808. How many did you find there? I think seven clerks.

809. Can you give their names? Mr. Smithers, Mr. Martin, Mr. Crane, Mr. Ormiston, Mr. Davidson, Mr. Armstrong, and Mr. Sealy.

810. How many clerks are there in the office at the present time? At the present time there are eight, including myself.

811. How long have you had but eight? Since the 13th of this month—since Mr. Martin's death.

812. Then you have received increased clerical assistance during the time you have held office? Yes, the appointment of Mr. Crane,* when he left the office, was split into two; the salary was divided into two.

813. How many of the gentlemen named by yourself still remain in the office? Three, I think.

814. And you consider the establishment in perfect working order at the present time? It is in perfect working order; there are two or three gentlemen, who have just come in, who are not as efficient as they will be as time progresses.

815. In what state of efficiency did you find the clerks on your taking charge? The clerks I found to be very efficient.

816. Were they not all first class clerks? I think so.

817. But you found everything in the worst state of irregularity on your taking charge? The greatest irregularity.

818. Did you ever have any conversation with Mr. Crane, shortly after taking charge, about the record room? I cannot recollect it.

819. Could not Mr. Crane lay his hand, at any time, upon any document that was required in the whole office? He might have done so; I never asked him.

820. Did you ever ask any of the others? Yes.

821. Whom did you ask? I have had repeated inquiries from attorneys for papers of old date, and I know that they could not be found.

822. Whom did you ask to find them? I requested Mr. Davidson, who was the record clerk after Mr. Crane left, to get them, but he found difficulty in getting them frequently. Since he has left we have found great difficulty.

823. Have not the papers been all disturbed since Mr. Crane left? I cannot say.

824. Have you not had occasion to make many searches for papers since Mr. Crane left? Not many.

825. Have not the papers been disturbed in these occasional searches? I should imagine they were.

826. Immediately upon your appointment had you any occasion to search for papers? None.

827. Then it is impossible for you to state whether or not the papers could be found at that time? That was not the irregularity I was speaking of —

828. Will you answer my question—you can explain afterwards;—You cannot state of your own knowledge whether papers could have been found or not immediately on your appointment? No, most decidedly not.† But I beg to add that the irregularity I have alluded to is the irregularity of attendance and want of discipline: clerks coming when they thought proper, going away when they thought proper, and deputing others to do the duties assigned to them, which is against all rule, order, and discipline. I found the letter books were not indexed up, the licensing business in a state of great irregularity, and altogether the books of the establishment not properly kept. I found the depositions always properly recorded; I had no fault to find with the depositions; it was simply having no record of them, and the way in which the business of the office was conducted—the manner in which it was conducted.

829. You stated yesterday that it was a mere piece of luck to find anything? The depositions I have since discovered; it is a piece of luck to find depositions in some instances, because of no record.

830.

* Revised:—Sealy.

† ADDED (on revision):—The papers were thrown together in confused masses—no classification, no date, and no record. Police stores, such as hats, boots, brooms, and clothing, being stored in the same place.

H. Connell,
junr., Esq.,
C.P.S.

30 July, 1862.

H. Connell,
junr., Esq.,
C.P.S.
30 July, 1862.

830. You stated yesterday, that on entering the office it was a mere piece of luck to find anything;—can you mention anything you had occasion to look for at that time that could not be found? The letter books. If I wanted to find any references to letters I found there was no index. For instance, all the letters that had been written by the Government to the Police Magistrate—a correspondence of years—I cannot trace now up to this date. If I want to find a letter addressed to the Police Magistrate by the Colonial Secretary, the Colonial Treasurer, the Auditor General, or any other department, I should find it difficult to trace it now.

831. Did you ever require the assistance of any of the clerks to aid you in searching for the documents you have mentioned? I required the aid of all in getting the papers, but I found they could not get them at all.

832. You have, then, from time to time required the whole of the clerks you have named to assist in these searches? I have tried to discover who kept these papers, of course, if I could not get at them.

833. Can you give the name of any single clerk in the establishment that you have called upon to assist you in these searches? I have given a memorandum—left it in the room—that I wanted papers or documents. In fact, I was obliged to have a correspondence with Mr. Warburton after he left the office, with regard to the poundkeeper's bonds and the weights and measures.

834. You cannot name any single clerk that you have asked to search for papers? The rule is not to go and ask a clerk, but to write a memorandum, and give it to one of the senior clerks, Mr. Smithers, Mr. Davidson, or Mr. Ormiston, to get the papers.

835. Can you name any case in which you gave a memorandum to Mr. Crane, Mr. Smithers, or Mr. Davidson? I do not think I can.

836. Have you any recollection of ever having done so? Yes, repeatedly.

837. To one or to several? Yes, I have constantly done it—to this day.

838. To which of them? To every clerk within whose province the duty lay.

839. I name three clerks? I have asked Mr. Smithers, I have asked Mr. Davidson, and I have asked Mr. Crane.*

840. Repeatedly? I cannot say now; whenever I have required any papers or documents.

841. On more than one occasion? I think so—several occasions.

842. How do you manage to get through the work mentioned by yourself? By attending strictly to it. When I was first appointed to the office of Clerk of Petty Sessions there was a great deal of correspondence between the Auditor General and the office, with regard to the attested accounts of the office, which I believe were not completed till nearly eighteen months afterwards.

843. You stated yesterday that the Police Magistrate frequently came to your table and looked at your accounts? Frequently.

844. Did he ever, on any single occasion since your appointment, go through your accounts? In what way do you mean?

845. Go through them for the purpose of examination or audit in any way? No, he never went through them to audit them.

846. Has any person ever audited the accounts of that office since your appointment? The Auditor General audits them monthly.

847. Does the Auditor General inspect and examine your books, or any person on his behalf? No.

848. Then no regular audit has taken place? Yes.

849. By whom? So far as fees are concerned, by Mr. Armstrong; so far as fines are concerned, by Mr. Martin, and now by Mr. Hales; so far as licensing is concerned, by Mr. Delohery; and so far as the attested accounts are concerned, by Mr. Ormiston.

850. Has there been any periodical examination of your accounts by Captain Scott, or any person on behalf of the Government? None, except the clerks I have alluded to.

851. How is the audit made? I beg to hand in statements which will show the way the accounts are audited. (*Vide Appendix A.*)

852. I think you stated, yesterday, that the books of the other clerks were compared with yours, and that is how the audit is made? Yes.

853. Who compares them? Mr. Armstrong has the fees, Mr. Martin (now Mr. Hales) the fines, and Mr. Delohery the licensing business.

854. But Captain Scott never compares them in any way? No. He is obliged to certify that, to the best of his knowledge and ability, they are correct. You will see it attached to that form.

855. Captain Scott has no time, has he, to examine the books? Not much, if any at all; if he attended to his own work he would find plenty to do.

856. Does he attend to his own work? He does; he gives all the time he possibly can to it.

857. You stated, yesterday, that you have a Crown Law Officers' book in the department? I have.

858. Have you frequent correspondence with the Crown Law Officers? Very little.

859. On what subjects do you usually correspond with them? When the Magistrates want an opinion on any particular subject—any difficulty in a case—the Police Magistrate writes a letter and gets the information.

860. Then cases do arise in which you require the opinion of the Crown Law Officers? Yes. It has been the custom, I believe, throughout the whole Colony, for all Benches to consult the Attorney General.

861. You stated yesterday that it was a portion of your duty to have the jury list transcribed and four copies made? Yes.

* Revised:—Sealy—Mr. Sealy was the licensing clerk.

862. By whom are those copies usually made? They have been prepared for the last two years by Mr. Henry Day, a brother-in-law of mine.

863. Has any amount been paid by the Government for the preparation of these documents? I think he has been compensated according to the practice previously adopted before my appointment. I am not certain of the amount, but I think he has been paid £15—the same amount as was paid to other persons for the same duty.

864. Is he a clerk on the books of the establishment? He is not; he gives his assistance voluntarily to the office.

865. Has he been paid for any other work during that time? Yes, he has; he has been employed as a clerk in assisting in the performance of the duties done under the Electoral Act, 22 Vict., No. 20.

866. Any other sums? On one occasion, for assisting in the performance of some duties required under the old Publicans Act, he was paid, I think, £10 or £12 for a month's duties. That is all, I believe—all that I can recollect—that he has received from the Government for eighteen months he has been there now.

867. In answer to Mr. Cowper, I think you stated that you were allowed a clerk for one month, to perform certain duties? I was allowed a clerk, to prepare the jury list, for one month, and a clerk for three months, to do the electoral duties.

868. A clerk in addition to the officers you have already named? Yes, temporarily.

869. Who has been generally appointed for these duties? Mr. Day has been appointed by Captain Scott to do the jury lists and the electoral lists; and I beg to add, that the jury lists have had very high encomiums passed upon them, for the way in which they have been transcribed; in fact, Mr. Dowling intimated to Captain Scott that they had never been done so well before.

870. Did you hear him? No.

871. Have you not heard many complaints out of doors about the manner in which this thing has been done? What I speak of has nothing to do with the police portion; it is the transcribing I allude to. I believe there have been many complaints about the incorrectness of the names, but that is a duty which does not attach, in any way, to the Police Office. The police collect the names, in the first instance, in the different divisions.

872. How often does Captain Scott take his seat upon the bench? Every morning.

873. How long does he remain upon the bench? Well, I cannot answer that question satisfactorily, because —

874. Does he remain on the bench more than one hour per diem on the average? Yes, most decidedly; I know that much at least.

875. On an average, more than one hour per diem? I should say more than two or three hours.

876. Per diem? Two hours at least, I should say. I have known Captain Scott frequently to be on the bench all day long.

877. *By Mr. Hoskins*: Can you say whether he is more hours on the bench or in the office? Considering that he is taken away to Cockatoo Island a day every week, I should say he is more off the bench.

878. *By Mr. Caldwell*: You stated, yesterday, that he spends a portion of the day in the office? In the morning, sometimes he comes and opens the Court, and then goes.

879. *By the Chairman*: Do you mean to say Captain Scott is more than one hour a day on the bench, on an average? I think so.

880. Have you any doubt about it? I think he is; but I am a bad judge as to the time, because I have my own particular duties to do, which do not take me in the way of seeing how long he is upon the bench.

881. Does he not almost regularly leave the bench so soon as two Magistrates take their seats? I cannot answer that question. He is frequently called away from the bench to do chamber business.

882. Do not the unpaid Magistrates repeatedly open the Court? There are two Courts.

883. Do they not repeatedly open both Courts? I cannot say; I am not present when the Courts are opened.

884. *By Mr. Hoskins*: Do the unpaid Magistrates do chamber duties? Yes, sometimes; Mr. Lucas has frequently done so, and Mr. Cullen—I left him there this morning. All I can say about Captain Scott's movements is mere guess-work.

885. *By the Chairman*: Have you given us any other evidence which is the result of mere guess-work? I do not think so; whatever evidence I have given, I have given to the best of my ability.

886. Captain Scott's office is alongside yours, is it not? Yes. Sometimes, I may add, Captain Scott has a Court in his room, and I am not even aware of it. Sometimes a Court is sitting there in some criminal matter, and although apparently to the public Captain Scott is not on the bench, yet his own private room is a Court frequently and frequently.

887. *By Mr. Hoskins*: Are the public denied access to this Court? No, the door is open, but very few persons know anything about it, and in fact the room is not large enough to hold many persons; it is perhaps not more than one-third the size of this Committee Room. I have known that little room to be occupied as a Court by Captain Scott all day long. I believe the Honorable Chairman of the Committee has himself been professionally engaged in cases that have been heard in this room.

888. Does Captain Scott adjudicate on serious cases in this room? Frequently, not only himself but other Magistrates use it. When there has been licensing business going on in the other Courts, I have known my own room to be made a fourth Court, and Mr. Smithers' room has sometimes been used in the same way, when a case has been heard with closed doors—a case of rape, for instance.

H. Connell,
junr., Esq.,
C.P.S.

30 July, 1862.

- H. Connell, junr., Esq., C.P.S.
30 July, 1862.
889. *By the Chairman* : These cases are of very rare occurrence? Very rare.
890. You mentioned by name as having been present at these Courts—do you not know I have objected to it? I am not aware; you never objected to me—you never informed me.
891. *By Mr. Lucas* : That was not necessary, was it? No.
892. *By the Chairman* : Do you not know that I have protested against my cases being taken before Captain Scott in that room? I never heard of it. I have always been under the impression that it has been a matter of great convenience, and I believe Captain Scott has done it with that view.
893. I believe these cases are principally for breaches of —? Breaches of the Omnibus By-laws, Municipal By-laws, Carters Act, and so on. You are aware they are very numerous.
894. Have you had any complaints as to the inefficiency of your department, from solicitors and others interested in the business of the Court? I am not aware that, with regard to myself, any complaint has been sent to the Government, or that any complaint has been made against me, except in one instance by Mr. Cory.
895. I am alluding to the whole department? Some persons have to wait for hours to get the signatures of Magistrates, and I have heard them grumbling in the passage that their time has been lost; but I never heard any complaint as to inefficiency in the office.
896. Have you heard persons complain of being subject to very great inconvenience by delays in the office? Except in the particular case I referred to just now, never.
897. You said you had had complaints from Mr. Read, the gaoler? He complained to me one day, with reference to the prisoners' warrants not being prepared sufficiently soon for the prisoners to be classified.
898. Who is to blame for that? It is because there is no Magistrate to sign the warrants.
899. Where is Captain Scott? At Cockatoo Island perhaps, or he may have been sent for from Government House, or by the Colonial Secretary.
900. *By Mr. Lucas* : What would take him to Government House? He may be sent for for some particular matter I know nothing about. I know he has been sent for by the Colonial Secretary.
901. *By the Chairman* : How often has he been sent for from Government House? I cannot say. I have heard him say, I have just got a note from the Governor, and I am going down; and I have seen notes from Mr. Cowper frequently,* and he has gone down to the Colonial Secretary's Office.
902. Then Captain Scott is frequently called away from his official duties by the Colonial Secretary and the Governor? Frequently. I have seen notes repeatedly† from the Colonial Secretary, and sometimes from the Governor, requesting Captain Scott's attendance; and this morning there was a note from Captain M'Lerie, as is frequently the case, on subjects I am not aware of. This morning I know it was about the division of the city, for he said to me—"Here is a note from Captain M'Lerie, requesting me to meet him with regard to the police division of the city, but I do not see how I can leave the office. The object is to give the Water Police Office more duty than it is empowered to do now."
903. *By Mr. Hoskins* : Then Captain Scott is frequently called away from his duties? Yes.
904. *By the Chairman* : By whom is the business of the office conducted during his absence? The chamber business is of course left undone.
905. Is there not a large amount of chamber business to transact? There is a great deal.
906. Is it not the most important business in the whole office? It is very important business.
907. Is it not the most important in the whole office? It is not more important than the trial of cases.
908. Is it possible to proceed with the trial of any cases unless the chamber business is regularly and properly attended to? It is very necessary it should be attended to.
909. Will you answer my question;—Is it possible to proceed with the trial of cases unless the chamber business is regularly attended to? The trial of cases in many instances has nothing to do with chamber business.
910. Can any case be heard by the Bench without having regularly passed through the proper officers of the Court? A case may be initiated by an attorney, by coming and paying his 6s. 6d. fee, and placing it on the sheet; there is no chamber business then.
911. Is not the chamber business the most important business of the office? It is not the most important, decidedly not.
912. Which do you consider the most important? One is as important as the other.
913. Can warrants be issued from the office without passing through the regular process? Warrants in some instances are prepared out of doors, at any Magistrate's house, and brought to the office, and the case placed on the sheet.
914. About how many warrants have you issued during the past year? I cannot answer that question just now.
915. And about how many have been prepared out of the office? I cannot answer that question.
916. Can you name more than half a dozen that have been prepared out of the office during the time you have been there? As far as my experience goes I do not think there have been half a dozen.
917. Speaking of warrants, I think you stated, yesterday, that they were never granted except on information on oath? No, never; not to my knowledge, of course.

918.

* NOTE (on revision) :—Omit frequently.

† NOTE (on revision) :—Omit repeatedly.

918. I think you also said that you knew of only two cases in which warrants have been cancelled by the Justices—the case of Bucknell, and the other by Mr. Day? Yes.
919. Did Mr. Day ever cancel a warrant? I am not aware of it; I heard so.
920. Did you state yesterday that you had heard so? Yes, I think so. Mr. Day came to me himself and told me of it.
921. Did Mr. Day tell you he had cancelled a warrant? Yes.
922. When did he tell you? At the time it took place.
923. Do you not know that in the case you allude to, the person was apprehended and brought before Mr. Day and discharged? I do not know the particulars.
924. Do you not know that Mr. Day acted under legal advice in the whole of that transaction? Well, I do not know anything connected with the matter except what I heard from him; in fact, the matter appeared to me so unimportant at the time that I scarcely noticed the case.
925. You do not know whether the warrant was cancelled in Bucknell's case? Yes, I saw it afterwards; the warrant was cancelled.
926. By whom? By Captain Scott.
927. How long had the warrant been in the hands of the police before it was cancelled? I do not know.
928. You do not know? No, I cannot say for a fact, not for a day or two. The first intimation I got of it was when Mr. Kettle came to me, and I went to Sub-inspector Read's office, to know the facts of the case.
929. *By Mr. Lucas*: You know it was in the hands of the police? Yes.
930. *By the Chairman*: How long does it usually take to prepare an information? It depends on the circumstances.
931. Do you produce any form of information this morning? Yes, I produce one under the Bakers and Millers Act. (*Vide Appendix B.*)
932. Do you consider this a fair sample of the length of the informations to produce to this Committee? This is another sample. (*Vide Appendix B 2.*)
933. Do you produce any other? No. Some of the maintenance cases are very long—much more lengthy than that.
934. Have you many cases for breach of the Bakers and Millers Act? Not many cases. There were four last week for weights and measures.
935. In which the informations were dismissed? One was dismissed and three withdrawn.
936. Why was it dismissed? I do not know.
937. Was it not in consequence of an objection to the informality of the information? I am not aware; I heard some remarks to the effect that they were informal.
938. You stated, yesterday, that the summonses could not be prepared at the same time as the informations? I give that as my opinion.
939. Can you state why not? This morning I asked one of the oldest and most experienced clerks in the office as to whether it could be done, and he says most decidedly not. In fact, I conferred with nearly all the gentlemen in the office, and they all came to one conclusion.
940. Can you state why they cannot be prepared at the same time? If they are prepared at the same time then the other business must be at a stand-still.
941. *By Mr. Lucas*: That is the only reason? That is the only reason; that is to say, if the clerk has to prepare the summonses after he prepares the information, which takes some little time, while he was doing that his other work would be neglected.
942. Have you got with you copies of summonses filled up as they are usually filled up in these cases? Not in those cases, I have not. These are summonses in different matters. (*The witness handed in copies of certain summonses. Vide Appendix C.*)
943. *By the Chairman*: Do you produce these as fair samples of the summonses issued from your office? I believe, in cases of this kind (*referring to one*), this is a very fair sample; this is a case under the Deserted Wives and Children's Act.
944. And the others are what? I asked Mr. Armstrong to give me copies of the usual summonses, and he gave me these; I have not looked at them.
945. You produce these four to show the nature of the summons usually issued from the office? I asked for them, and they were given to me this morning; I believe them to be correct; I have not looked over them particularly; I trust to Mr. Armstrong, who is a very efficient clerk indeed.
946. *By Mr. Lucas*: Was that always your opinion of Mr. Armstrong? Yes.
947. You never mentioned anything else to any one? Well, I may have said he is an eccentric character, but he is very regular in his work.
948. Have you never complained of him to any person? No, I do not think I have.
949. *By the Chairman*: You have known cases to be frequently adjourned for want of Magistrates? Yes.
950. And very frequently there are no Magistrates at all? Yes, at the commencement of the morning.
951. How many Magistrates are usually required to open the Court? That depends on the nature of the cases to be heard. Under some Acts only one Magistrate is required to adjudicate.
952. Are not the drunkards usually disposed of —? That is in the Criminal or Charge Court.
953. Who opens that Court? That is opened by Captain Scott regularly every morning.
954. Every morning? I believe so; I do not go in to look.
955. You do not know of your own knowledge? I am not aware of any one else doing it except Captain Scott.
956. Do you go there every morning to see? Very frequently I do.

H. Connell,
junr., Esq.,
C.P.S.
30 July, 1862.

H. Connell,
junr., Esq.,
C.P.S.

30 July, 1862.

957. And you always saw Captain Scott? I would not be certain about that.
958. Does he not usually leave the Court so soon as the drunkards are disposed of? I cannot answer that question. He might possibly leave the bench and then go back again.
959. Did I understand you to state that the police usually served the summonses on their beats? I believe the summonses are usually served by a constable attached to our department, named Cook; but when they are beyond his beat or district, I believe they are given into the hands of the police—I do not know it as a fact.
960. In point of fact, you have no knowledge on the subject? Yes, I have a good deal of knowledge of it.
961. Were you correct in stating that the police usually serve the summonses on their beats? Yes, I believe so.
962. *By Mr. Caldwell*: Beyond the distance Cook is expected to go? Yes.
963. *By the Chairman*: I believe you stated, yesterday, that the whole proceedings of the Bench were frequently suspended, in consequence of the interruptions occasioned by persons wishing to get the Magistrates to sign informations? Yes, and by persons who go in to be bound over to keep the peace, by persons who go in to be bound over to prosecute at Quarter Sessions—to appear at gaol delivery—to produce property the subject of a criminal charge in the superior Courts; and by persons who go in to get sworn to affidavits, to get informations and get summonses, and to be sworn under a variety of Acts.
964. And that is all owing to there being no Magistrate to attend to the chamber business? Yes, exactly, from there being no Magistrate to attend to the chamber business.
965. Have you ever summoned any Magistrates specially to attend to chamber business? I am not aware that any summons ever went out for that purpose.
966. Have you ever been instructed by any person to summon any Magistrates for chamber duties? Never.
967. Have you, in point of fact, received any instructions since your appointment as to the duties of your office? Yes, I have received circulars from the Colonial Treasurer, as to the duties—the usual circular sent to all Clerks of Petty Sessions; I have had two or three as to what my duties are as a collector of revenue.
968. Never as to the business of the office itself? Never as to the business of the office itself.
969. Did I not understand you to say, yesterday, that you had received instructions from the Colonial Secretary to summon Magistrates to attend to chamber business? Never to attend to chamber business.
970. Are you aware if Captain Scott received such instructions? I have heard Captain Scott say that Mr. Cowper suggested to him that he should call a meeting of the Magistrates, to consult as to the advisability of having a roster for that purpose.
971. No roster has been kept for that purpose? No.
972. How long is it since you heard Captain Scott speak of that? Some few weeks ago.
973. You stated, yesterday, that you never heard persons complain of the delays of the Court, or as to the mode in which justice should be administered at the Court? I have sometimes seen letters in the papers to that effect.
974. Have you not frequently known cases to be postponed there from day to day? I have seen on the sheets that cases have been postponed, for what reasons I cannot tell.
975. Have you ever heard any persons complain of these delays? No, I have not; probably if there have been complaints —
976. If there have been they would not reach your ears? No, I am not much about the Courts.
977. And you say that frequently there is no Magistrate to open the Court? When I say that I am speaking of the Summons Court.
978. Do you find that frequently happen when any case of importance is likely to occupy the attention of the Court? I cannot answer that.
979. Do you not know that on many occasions they can scarcely find room on the bench for all the Magistrates? That is when licensing business is on.
980. No other business? The appointment of collectors of the electoral lists brings a good many Magistrates; there were twenty-six present on the last occasion.
981. Do you not know that Magistrates have attended for particular cases who have not been seen on the bench, except on particular occasions, for years? Yes, I have seen Magistrates on the bench that I had never seen before.
982. For particular cases? I do not know whether they came for particular cases.
983. Have you not heard so? I have heard so.
984. You stated, yesterday, that there was no room that Magistrates could retire to? There is no room.
985. Was there one in Mr. Dowling's time? I am not aware; I was never there in Mr. Dowling's time.
986. I believe you stated, yesterday, that you had known cases in which summonses and informations had been signed in blank by Magistrates? I do not know it of my own knowledge—I am not aware that I said informations.
987. Did you not state, yesterday, that you had known summonses and informations signed in blank? If I said informations I must have made a mistake.
988. Have you made a mistake in anything else? Possibly I may have made a mistake.
989. Then you have only been informed that summonses have been signed in blank—you do not know even that of your own knowledge? I understand that summonses have been. I cannot call it distinctly to mind; but I have a faint idea that I have seen them. I know it has been spoken of that summonses have been signed in blank, although it is specially laid down by Mr. George Robert Nichols, in his edition of Sir John Jervis' Act, that it is a most irregular proceeding. I have seen them, in fact, though I cannot call to mind by whom they were signed.

990. With reference to subpoenas issued by the Court, I believe you stated, yesterday, that you generally issue the common form? Yes. H. Connell,
Jnr., Esq.,
C.P.S.
991. Have you had any complaints at any time of the non-attendance of witnesses under those subpoenas? I have. 30 July, 1862.
992. And notwithstanding these complaints, unless special application be made for summonses, you always issue the common subpoena? Yes.
993. Knowing at the same time that the attendance of witnesses cannot be enforced? I beg to correct what I said yesterday in that respect. I think the common subpoena is as good as the summons.
994. That is your opinion? Yes. It is prescribed by the 5th William IV., No. 22, section 4, that where a person is summoned to attend, and fails to do so, he is liable to be fined not less than £2 nor more than £20. That was an omission of mine yesterday.
995. *By Mr. Lucas:* When you know there has been an Act passed which gives another form of summons, do you not think that virtually repeals the former one? It does not virtually repeal it. One is a summons on oath, and the other is without oath.
996. *By the Chairman:* According to your idea, the establishment now is a model of perfection? The only drawbacks are owing to the building. If we had a better contrived building it would be better.
997. The whole of the clerks are working most harmoniously together? I should say they are.
998. How long has that been the case? Since I have been in the office, so far as I am concerned.
999. During the whole of that time? During the whole of that time.
1000. Have you not frequently complained to Captain Scott of the conduct of the clerks under you? That is where discipline is concerned.
1001. You found the whole of them, on your entering the office, first class clerks? So far as the duties are concerned they are excellent clerks, and understand them thoroughly.
1002. Is there at the present time a good feeling existing between your side and the other side of the office? I am not aware of any bad feeling.
1003. You still state that you are not aware of any bad feeling? I still state so distinctly.
1004. In cases where complaints have been made by yourself, how have those complaints been made? On paper.
1005. By letter in the usual way? By memorandum.
1006. Which memoranda, I suppose, have been from time to time destroyed? No.
1007. Have you any of them in the office? I have a mass of them.
1008. *By Mr. Hoskins:* Are you speaking of complaints made by some of the clerks against other clerks? No. For instance, if a gentleman has been absent from his duty, it is my duty to call upon him to state the reasons for such absence. When I first took charge I found that some of the clerks were frequently away—possibly from intemperance—and it was my duty then, following out the system of the service, to call upon him for an explanation; I have said on paper,—will Mr. So-and-so explain the cause of his absence, and he has very likely come to me and said so-and-so and so-and-so; but I have always said he must put it on paper, and then, whatever excuse he made, I have laid it before Captain Scott.
1009. *By the Chairman:* You have made repeated complaints? That is, of irregularities—
1010. On the part of your fellow clerks? Yes.
1011. Repeatedly? Yes. When I first went to the office the irregularity of attendance was so great that Captain Scott wrote this memorandum, which I will read. (*Memorandum read, and handed in. Vide Appendix D.*)
1012. Do you know how the ill feeling was caused in the first instance? What ill feeling?
1013. Was there any ill feeling? Between whom?
1014. With reference to your own appointment, for instance? I believe the only ill feeling that existed in the matter was on the part of Mr. Smithers.
1015. Is not Mr. Smithers a most efficient clerk? He is. When I was appointed to the office of Clerk of Petty Sessions, I, of course, thought it was a hard case for me to be placed over gentlemen who had been so many years in the Central Police Office. Of course the Government had their reasons for appointing me; but before I accepted the appointment, I went to the gentlemen in the office, and said I would forego the appointment if Mr. Cowper would appoint any of them. The answer to me was, "D—n your eyes, if you ever come here I will smash you."
1016. By whom was that said? I will not mention the name, but it was said by one of the gentlemen who is still inimical to me. I have never had any words with him since I have been in the office. He said he would smash me or any other person Mr. Cowper sent. The ill feeling was engendered by my appointment.
1017. It was caused by the appointment of a stranger over the heads of those who had been long in the office? Yes. But I have never had any angry words with Mr. Smithers or any other gentleman since I have been in the office; I never give them a chance.
1018. Do you recollect on one occasion Mr. Smithers being absent from the office, and Mr. Crane informing you that he had received a letter from Mr. Smithers on the subject of his absence? Yes, I recollect the subject well.
1019. Do you recollect its being mentioned to you that Mr. Smithers had had a fit? Not to this day; this is the first time I have heard of it.
1020. Are you quite certain of that? Quite positive.
1021. I would ask you to think over the matter? To the best of my recollection it was not; I distinctly deny it.
1022. You know Mr. Crane perfectly well? I do.
1023. He is now Clerk of Petty Sessions at the Water Police Court? Yes.
- 1024.

H. Connell, 1024. Did he, on any occasion, tell you that the cause of Mr. Smithers' absence was that he
 Junr., Esq., had had a fit and fallen out of bed in a fit, and did you demand to see the letter? What
 C.P.S. letter are you referring to?

30 July, 1862. 1025. I am referring to Mr. Crane telling you he had received a letter from Mr. Smithers,
 informing him that Mr. Smithers had fallen from his bed in a fit, and your demanding to see
 the letter, although Mr. Crane told you at the time that it related to private business of Mr.
 Smithers? No; he told me he had received a letter from Mr. Smithers saying he was sick.

1026. Did you insist on seeing the letter? Yes.

1027. And you did see it? I do not think I did.

1028. Did you not take the letter from Mr. Crane's possession and insist on seeing it? I am
 not aware that I did.

1029. Will you undertake to state that you did not? I will not undertake to state any-
 thing of the sort. If a clerk is absent he should not write to another clerk to excuse
 himself, but should report the reason for his absence to the head of the department.

1030. Did you not threaten to report Mr. Crane unless he gave up this letter, although Mr.
 Crane stated that the letter referred to private business? Private business had nothing to
 do with the office.

1031. Will you answer the question;—Did you not threaten to report Mr. Crane unless he
 gave up the letter, although he stated that it referred to Mr. Smithers' private business? I
 cannot recollect.

1032. Were not the whole of these differences caused by what was regarded as your own
 harsh conduct to many of these gentlemen at the time? I am not aware that I was ever harsh
 to any of them.

1033. You found them first class clerks, and yet these differences arose between you? I never
 had any difference with any one of them.

1034. *By Mr. Caldwell:* Had you any fault to find with them for irregularity? Yes, there
 was great irregularity, but I never had any personal difference with any of them; I do not
 call a matter of discipline a personal matter. I was informed that Mr. Smithers had written
 a letter to Mr. Crane, informing him of the reason for his absence, and I said he should
 report it officially. It was the more necessary to be a little strict —

1035. *By the Chairman:* Finish what you were going to say? I said to Mr. Crane that it
 was necessary for him to produce the letter or note accounting for Mr. Smithers' absence,
 because it was impossible that Mr. Crane could receive a private note from any gentleman
 explaining to him why he was absent, and that that should be taken as a sufficient excuse.

1036. For all he told you it was a private note, you insisted on seeing it? I do not
 recollect.

1037. *By Mr. Caldwell:* If he had told you it was a private note, would you have insisted
 on seeing it? No, I should imagine not.

1038. *By the Chairman:* You will not undertake to say you did not do so? No; it is so
 long ago that I cannot recollect all that took place; I suppose it is two years ago now.

1039. *By Mr. Caldwell:* Do you remember his telling you he had received a private note?
 I recollect he said something about receiving a note which he said was private; I recollect
 that distinctly. I said, I will not take that as an acknowledgment of Mr. Smithers'
 absence—writing a private note to you; it was not right to me as chief clerk in the office.

1040. *By the Chairman:* Do you recollect Mr. Crane leaving your office? Yes, I recollect
 his appointment as Clerk of Petty Sessions at the Water Police Office.

1041. Do you recollect having any conversation with him shortly before he left? I recollect
 giving him some assistance with respect to the duties.

1042. Do you think he required that assistance? He never was employed in that kind of
 work before; he seemed very much obliged to me.

1043. Did Mr. Crane give you no advice at all before leaving? I cannot recollect; he may
 have done so.

1044. As to your treatment of the clerks in the office? I cannot recollect that he did;
 I think it would be a piece of presumption for anyone in his position to give me advice as to
 how I should manage the office.

1045. Did he or did he not? I say I do not recollect such a circumstance. It might be
 that he would recollect it himself, but the matter would be too insignificant for me to think
 much of it.

1046. *By Mr. Hoskins:* Do you consider that the management of the Police Office is
 perfect? No; I think that if a gentleman were appointed to do the chamber business, and
 Captain Scott were vested with double powers as a Police Magistrate, the office would then
 be in a much more perfect state.

1047. Will you explain what suggestions you would make? I think that if the Clerk of
 Petty Sessions was appointed to do the chamber business —

1048. What do you mean by chamber business? For instance, when informations and affi-
 davits are brought to me, to be entered in a book, they have afterwards to be hawked about
 to find a Magistrate that will sign them—sometimes on the bench, sometimes in the passage,
 or anywhere; but if, when I receive the fee, I could swear the parties and sign the papers,
 there would be an end of the business. Then again, with regard to summonses, though it
 might be convenient to sign the information only in the first instance, I would always be
 there to sign the summonses when they were ready; and the same with distress warrants
 and committal warrants; I understand my work and the different forms that have to be
 used, and I would not hesitate to sign them. As it stands now these papers are hawked
 about the streets; they go to Mr. Peden's house, to Mr. Caldwell's house, to any other
 Magistrate's house that can be got to sign them; in fact, to show that there is some truth
 in the matter, I have a paper here signed by thirty-three or thirty-four Magistrates, recom-
 mending

mending my appointment as a Magistrate for these duties. I have made a copy of it, which I will hand in, but I will show you the original. (*Copy handed in. Vide Appendix E.*) I have hesitated in sending it to the Government because I know it will not be done.

H. Connell,
junr., Esq.,
C.P.S.

1049. *By the Chairman:* In what way were the signatures obtained? These signatures were obtained in a fair and honest way; I do not think the parties were asked twice, any one of them; I believe only three gentlemen I asked—Mr. Lucas, Mr. George Hill, and Mr. Oatley—refused to sign. I never asked any of them to sign it until they had read it. When they had read it, I said, Do you concur in that? and most of them have said at once, Most decidedly. It has never been taken out of the office to get signatures.

30 July, 1862.

1050. *By Mr. Hoskins:* Why do you think it would expedite the public business if this recommendation were adopted? Because I am always in my room, and would have no hesitation in signing these documents, so that there would be no delay, as there is now.

1051. How many Magistrates are in attendance daily? As an average, seven or eight. The Magistrates are very seldom there after the business of the Courts is over, and there is a great deal of business that requires to be done after that time.

1052. Do you think that if this application was carried out, it would enable Captain Scott to be more frequently and for a more lengthened period of the day on the bench? I do not think it would be necessary for him then to leave it, and if he were vested with double powers, then if the other Magistrates did go away he could finish a case.

1053. He would be able to devote more time to bench duties? Yes. We should have then three Magistrates, in fact—he being vested with the power of two, and myself being one—always on the spot.

1054. As these Magistrates have signed that recommendation, it would naturally be inferred that there are large arrears of business? No; the business I refer to must be finished every day; warrants for committing prisoners to gaol, for instance, must be signed that day, otherwise they cannot be received.

1055. Are there any arrears of business? Not in the clerical portion of it.

1056. I am not talking of the clerical portion—are cases frequently adjourned for want of Magistrates? They are frequently remanded; I cannot exactly answer that question. I only see the sheets, and I see that they are remanded; I cannot tell for what reason.

1057. Are there any other suggestions you could make which would tend to facilitate the despatch of business? No. I may mention that £1,000 has been voted for putting us in a better position as regards the building, and the offices are being arranged so that the clerks will be more together. If the warrants, informations, affidavits, and other matters of that kind, could all be signed at once, it would be a great help to the despatch of business. I could show you hundreds of forms that require the signature of a Magistrate, and sometimes a gentleman will put on his spectacles at one, for a quarter of an hour, before he will get through it. All that prevents expedition in business.

1058. Do you consider the clerical staff sufficient? Yes, when Mr. Martin's appointment is filled up. Gentlemen just recently appointed, of course, take time to be thoroughly efficient; the duties are not like the duties of temporary clerks in other offices; they require to have some knowledge of law.

1059. You think that if your suggestions were carried out, the public would have no reasonable ground of complaint? No, I think not. The office is in first rate order; the regularity of the clerks is very good; they know their work, and are improving every day; the only drawback is, that we are obliged to send a summons all over the district to be signed by the person who signed the information in the first instance.

1060. *By Mr. Caldwell:* You spoke of Captain Scott examining your accounts;—to what extent has he carried that examination? There is no decided check by Captain Scott himself, but he frequently comes into my room and sits sometimes, and sometimes stands, and watches the progress of the check by the other clerks; he has frequently sat in a chair in my room while some gentleman in the office—Mr. Armstrong, Mr. Hales, or Mr. Martin, rather—has been comparing with me, because he signs at the end of the month a declaration that they are correct.

1061. Do you think his examination of the accounts has been sufficient to enable him to make that declaration? Most decidedly not. It is a matter very few persons understand. Each statute gives an appropriation.

1062. He is called upon to make a declaration? Yes, and to the best of his ability he does it, trusting to me, I suppose. If he did examine the accounts thoroughly he would have no time to do many other matters.

1063. Then you do not consider it any part of his duty to examine your accounts? No, although he does so sometimes.

1064. You say Captain Scott has been frequently called away from the office by the Colonial Secretary—has it been on official business? To the best of my knowledge it has been on official business. A great many petitions pass to the Crown, on which it is necessary to get his opinion as to the nature of the cases.

1065. *By the Chairman:* Since the appointment of this Committee, have you made any statements as to the nature of the evidence you would give here? I do not understand the question.

1066. Have you at all looked into matters, to prepare yourself for examination before this Committee? No, I did not know what the points of inquiry would be.

1067. Did you make no preparation at all? Very little; I thought you might ask me something about the fines, fees, and so on, and I was going to give you the statistics.

1068. *By Mr. Caldwell:* Would you not consider it your duty to prepare yourself? Yes, but I consider myself always prepared.

APPENDIX.

A.

ACCOUNT of all Fines collected by Henry Connell, junr., as Clerk of Petty Sessions at Sydney, and the appropriation thereof.

| 1862. DATE. | NAME OF OFFENDER. | Act under which penalty is imposed. | OFFENCE. | AMOUNT. | | City Corpora- tion Fund. | APPROPRIATION OF FINES. (State whole or moiety.) | To Informers. | To Benevolent Institutions. | To Police Reward Fund. | To Consolidated Revenue Fund. | Total App- ropriation. |
|----------------|-------------------|-------------------------------------|------------------------------------|----------|---------|-----------------------------|---|------------------|-----------------------------------|------------------------------|--|---------------------------|
| | | | | £ s. d. | £ s. d. | | | | | | | |
| June 2 | Edward Maloney | 9 Geo. 4, cap. 31. | Assault | 1 0 0 | ... | ... | Whole | ... | 1 0 0 | ... | ... | 1 0 0 |
| " | Darby Carroll | 4 Wm. 4, No. 7 | Assaulting a Constable | 0 15 0 | ... | ... | Moiety | ... | ... | 0 7 6 | 0 7 6 | 0 15 0 |
| " | Same | 7 and 8 Geo. 4, cap. 30 | Destroying property (damage) | 0 5 0 | ... | ... | Whole | 0 5 0 | ... | ... | ... | 0 5 0 |
| " | Daniel Taylor | Ditto | Ditto (ditto) | 0 10 0 | ... | ... | Ditto | 0 10 0 | ... | ... | ... | 0 10 0 |
| " | Martha Ford | 15 Vic., No. 4 | Indecent behaviour | 1 0 0 | ... | ... | Moiety | ... | ... | 0 10 0 | 0 10 0 | 1 0 0 |
| " | Darby Carroll | 4 Wm. 4, No. 7 | Breach of Police Act | 0 10 0 | ... | ... | Ditto | ... | ... | 0 5 0 | 0 5 0 | 0 10 0 |
| " | Richard Curran | Ditto | Ditto | 0 10 0 | ... | ... | Ditto | ... | ... | 0 5 0 | 0 5 0 | 0 10 0 |
| " | Bridget Freeman | 17 Vic., No. 31 | Riotous conduct | 0 10 0 | ... | ... | Ditto | ... | ... | 0 5 0 | 0 5 0 | 0 10 0 |
| " | James Weight | 6 Wm. 4, No. 1 | Breach of Bakers and Millers Act | 10 0 0 | ... | ... | Ditto | 5 0 0 | ... | ... | 5 0 0 | 10 0 0 |
| " | James M. Matthews | 14 Vic., No. 41 | Breach of Omnibus By-laws | 0 10 0 | 0 10 0 | 0 10 0 | Whole | ... | ... | ... | ... | 0 10 0 |
| " | James Buckley | 14 Vic., No. 41 | Breach of Hackney Carriage By-laws | 0 10 0 | 0 10 0 | 0 10 0 | Ditto | ... | ... | ... | ... | 0 10 0 |
| " | Same | 14 Vic., No. 41 | Ditto | 0 10 0 | 0 10 0 | 0 10 0 | Ditto | ... | ... | ... | ... | 0 10 0 |
| June 3 | Ann Duffy | 9 Geo. 4, cap. 31. | Assault | 0 1 0 | ... | ... | Ditto | ... | 0 1 0 | ... | ... | 0 1 0 |
| " | Catherine Scott | 15 Vic., No. 4 | Obscene language | 1 0 0 | ... | ... | Moiety | ... | ... | 0 10 0 | 0 10 0 | 1 0 0 |
| " | Margaret Deary | Ditto | Ditto | 1 0 0 | ... | ... | Ditto | ... | ... | 0 10 0 | 0 10 0 | 1 0 0 |
| " | Jane Gillespie | Ditto | Profane language | 1 0 0 | ... | ... | Ditto | ... | ... | 0 10 0 | 0 10 0 | 1 0 0 |
| " | Thomas Hogan | 4 Wm., No. 7 | Obstructing Carriage-way | 0 5 0 | ... | ... | ... | ... | ... | 0 2 6 | 0 2 6 | 0 5 0 |
| " | George Lee Wilson | 18 Vic., No. 28 | Breach of Carters Act (fare) | 0 10 0 | 0 10 0 | 0 10 0 | Whole | 0 10 0 | ... | ... | ... | 0 10 0 |
| " | Ditto | Ditto | Compensation | 0 5 0 | ... | ... | Ditto | 0 5 0 | ... | ... | ... | 0 5 0 |
| June 4 | William Howard | 17 Vic., No. 31 | Riotous conduct | 0 10 0 | ... | ... | Moiety | ... | ... | 0 5 0 | 0 5 0 | 0 10 0 |
| " | Mary Dillon | 15 Vic., No. 4 | Obscene language | 2 0 0 | ... | ... | Ditto | ... | ... | 1 0 0 | 1 0 0 | 2 0 0 |
| Period. | | | Total Amount of Fines collected | £ 23 1 0 | 2 0 0 | 2 0 0 | General Totals | £ 6 10 0 | 1 1 0 | 4 10 0 | 9 10 0 | 23 1 0 |

APPENDIX TO FOREGOING EVIDENCE.

I, Henry Connell, junr., do solemnly and sincerely declare that the foregoing is a true and faithful account of all Fines collected by me, as Clerk of Petty Sessions, at Sydney, from the 186 , both days inclusive, and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the Reign of Her present Majesty, intituled, "An Act for the more effectual abolition of Oaths and Affirmations taken and made in the various Departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits."

Made and signed before me, at this day of 186 .
(Signed) HENRY CONNELL, JUNR.,
C. P. S.

A 2. Signature of a Magistrate—
(Signed) D. C. F. SCOTT, P.M.

* I certify that the proportions of the Fines specified on the other side have been appropriated and paid as mentioned in the foregoing Statement.

Signature of a Magistrate—
(Signed) D. C. F. SCOTT, P.M.

NOTE.—Statements according to the above Form are required to be forwarded to the Auditor General, within six days after the termination of each Quarter. Even if no fines have been collected during the Quarter, the Statements are notwithstanding to be forwarded, duly attested and certified, the word "Nil" being written in the space for inserting particulars.

Receipts for the sums paid to Benevolent Institutions are to be furnished with the Statements.

The appropriation of each Fine is to be shown on the line corresponding with that of its entry on the Dr. side of the account.

* I, or We.

ACCOUNT of all Sums collected for FEES and LICENSES, by

as Clerk of Petty Sessions at Sydney, from the

to the

186 , both days inclusive.

449—P

| PARTICULARS OF THE FEES. | No. of Fees of each description. | Rate of each Fee. | AMOUNT. | PARTICULARS OF THE LICENSES. | Number. | Rate. | AMOUNT. |
|---|----------------------------------|-------------------|---------|---|---------|---------|---------|
| | | £ s. d. | | | | £ s. d. | |
| For Summonses, Copies thereof, and for serving the same .. | | 0 2 6 | | | | | |
| For Subpœnas, not including more than four Names .. | | 0 1 6 | | | | | |
| For Copies of Subpœnas to serve .. | | 0 0 4 | | | | | |
| For Swearing Affidavits and Informations in cases within the jurisdiction of the Magistrates .. | | 0 1 0 | | | | | |
| For Swearing any other Affidavits (Affidavits for Military and Naval Pensions excepted) .. | | 0 1 0 | | | | | |
| For Warrants to apprehend in cases not felonious .. | | 0 2 6 | | | | | |
| For Recognizances and Notices of the nature thereof .. | | 0 5 0 | | | | | |
| For Warrants to Distrain under Penal Acts .. | | 0 2 6 | | | | | |
| For an Order of a Justice or Justices .. | | 0 1 0 | | | | | |
| For drawing Affidavits or Informations, in cases within the jurisdiction of the Magistrates, not exceeding one folio of 72 words .. | | 0 1 0 | | | | | |
| For additional folios of the same, in all folios of 72 words .. | per folio. | 0 0 8 | | | | | |
| For drawing any other Documents required in the discharge of the Police Duties not enumerated above, in all folios of 72 words.. | per folio. | 0 0 8 | | | | | |
| For Copies of Proceedings, in all folios of 72 words.. | per folio. | 0 0 4 | | | | | |
| For Copies of Depositions to a Prisoner committed to take his trial, per folio of 90 words .. | | 0 0 1½ | | | | | |
| For Certificates of Naturalization, and enrolment thereof .. | | 1 16 6 | | | | | |
| For Passes to Ticket-of-leave holders .. | | 0 2 6 | | | | | |
| For Registration of Dogs, where one is kept .. | | 0 1 0 | | | | | |
| Do. of each, where two are kept .. | | 0 2 0 | | | | | |
| Do. of each, where three are kept .. | | 0 2 6 | | | | | |
| Do. of every Dog above three .. | | 0 5 0 | | | | | |
| For Boatmen's Badges, each.. | | 0 5 0 | | | | | |
| <i>Amount carried forward</i> .. | ..... | ..... | £ | <i>Total amount of Fees and Licenses collected</i> .. | ..... | ..... | £ |

APPENDIX TO FOREGOING EVIDENCE.

* Here state the names of the persons who have paid the Fees for Certificates of Naturalization.

I, Henry Connell, do solemnly and sincerely declare that the foregoing is a true and faithful account of all sums collected for Fees and Licenses by me, as Clerk of Petty Sessions at Sydney, from the 1st day of January 1866, to the 31st day of December 1866, both days inclusive, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits."

Made and signed before me this _____ day of _____ 1866 }
 Signature of a Magistrate.

HENRY CONNELL, D.C.P.S.
 D. C. F. SCOTT, P.M.

* Any other sums for Fees or Licenses to be here inserted.

I Certify that, on comparison, I find the above abstract to correspond in description and amount of Fees and Licenses with the detailed Register of the same, during the above-mentioned period, and that I have every reason to believe the said Abstract to be correct. I further Certify, that the Register of Fees and Licenses has been duly kept up, and that I consider the Entries in the same, for the period stated, to be correct and satisfactory.

Signature of a Magistrate.

D. C. F. SCOTT, P.M.

NOTE.—Statements according to the above Form are required to be posted, for transmission to the Auditor General, within four days after the termination of each Quarter. Even if no Fees have been collected during the Quarter, the statements are, notwithstanding, to be forwarded, duly attested and certified, the word "Nil" being written in the space for inserting particulars.—The certificate should be signed by the Resident Magistrate.

B.

Information—(General Purposes.)

New South Wales, }
City of Sydney, }
to wit.

Be it remembered, that on this day of in the Year of Our Lord one thousand eight hundred and sixty at the City of Sydney, in the Colony of New South Wales, A. B., of the said City of Sydney, appears before me, the undersigned, one of Her Majesty's Justices, duly assigned to keep the Peace of Our Lady the Queen in and for the City of Sydney and Territory of New South Wales, and on oath informs me, That on the day of in the year of our Lord one thousand eight hundred and sixty and within forty-eight hours next before the date of exhibiting this information, that is to say, on the twenty-third day of in the year of Our Lord one thousand eight hundred and sixty one C. D. of street, in the City of Sydney, in the Colony aforesaid, in a certain place there situate, had in his possession certain bread, to wit, one hundred and thirty loaves, which said loaves had been baked within twenty-four hours next preceding said day of and that the said was then and there tried and found to be deficient of its due weight, to wit, one hundred and twenty-nine ounces And the said A. B. further informs me, the said Justice, that the premises on which the said bread was found were at the time of the said finding used by C. D. as a place in which bread was baked, contrary to the Act in such case made and provided; whereupon the said A. B. prays that I the said Justice will proceed in the premises according to law.

Sworn at the City of Sydney, in the said }
Colony, on the day first above-written, }
before me,

Justice of the Peace.

B 2.

Information—(General Purposes.)

New South Wales, }
City of Sydney, }
to wit.

Be it remembered, that on this day of in the year of Our Lord one thousand eight hundred and sixty at the City of Sydney, in the Colony of New South Wales, A. B. of the said City of Sydney, appears before me, the undersigned, one of Her Majesty's Justices, duly assigned to keep the Peace of Our Lady the Queen in and for the City of Sydney and Territory of New South Wales, and on oath informs me, That on or about the day of in the year of Our Lord one thousand eight hundred and sixty one C. D., late of but now of in the aforesaid Colony, did at in the aforesaid Colony, unlawfully desert his lawful wife, the aforesaid A. B., and leave her without any lawful means of support, and that the aforesaid C. D. doth still neglect and refuse to support this deponent, notwithstanding that he is well able so to do, contrary to the Act in such case made and provided; whereupon the said A. B. prays that I, the said Justice, will proceed in the premises according to law.

Sworn at the City of Sydney, in the said }
Colony, on the day first above-written, }
before me,

Justice of the Peace.

C.

No. 1032.

To Peter Robertson, of the City of Sydney, in the Colony of New South Wales, Drayman.

WHEREAS information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, for that you did on the fourth day of April last past, at the Central Police Court, in George and York streets, in the said City, you being then and there examined and giving your evidence on oath, as complainant in a case then and there heard and determined before and by James Murphy, Esquire, one of Her Majesty's Justices of the Peace in and for the said Colony, in which case you were complainant, and Mary Brown was defendant, falsely, wilfully, wickedly and corruptly, commit wilful and corrupt perjury in your evidence so given on oath as aforesaid:

These are therefore to command you, in Her Majesty's name, to be and appear on Wednesday, the fourth day of June next, at ten of the clock in the forenoon, at the Central Police Office, George and York streets, in the City of Sydney, in the said Colony, before any one or more Justices of the Peace for the said Colony as may then be there, to answer to the said information, and to be further dealt with according to Law, and there attend from day to day until the said information shall be disposed of.

Given under my hand and seal, this twenty-eighth day of May, in the year of Our Lord one thousand eight hundred and sixty-two, at the Central Police Office, George and York streets, in the said City and Colony.

(Signed)

D. C. F. SCOTT, P.M.

C 2.

No. 1832.

To John Brown, of Armidale, in the Colony of New South Wales, Squatter.

WHEREAS complaint hath this day been made before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, for that on the eighth day of February, one thousand eight hundred and sixty, at the City of Sydney, in the Colony aforesaid, on the complaint on oath of Jane Jones, an Order in writing was made by Morris Asher and David Peden, Esquires, two of Her Majesty's Justices of the Peace in and for the City of Sydney and Colony aforesaid, whereby it was directed, by and with the consent of you, the said John Brown, that you, the said John Brown, should pay weekly and every week, for the period of two years then next ensuing, into the hands of Mr. James Robertson, an Inspector of the Police Force, of the City of Sydney, for the maintenance and support of your deserted illegitimate child, the sum of One Pound Sterling, and that the first of such weekly payments should be made on the fifteenth day of February then instant; That the said Order was subsequently, to wit, on the twenty-third day of August, one thousand eight hundred and sixty, varied by the

the District Court of Quarter Sessions, by being reduced to the sum of Ten Shillings weekly, in lieu of One Pound, but you have neglected to obey the said Order as aforesaid, and have not paid the sum of Six Pounds so due thereon :

These are therefore to command you, in Her Majesty's name, to be and appear on Wednesday, the eighteenth day of September instant, at ten of the clock in the forenoon, at the Central Police Office, George and York streets, in the City of Sydney, in the said Colony, before any one or more Justices of the Peace for the said Colony as may then be there, to answer to the said complaint, and to be further dealt with according to Law, and there attend from day to day until the said complaint shall be disposed of.

Given under my hand and seal, this thirty-first day of August, in the year of Our Lord one thousand eight hundred and sixty-one, at the Central Police Office, George and York streets, in the said City and Colony.

(Signed) D. C. F. SCOTT, P.M.

C 3.

No. 1083.

To Henry Hunt, of the City of Sydney, in the Colony of New South Wales, Commission Agent.

WHEREAS information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, for that you were, on or about the 10th day of March last past, employed as a servant, to wit, as a paid Clerk or Secretary to the Victoria Lodge of the Independent Order of Odd Fellows, Manchester Unity, No. 3,932, meeting at the said City, and that you did, by virtue of your said employment, and whilst you were so employed as aforesaid, receive and take into your possession certain money to a large amount, to wit, the sum of One Pound sterling, for and in the name and on the account of the said Victoria Lodge, your master, and the said money then feloniously and fraudulently embezzle, and that afterwards, and within six months of committing the said offence as aforesaid, to wit, on or about the 10th day of March, A.D., 1862, you being then employed as such servant as aforesaid to the said Victoria Lodge, did, by virtue of your said employment, and whilst you were so employed as aforesaid, receive, and take into your possession certain other money to a large amount, to wit, the sum of ten shillings sterling, for and in the name and on the account of the said Victoria Lodge of the Independent Order of Odd Fellows, Manchester Unity, No. 3,932, your master as aforesaid, and the said money then feloniously and fraudulently embezzle :

These are therefore to command you, in Her Majesty's name, to be and appear on Thursday, the 12th day of June instant, at ten of the clock in the forenoon, at the Central Police Office, George and York streets, in the City of Sydney, in the said Colony, before any one or more Justices of the Peace for the said Colony as may then be there, to answer to the said information, and to be further dealt with according to Law, and there attend from day to day until the said information shall be disposed of.

Given under my hand and seal, this fifth day of June, in the year of our Lord one thousand eight hundred and sixty-two, at the Central Police Office, George and York streets, in the said City and Colony.

(Signed) D. C. F. SCOTT, P.M.

C 4.

No. 2,412.

To Mrs. Clarke, of Barker's-lane, in the City of Sydney, in the Colony of New South Wales, widow.

WHEREAS information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, for that you did, on the 14th day of October instant, and on divers other days and times between that day and the 28th day of October instant, with force and arms, at the Parish of St. Andrew, in the City of Sydney, in the said Colony, to wit, at the back of No. 11, Barker's-lane aforesaid, did keep and maintain a certain common, ill-governed, and disorderly house, and, in the said house, for your own lucre and profit, certain evil and ill-disposed persons of ill name and fame, and of dishonest conversation, then as well men as women, then on the said other days and times, there, unlawfully and willingly, did cause and procure to frequent and come together, and the said men and women in the said house of you the said Mrs. Clarke, at unlawful times, as well in the night as in the day, and then on the said other days and times, there to be and remain, drinking, tippling, whoring, and misbehaving themselves, unlawfully and wilfully did permit, and yet do permit, to the great damage and common nuisance of all the liege subjects of Our Lady the Queen, there inhabiting, being, residing, and passing, against the peace of Our Lady the Queen, Her Crown and Dignity, and contrary to the Act of the Governor and Legislative Council of the said Colony in such case made and provided :

These are therefore to command you, in Her Majesty's name, to be and appear, on Monday, the 4th day of November instant, at ten of the clock in the forenoon, at the Central Police Office, George and York streets, in the City of Sydney, in the said Colony, before any one or more Justices of the Peace for the said Colony as may then be there, to answer to the said information, and to be further dealt with according to Law, and there attend from day to day until the said information shall be disposed of.

Given under my hand and seal, this thirty-first day of October, in the year of our Lord one thousand eight hundred and sixty-one, at the Central Police Office, George and York streets, in the said City and Colony.

(Signed) D. C. F. SCOTT, P.M.

D.

5 September, 1860.

On taking charge of this office I stated it was not my intention to establish a "Time Book," but would rather trust to the honor of the gentlemen to attend regularly, naming half-past 9 in the morning as an hour which would satisfy me.

The gentlemen present assured me I might trust to their honor; how this promise has been kept I leave to them to judge of.

My anxiety is to make the duty as little irksome as possible, but when I perceive so systematic a neglect of hours of attendance, I must, for my own sake, Mr. Connell's, and my duty to the public, establish the "Time Book," and I here direct it to be re-established.

D. C. F. S.

E.

E.

Sydney, 30 May, 1862.

In order to facilitate the despatch of public business at the Central Police Office, as well as to prevent the unseemly interruptions which daily take place in the two Courts, and frequently three Courts, through the Justices having to execute bail-bonds, binding over witnesses, granting and signing informations, affidavits, subpoenas, declarations, &c., &c., &c., we, the undermentioned Magistrates, do most urgently recommend to the Honorable the Colonial Secretary, the appointment of Mr. Henry Connell to the Magistracy.

This appointment, we confidently believe, will give universal satisfaction to the public, the Magistrates, and the legal profession, and we believe, independently of the amount of public benefit to be derived, that Mr. Connell will, without any equivocation, exclusively confine himself to the duties of Chamber business.

We have, &c.,

| | |
|-------------------------|-------------------------|
| JOHN WILLIAMS, J.P. | E. S. HILL, J.P. |
| EDWD. RAPER, J.P. | G. R. ELLIOTT, J.P. |
| R. SCOTT ROSS, J.P. | JOHN BROWN, J.P. |
| JOHN CALDWELL, J.P. | W. F. BUCHANAN, J.P. |
| JAMES MURPHY, J.P. | THOMAS SPENCE, J.P. |
| ROWD. RONALD, J.P. | A. KEITH COLLINS, J.P. |
| WILLIAM DAY. | THOS. COOPER, J.P. |
| P. L. S. SHEPHERD, J.P. | JOHN KETTLE, J.P. |
| JOHN B. SMITHERS, J.P. | GEORGE SMITH, J.P. |
| JOHN SUTHERLAND, J.P. | HENRY ARMITAGE, J.P. |
| JOHN BIRRELL, J.P. | E. H. HARGRAVES, J.P. |
| GEO. RATTRAY, J.P. | DAVID PEDEN, J.P. |
| MORRIS ASHER. | M. ALEXANDER, J.P. |
| SAMUEL LYONS, J.P. | THOS. H. ROUNTREE, J.P. |
| T. CULLEN, J.P. | SOLOMON COHEN, J.P. |
| THOMAS HOGG, J.P. | R. PEEL RAYMOND, J.P. |
| ANDW. LENEHAN, J.P. | |

The Honorable
Charles Cowper,
Chief Secretary of New South Wales,
&c., &c., &c.

FRIDAY, 1 AUGUST, 1862.

Present:—

| | |
|---------------|-----------------|
| MR. CALDWELL, | MR. W. FORSTER, |
| MR. COWPER, | MR. HOSKINS, |
| MR. DICKSON, | MR. LUCAS. |

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Mr. Samuel Bailey Dowsett called in and examined:—

- Mr. S. B. Dowsett.
- 1 Aug., 1862.
1069. *By the Chairman*: I believe you have been for some time engaged as a Reporter on the *Sydney Morning Herald*? I have.
1070. Have you attended at the Central Police Court for any period? I cannot say precisely how long;—perhaps ten or twelve years.
1071. Almost daily? Daily, except when detained by indisposition.
1072. Are you in a position to afford any information to this Committee as to the working of that office? Of the office?
1073. The office and the Court generally? As to the Court, I should suppose I am in a position to give information, but as to the office I hardly could do so, for this reason, that although I have access to the office, as a reporter, for the use of such papers as are requisite, and see and hear things in the office, yet I have no *right* to see and hear them. Whatever takes place in the Court is, of course, public, and I may make use of it.
1074. Has your attention been at all directed to the mode in which the business is conducted in the Court itself? Yes.
1075. How is that business generally conducted? With great irregularity, and, I think, with not much satisfaction.
1076. To the suitors or to the public generally? To the public. One suitor or the other is sure to be dissatisfied.
1077. *By Mr. Cowper*: The person who loses the case is sure to be dissatisfied? Yes.
1078. *By the Chairman*: You say the proceedings have been conducted with great irregularity? Yes.
1079. Do you mean by the Magistrates or persons having charge of the Court? I mean that the business of the Court is conducted with a great want of decorum, and that it is very frequently difficult to ascertain on what grounds the Magistrates arrive at their decisions.
1080. Have you observed the conduct of the Police Magistrate in conducting the business of the Court? Yes.
1081. How are cases usually conducted by him? I think that, in general, his want of information or want of tact is manifest.
1082. Does he frequently sit in Court? Not frequently. I believe that the Court is usually opened by him, but he retires as soon as another Magistrate comes in, or very shortly afterwards.
1083. Almost immediately on a second Magistrate making his appearance, Captain Scott gives up charge of the Court to him? To whatever Magistrate may happen to be there.

1084.

1084. Have you heard any complaints as to the decisions given by Captain Scott? Very frequently. Mr. S. B. Dowsett.
1085. From whom? From the public at large.
1086. Do not cases involving complicated questions of law and fact frequently arise at the Police Office? Undoubtedly. Aug., 1862.
1087. Are such cases disposed of in a manner calculated to give satisfaction? I cannot say that no cases are, but many are not.
1088. Do you know of your own knowledge that it is difficult at times to open the second Court for want of Magistrates? Yes, it has frequently been so.
1089. Do you know of cases, or have you heard of cases, in which Magistrates who very seldom take part in the proceedings of the Court attend where any cases of importance are expected? Yes; I cannot recall to mind any just now, but such cases have frequently occurred.
1090. That Magistrates frequently attend to take particular cases? Yes; I have sometimes heard that a particular Magistrate was coming to take a particular case, and it has so turned out.
1091. You have heard it rumoured about the offices and about the Court? Yes, and very often it has so occurred.
1092. Can you name any particular cases in which the decisions of the Police Magistrate have been questioned? I could easily discover some, but I cannot recall them to mind at the present moment.
1093. Do you recollect two cases in which Mr. Penfold was complainant? Yes.
1094. By whom were those two cases heard and disposed of? By Captain Scott, and, I think, Mr. Peden.
1095. Did the decisions in these cases strike you as being curious at all? I think they struck everybody as being strange.
1096. I think I understood you to say, you had frequently heard complaints as to the general conduct of business in the Central Police Court? Yes.
1097. In your opinion, are those complaints well or ill founded? Very frequently well founded.
1098. Can you state the cause of those complaints? I think that in very many cases it arises from the decisions being at variance with the law or against evidence.
1099. Were complaints so often made during the time Mr. Dowling was Police Magistrate? No; nor was there such cause for them.
1100. Have these complaints increased within the last twelve months? Very much.
1101. Do you think it necessary that the Police Magistrate of Sydney should be a lawyer? He ought to understand the law certainly, for one reason among others, that the unpaid Magistrates very frequently refer to the Police Magistrate, when they have a difference of opinion between themselves or are in any doubt.
1102. You say you are frequently inside the offices of the Court? Yes.
1103. And you consequently know the whole of the clerks there? Yes, I know them all.
1104. Are the deposition clerks, and the clerks in the office generally, efficient clerks? I can only speak of the deposition clerks.
1105. Well, the deposition clerks—say Mr. Smithers? Mr. Smithers is an efficient deposition clerk, but no other clerk in the office has had sufficient experience.
1106. That is, at the present time? At the present time.
1107. Were Mr. Davidson and Mr. Crane efficient? Mr. Crane was a very good clerk. I never heard any complaints of Mr. Davidson, but he was seldom employed in taking depositions.
1108. Mr. Crane and Mr. Smithers, the two old deposition clerks, were very good deposition clerks? Yes.
1109. Did they not frequently not only take depositions but conduct the examinations? Very frequently.
1110. And both of them assisted the Magistrates at times? Yes. Of course I cannot speak of Mr. Crane now, because he is not in the department; but Mr. Smithers does not volunteer his assistance now as he used to do: he used unasked to direct the Magistrates.
1111. Until within what time back? Perhaps more particularly within the last twelve or eighteen months.
1112. He did at one time render very great assistance to the Magistrates? Yes. Of course he did not consider that the unpaid Magistrates would be always up in points of law, or ready to refer to Acts of Council, or to the clause of the Act bearing on the case then before the Court; he frequently directed their attention in that way.
1113. You stated, just now, that you had frequently seen the Second Court without Magistrates to open it? Yes.
1114. Has that led to inconvenience or delay? It has. The cases on the summons sheet have sometimes been postponed until the criminal charges, as I may call them, have been disposed of; and it has frequently arisen, that then it was so late in the day that it was impossible to get through the business on the summons sheet.
1115. And cases have been postponed in consequence? I have frequently known them to be postponed day after day for a week.
1116. Owing to the non-attendance of Magistrates? Yes, I imagine so.
1117. Have you known cases postponed on other grounds? Yes, by request of parties, perhaps.
1118. Have you not known cases postponed from day to day without the parties being consulted? Yes; or at the request of one party without the consent of the other.
1119. Cases have been postponed on the application of one party, behind the back of the other? Just so.

- Mr. S. B. Dowsett.
1 Aug., 1862.
1120. Have you heard any complaints made on this score? Frequently, both in Court and out. These postponements having taken place in Court, the parties, being outside, have sometimes been ignorant of it.
1121. And I suppose they have been kept in attendance with their witnesses? Yes.
1122. And brought there from day to day? Yes; and then sometimes when the case was called on the witnesses were not there.
1123. Do you consider the establishment in perfect working order? I think it is thoroughly out of joint.
1124. *By Mr. Lucas*: You have been there many years;—do you think there has been any improvement in the manner in which the business has been done at the Police Office since the appointment of a Police Magistrate? There has not been that improvement which was expected from the appointment of a Police Magistrate.
1125. Has there been any improvement, since the appointment of the present Clerk of Petty Sessions, in the clerical branch of the establishment? I cannot say—that is out of my department altogether.
1126. Do you think there are more cases postponed now, for want of attendance of Magistrates, than before the present Police Magistrate was appointed? Yes.
1127. I believe the police generally are not under the direction of the Magistrates in the Police Office? I believe not.
1128. Have you often seen the Court left without a policeman? Yes.
1129. Have you often known the Magistrates to request the attendance of a policeman, and some time has elapsed before they could get one? Yes.
1130. To keep silence in the Court? Very often.
1131. Do you think there should be a certain number of policemen told off every day to do duty in the Police Courts, and that they should be put under the direction of the sitting Magistrates for the time being? I think there ought to be some persons, whether policemen or not, over whom the Magistrates would have control.
1132. At the present time there is no person? No.
1133. Have you seen exhibitions between professional gentlemen practising in the Court and the Magistrates? Exhibitions of temper?
1134. Yes? I have.
1135. Do you remember an instance, some time back, where two professional gentlemen were quarrelling, and one called the other a liar and a scoundrel, and the other retorted by saying he was a greater swindler than Polack? I was not in Court at the beginning of the affair, but I was in before it was over, and that was the language I understood had been used by them—one called the other a scoundrel, and the other retorted as you say.
1136. Did he preface the word scoundrel with anything? Speaking from information, I believe he said “truckling scoundrel.”
1137. Do you know whether that was brought under the notice of the Magistrates by anybody? I understood that both the Clerk of the Court brought it under the notice of the Magistrates, and that the insulted attorney appealed to the Bench before he retaliated.
1138. Do you know what was the reply of the Magistrates? Yes.
1139. What did they say? One said to the clerk, “Never mind, let them go on, let them have their swing.”
1140. *By Mr. Cowper*: What Magistrates were they that made that answer? Mr. Peden was one, I think, and I am not sure that Mr. Asher was not the other. Which of the two was spokesman I cannot tell; I rather think, from my information, it was Mr. Peden. This is a circumstance, you must understand, that I am speaking of from information, but I have no doubt about its correctness.
1141. *By Mr. Lucas*: You heard some of the proceedings yourself? Yes, I was in before the tumult had settled down—before the case under adjudication was proceeded with. I went in from the other Court, because I was informed that two attorneys were abusing each other.
1142. Were you in the Court on one occasion when a professional gentleman indirectly called a Magistrate on the bench a liar, and his brother Magistrate, the Police Magistrate, remained on the bench and took no notice of it—allowed his brother Magistrate to go off the bench, and proceeded with the case? Yes, the Magistrate was contradicted as flatly as it could be done without the use of the monosyllable itself.
1143. *By Mr. Hoskins*: Can you state the words used? No, it is some time ago, and I did not take any note of it; perhaps the Magistrate himself could give the information; it would probably make a greater impression on his mind than on mine.
1144. *By Mr. Lucas*: The Police Magistrate was sitting on the bench with the Magistrate who was insulted? Yes.
1145. And took no notice of it, but proceeded with the case? He took no notice of it.
1146. The same Magistrate made his appearance next morning, and refused to hear this professional gentleman unless he apologized? Yes.
1147. Did the professional gentleman then say, “I don’t care if you will not; if you will not, there are plenty others who will”? Yes.
1148. And the other Magistrates on the bench allowed their brother Magistrate again to leave the bench? Yes.
1149. Are these cases frequent? Yes, but not so flagrant as this.
1150. Have you ever known cases to be put off at the request of professional men in opposition to the wishes of suitors? I do not know; the suitors have had no voice in the matter; it was done without consulting them, at all events.
1151. Have you ever seen the Clerk of Petty Sessions on the floor of the Court during the time the proceedings were going on? Yes.

1152. In the Court among the people? Yes.
1153. Have you seen that frequently? Several times.
1154. He came there as a listener, to hear the proceedings? Yes, among the listeners.
1155. Can you bring to mind any cases which have been decided at variance with what you consider law or facts? I do not think it would be difficult to make a list, but I cannot call any to mind just now.
1156. You believe they are frequent? Yes.
1157. You said just now, in answer to a question from the Chairman, that you thought the Police Magistrate should know the law—that he was generally referred to by other Magistrates on knotty points? Very frequently.
1158. Do you not think it would be much better if the Clerk of Petty Sessions was a professional man;—is not that the course generally pursued in England? I understand that the Clerk of the Court in England generally is a professional man, but I cannot say from my own knowledge.
1159. Would it not be better, he being always in his office and the Police Magistrate taking part on the bench, that the Clerk should be the professional man, so that any Magistrates requiring assistance could retire to his room and confer with him, instead of interrupting the business of both Courts by requesting the attendance of the Police Magistrate;—would it not be more convenient? Perhaps it would, but I think the Magistrates themselves would be the best judges of that question.
1160. You say that Mr. Smithers, as deposition clerk, used to assist the Magistrates, by pointing out the Act and the section under which the cases were initiated;—do you not think that if that information was put on the Magistrates' sheet it would be much more convenient? Perhaps it would, but the assistance I mean refers more particularly to cases in which attorneys have been engaged, and have adopted a line of argument not at all applicable, and tending to mislead the Magistrates.
1161. Then in the cases you speak of, the deposition clerk merely directs the Magistrates in matters of opinion, not matters of law? If the Clerk directs the Magistrates to the Act under which the proceeding is instituted, the Magistrate can see that the argument addressed to him is of no force.
1162. If it was placed on the sheet he could refer without the deposition clerk at all? Yes, of course he could.
1163. It is not very seemly, before the Court, for a Magistrate to apply to the deposition clerk for information on these matters, but rather derogatory to his position? I believe it is usual in England, where unpaid Magistrates take their seats upon the bench.
1164. Nevertheless, if the Act and the section of the Act under which the case was initiated, were placed on the sheet, that would give the Magistrate the information as far as the law was concerned, that he gets now from the deposition clerk? Yes.
1165. About the arrangements of the Police Office;—do you think the offices generally are well arranged? I think the whole place as awkwardly arranged as it can well be.
1166. You were there before Mr. Warburton was placed in the Commission of the Peace? Yes.
1167. When he was simply Clerk of Petty Sessions he used to occupy the room that Mr. Delohery occupied in the York-street corner of the building? Yes.
1168. And the information and summons clerks were in the adjoining room? Yes.
1169. After Mr. Warburton was put in the Commission of the Peace, he moved over to the other end of the building, and took possession of the Magistrates' room? He went into the Police Magistrate's room.
1170. Which was not so convenient for the public applying for summonses or warrants as the original arrangement was? It was not so convenient as if he had remained in the other room.
1171. Is there not a great deal of confusion created in consequence of that removal, by persons applying for warrants and summonses going from one end of the building to the other several times to find the different officers? There is a great deal of walking about, and a great deal of time is lost. I think it might be simplified.
1172. The present Clerk of Petty Sessions, when he was appointed, also took possession of the Magistrates' room, and has remained there since? Yes.
1173. Have you heard a great deal of complaint from persons frequenting the Court whose cases are on the sheet and postponed from day to day? Yes.
1174. Complaints are frequent, are they not? Yes; every postponement involves the loss of another day, and they are mostly working people whose suits come on before the Police Court.
1175. Are they not sometimes postponed from day to day for three or four days? Yes, I have known frequent instances.
1176. And frequently when the cases are called on they are written off "no parties"? Very often.
1177. That was not so much the case before the present Police Magistrate was appointed? No.
1178. Is it not a fact that for some two or three years before the present Police Magistrate was appointed, the whole of the sheet was gone through, as a rule, day after day? I think it was.
1179. The unpaid Magistrates used to attend to their duties, and go through the sheet day after day? I think, as a rule, the sheets were cleared off day after day.
1180. In those days there were not so many cases written off "no parties"? No.
1181. *By Mr. Hoskins*: Was the attorney who charged the Magistrate with telling an untruth suspended by Captain Scott from practising in the Court? Previously he had been.

Mr. S. B.
Dowsett.

1 Aug., 1862.

- Mr. S. B. Dowsett.
 1 Aug., 1862.
1182. Was he subsequently suspended? No.
1183. And Captain Scott heard him? Of course he did.
1184. This offensive remark was conveyed in almost direct language? Yes.
1185. Are the attorneys in the habit of insulting the Magistrates on the bench—using insulting language? Yes, but not so grossly as that.
1186. Does Captain Scott frequently hear this offensive language used to Magistrates—is it applied to himself at any time? Captain Scott is not very frequently in the Courts, and it cannot be very frequently applied to him.
1187. Is the demeanour of the attorneys towards the Magistrates generally offensive? Not of the attorneys generally.
1188. Some few of them? The demeanour of some attorneys is occasionally very offensive; I should take it so, at all events.
1189. They do not show that proper respect to the Magistrates which they ought to do? They do not.
1190. Do they make any difference in their demeanour to Captain Scott over the other Magistrates? Certainly they do not show him any greater deference.
1191. Do they show him more respect? No; some of the unpaid Magistrates receive more respect than is shown to Captain Scott.
1192. As you are in the habit of attending daily, can you tell us how many hours a day, on the average, Captain Scott sits upon the bench? I do not believe he sits one hour a day on the bench, on an average.
1193. Do you know where he is, or what he is doing? No, I cannot tell where he is when he is not on the bench; but he has duties to perform at Cockatoo Island—I understand he goes there one day in the week; and I frequently hear that he is in the Magistrates' private room—his own private room; whether he is or not I cannot tell—I have no doubt he is—I have no reason to disbelieve that.
1194. Do you happen to know whether he has many cases tried in his private room? Sometimes.
1195. Frequently? No, not frequently; on a day when there is a heavy summons sheet—such as when Mr. Stubbs brings in some 30 or 40 cases—Captain Scott takes that sheet into his own room and disposes of the cases; that is not a rule.
1196. Have you heard people express surprise at the infrequency with which Captain Scott is seen upon the bench? Yes, I have heard many complaints from the unpaid Magistrates that the business has been left to them so much.
1197. His absence from the bench is the rule, and his presence the exception? Just so.
1198. You also said that there were frequent complaints against Captain Scott's decisions;—will you be kind enough to tell us what is the general nature of those complaints, and from what class of persons they proceed? Such a class of persons as have cases at the Police Court, and from professional men and others competent to judge.
1199. Will you state the nature of the complaints you yourself would make? That the decisions are contrary to evidence and contrary to law—unsupported by either the one or the other.
1200. Are there any other complaints, such as laxity of attendance? I have said that the unpaid Magistrates complain very often of his long-continued absences from the Courts.
1201. Is his demeanour to witnesses and his brother Magistrates respectful? I think so; I never saw anything in Captain Scott's conduct unbecoming a gentleman.
1202. Do you think, from the nature of the decisions given by Captain Scott, that he is ignorant of the elementary principles of law? I do; I believe him to be in *that* respect—with every respect to his character as a gentleman—one of the most ignorant.
1203. Can you state of your own knowledge whether that opinion is generally concurred in by people in the habit of attending the Court? I do not know.
1204. By attorneys and by Magistrates? By professional men I know it is, and I have heard Magistrates make the same observation.
1205. Do you happen to know of your own knowledge whether Captain Scott is in the habit of granting warrants and afterwards cancelling them, without having the prisoner brought before him against whom the warrant was issued? I have heard of such a thing, but I do not know it.
1206. Have you heard of such cases having frequently occurred? No, I have heard but of one case, but then as they do not come before the Court there may have been others. There was a notoriety given to the case to which I refer; I suppose everybody has heard or read of it; I mean the case which was referred to in the House.
1207. What case was that? Mr. Bucknell's.
1208. You also say that the business of the Police Court is conducted with great irregularity;—will you state what these irregularities are, and what remedy you would suggest? I think there need be no irregularity if the head of the establishment was up to the mark, and was supplied with an officer to keep order in the Court—an officer over whom the sitting Magistrate, whoever he might be, should have control, as respects the business of the Court. The Magistrates have no control over the police; they go in and out as they please. I do not mention this as matter of fault, but merely as a fact.
1209. Then you consider the irregularities in the Court arise from the paucity of police and the ignorance of the presiding officer? From the incapacity of the Bench, and from the want of order being maintained in the Court.
1210. By the Bench, do I understand you to allude to the general body of the Magistrates as well as the Police Magistrate? Yes, certainly; I should not wish it to be inferred that Captain Scott is the only Magistrate that is not up to the mark.
1211. Do you consider the general body of the Magistrates who attend to dispense justice in the

the Police Court men who, from education, acquirements, and intelligence, are qualified to perform the duty? Speaking of many of them, I should say not; but many who are deficient in education—many who are evidently deficient in education—are better Magistrates than some who are more educated.

Mr. S. B.
Dowsett.

1 Aug., 1862.

1212. Do you know whether professional men and suitors have complained of the ignorance of the Magistrates? Of their ignorance of law they have.

1213. Have they ever referred to any competent authority for advice in intricate matters of law;—are they in the habit of referring to anyone, and to whom do they refer? I am not aware, but I have sometimes seen Magistrates leave the Court to go into Captain Scott's room to consult with him, where there has been a difference of opinion on the bench.

1214. Of course I gather from your evidence that you do not consider Captain Scott one of the best authorities to apply to? Just so.

1215. The Magistrates are not very regular in their attendance? No. I am speaking of the body. Some are regular on the days for which they are summoned, and others, on the contrary, come at any time but when they are summoned.

1216. And therefore there is an accumulation of arrears in Court? Yes, very frequently from that cause.

1217. From the Magistrates not attending? Sometimes there have been a sufficient number of Magistrates present in one Court to constitute a second Court; but neither of them would leave that Court to open the second Court. Some of the Magistrates are aware of their own deficiencies and will not sit alone.

1218. Is that the reason you ascribe for their not opening a Court? Yes, sometimes it is the case.

1219. You know as a matter of fact there are a sufficient number of Magistrates in Sydney, if they would attend when summoned? Certainly; there is no complaint in point of number.

1220. You said, in reply to Mr. Driver, that there were instances in which it was the common remark of persons that particular Magistrates would attend to hear certain cases? Yes.

1221. I should infer from that, that these people meant that those Magistrates were interested in the cases? I can only state the fact. On looking over the business paper sometimes before the Court opened—and there has been sometimes a professional man also looking at the paper at the same time—a case has been pointed out to me, and the remark made, Mr. So-and-so is coming to hear that case; and it very often has happened that Mr. So-and-so did come and hear that case, and when that case was over went about his business. That is all I say about it; I do not know anything more about it.

1222. Does that remark apply to any number of Magistrates, that they attend to adjudicate in particular cases? I do not think it does; I have not heard of many; I have heard of many instances, but not of many Magistrates.

1223. Do you know whether any representations of this matter have been made to the Colonial Secretary? I have not the slightest idea. My expression is only of suspicion, from the circumstances I mention; but I think, from the remarks Mr. George Hill made, at a meeting of the Magistrates, there is something in it. He is a very old Magistrate, and knows them all; he may know what I only suspect.

1224. Have you any objection to state the nature of your suspicions? That Magistrates come to the Court to hear particular cases, already decided in their own minds.

1225. Are there any grounds for inference that they are interested in those cases at all? No, except so far as one party or the other was a friend or an acquaintance; not personally or pecuniarily interested—I do not mean to attribute any such corruption as that.

1226. Are there no police in the Court to enforce order—none detailed for that duty? I am not aware whether or not any are told off for that duty; there are sometimes plenty, sometimes none. I presume there is one officer always detailed for Court duty—a superintendent or sergeant—I do not know exactly which—a sergeant, I think; at all events, there is always one on the criminal side of the Court.

1227. Are there a sufficient number stationed in Court to preserve order? I do not know whether they are stationed in Court or merely spectators; frequently there is a large number in Court, waiting for their turn to give evidence; they take no part in keeping order in the Court then.

1228. Are the police respectful to the Magistrates generally in Court? I think so; I do not remember an instance to the contrary.

1229. Do you think these irregularities in the practice of the Police Court would be remedied by the appointment of another Police Magistrate, or the appointment of a Magistrate versed in the law—a lawyer—who would be sitting on the bench adjudicating cases for more hours a day than Captain Scott now does? I think there ought to be at all events one Police Magistrate, and that he ought to be able to give a reason from the law for his judgments. At present the judgments are mere haphazard; to take a case into the Police Court is nothing better than gambling—it is mere luck.

1230. Do you think one Police Magistrate would be sufficient, provided he was a competent person? If there were two Police Magistrates they might very easily do all the business, and I think that would be likely to give greater satisfaction; not because I attribute more sense to a Police Magistrate than to any other, but because, it being his business, he would study the law, and would make himself acquainted with the law, whether previously a lawyer or not. When gentlemen who have business of their own to attend to, and who are summoned perhaps only once a fortnight, and in the interval never take up a book on law, are called upon to adjudicate in difficult cases, I do not wonder at their making mistakes; but I think two paid Magistrates would do all the business satisfactorily.

1231. That is, provided they had the necessary qualifications? Of course.

Mr. S. B.
Dowsett.
1 Aug., 1862.

1232. Can you state whether recently Captain Scott's decisions have shown that he has a better acquaintance with the law than he had when first appointed, or that he has given the matter any consideration at all—that he has studied, in fact? I have not observed it; but speaking recently, he has not been so much in the Court as at the first. When I say recently, I mean since the meeting convened at the Police Office some month or six weeks ago; he has not been so much in Court since that time as previously he was in the habit of being.

1233. What was the object of that meeting? I think it was a meeting convened by Captain Scott to take advice how he should manage the business.

1234. Did Captain Scott take instructions how he should manage his business, from the other Magistrates? That was the object of the meeting, I understand; I was not present.

1235. *By Mr. Forster*: You say that you have often observed the attorneys address offensive remarks to the Magistrates on the bench—treat them with contempt, in fact? Yes.

1236. Do you find, in that respect, that there is a great difference between the present practice and the practice that prevailed under previous Police Magistrates? Yes.

1237. And are these marks of contempt shown equally when the Police Magistrate is on the bench as in his absence? Every bit.

1238. To him personally, as well as to other Magistrates? Yes; some of the unpaid Magistrates would not put up with what Captain Scott puts up with.

1239. Do you think his forbearance proceeds from amiability of disposition? I think it very likely.

1240. Or from ignorance? I think it is very likely from amiability of disposition.

1241. Does it seem to have deteriorated the administration of justice, do you know? I think that the opinion of the public, as to the administration of justice, is very low.

1242. Do you think it has been declining—getting worse and worse? I think so, within the last year or two.

1243. Do you observe this disrespect of which you speak to have been aggravated since Captain Scott took office? It had shown itself before.

1244. Under other Police Magistrates, or when there was no Police Magistrate? I do not remember any manifestation of it under any previous Police Magistrate; but it has been growing worse lately. I never saw any disrespect shown to Mr. Forbes; I think he would have taken care it was not, at all events, repeated.

1245. Or Mr. Dowling? Or Mr. Dowling. They have reprov'd attorneys before they have gone to such a length as to make it necessary to take notice of it as an insult to the Court.

1246. You spoke of the desultory attendance of the police;—suppose such an event to occur as an attorney being committed for contempt, are there no police there, as a general rule, to obey the orders of the Magistrates? Of course. I was speaking merely of keeping order in the Court.

1247. The Magistrates are not without police to put their orders in force, if they committed any person for contempt? No. Those times are the exception when there are no policemen in Court, not the rule.

1248. If I judge of your remarks rightly, you come to this conclusion, that it is the want of a presiding head, who attends continually and has some knowledge of his business, that is the real evil to be corrected? That is my decided opinion.

1249. *By Mr. Caldwell*: You have stated that the Bench sometimes give decisions contrary to law and evidence;—I should like you to charge your memory to state one particular case, as a specimen of the cases you refer to? Mr. Penfold's case has been already referred to.

1250. Any other? A short time since a servant woman had her mistress before the Bench, for assaulting her; the mistress admitted that she did assault her; but for some reason or other the Magistrates dismissed the complaint, both against fact and law.

1251. Who was the presiding Magistrate on both occasions—was the Police Magistrate present? In Penfold's case the Police Magistrate was there, I think with Mr. Peden, but I forget who were sitting in the other case; at all events I am sure that the Police Magistrate was not in the case.

1252. Have you witnessed, yourself, any unwillingness on the part of the police to carry out the instructions of the Bench? I do not call to mind any instance.

1253. The disrespect of attorneys to the Bench, that you have spoken of—is that applicable to attorneys generally practising in the Police Office? No.

1254. Or is it confined to one or two? Confined to one or two.

1255. *By Mr. Cowper*: You have spoken generally of a want of confidence in the administration of justice at the Central Police Office, and that its character has depreciated of late years;—how long have you been a reporter in the Central Police Office? Twelve or fourteen years.

1256. You were not there, then, when the late Mr. Windeyer was Police Magistrate? I have seen him sometimes on the bench, but I was not then in the Police Office every day—it was not my department.

1257. You were there during Mr. Dowling's time, and Mr. Forbes'? Yes.

1258. Did you not hear complaints then as regarded their inefficiency? I do not remember them.

1259. Have you never heard even charges against Mr. Dowling's ignorance of law? I never heard it.

1260. Is this want of confidence general towards the Magistrates, or peculiarly attached to Captain Scott? Not at all peculiarly attached to Captain Scott—other Magistrates share with him; but the expression of discontent is greater with regard to Captain Scott because he is the paid Magistrate; that is the only reason that makes him conspicuous above others. Perhaps a mistake made by an unpaid Magistrate would not be spoken of with that asperity which would be applied to a mistake by Captain Scott.

1261. You do not remember that the alleged incompetency of Mr. Dowling was frequently the subject of complaint in the Legislative Assembly? I do not.

Mr. S. B.
Dowsett.

1262. Do you bear in recollection at all the reason why the appointment of a Police Magistrate for Sydney was for some years discontinued? I understood it was because the Government desired to try the experiment of unpaid Magistrates alone.

Aug., 1862.

1263. Was it not alleged that, after the establishment of a Municipality and a Mayor, the Mayor and the City Magistrate were quite sufficient to perform the duties, and would do it more satisfactorily than a Police Magistrate? I think I have a recollection that it was so alleged.

1264. Was it not a very generally expressed opinion in the Assembly at the time? I know there were several advocates of that course in the Assembly.

1265. Do you remember a proposal to appoint an Assistant Police Magistrate for Sydney being either negatived or withdrawn by the Government, on the ground that it was not necessary, and that the unpaid Magistrates would perform the duty more satisfactorily? I think I do; I remember that there was some talk or proposal of appointing a second Police Magistrate, but the reason of its withdrawal I do not know.

1266. Do you bear in mind any case in which a decision of Captain Scott has been appealed against to the Supreme Court, or in which any prohibition has been issued against him, or a mandamus with regard to any of his judgments? No, I lose sight of the cases as soon as they pass from the Police Office.

1267. But you do not remember any? I do not remember any.

1268. When you speak of suspicion in regard to Magistrates attending in particular cases in which they may have an interest, has not that always been an allegation against the Magistrates in certain quarters since the foundation of the Colony? I cannot go back so far as that, but it is not at all a new-born suspicion.

1269. Sometimes made without being very well founded? No doubt; but I have known cases, though I cannot call them to mind now, in which the suspicion appeared to me to be very well founded, for the reasons already given.

1270. It is not an unusual allegation to make against Benches of Magistrates throughout the Colony—not only in Sydney, but elsewhere? I do not know.

1271. Would not your suggestion of two paid Magistrates, who should do the whole duty of the City of Sydney, rather tend to dispense with the services of unpaid Magistrates altogether? It would.

1272. Do you think that would be satisfactory to the public? I do not think it would cause much dissatisfaction.

1273. Then you rather lean to the impression that there should be no unpaid Magistrates in the Colony? I have no belief in amateur Judges.

1274. When the Chairman asked you whether you thought the Police Magistrate should be an attorney or a barrister, I think you said he should be a gentleman who understood the law? Yes.

1275. You think it would not be of necessity, because a gentleman was a barrister or attorney, that he would understand the law? Certainly not. I have seen people called barristers and attorneys who I believe do not understand the law.

1276. Do you think it possible or likely that the Government could obtain the services of a gentleman of eminence in the profession for the salary voted by Parliament? Certainly not.

1277. What do you think would be a sufficient amount to obtain the services of a gentleman qualified, in your judgment, being himself a lawyer, to occupy that office? I think it very unlikely you would be able to prevail on any professional man in whom the public would have confidence, to take it under £1,000 a year.

1278. Do you think we could get him for that? I should think so. I think that the veriest pettifogging attorney in Sydney would refuse it at the present salary.

1279. With regard to your reply to questions with reference to the equality of sentences, are you aware of the proceedings of the District Courts—have you ever attended them as reporter? I am not aware that I have been asked about the equality of sentences.

1280. You gave an answer implying that general dissatisfaction existed as to the inequality of sentences in the Police Court—you said it was mere gambling, mere luck? I mean as to the decision whether a person would be convicted or discharged—not as to the sentence.

1281. You do not mean that answer to apply as to the extent of punishment? No, it would be impossible to establish uniformity of sentences where there are so many Magistrates of different minds.

1282. Then you intended it to apply as to whether or not there would be a conviction? Yes.

1283. That is only a balancing of evidence, where a Magistrate may act very erroneously without being corrupt? Yes.

1284. Your opinion as to the cases before you is the opinion of an individual? Yes.

1285. With regard to the postponement of cases from time to time, have you ever considered whether these postponements have been made judiciously, or have arisen from the irregular attendance or negligence of the Magistrates, or from any other cause? The postponements I have spoken of are those arising from the non-attendance of Magistrates.

1286. Has not that always been matter of complaint;—I mean not so much that occasionally there are not very large numbers of Magistrates attending, as that the unpaid Magistrates are unwilling to attend with regularity and systematically, and generally try to escape from heavy cases? They do; but then they must be there in order to know when heavy cases are to be brought on.

1287. Is there any means, in your judgment, of avoiding these postponements;—are they not sometimes made at the request of professional gentlemen, with reference to what they consider the interests of their clients? There can be no objection to postponements under such circumstances;

- Mr. S. B. Dowssett. circumstances; the postponements to which I allude are those which take place at the end of the day.
1288. The sheet is not cleared off? No.
- 1 Aug., 1862. 1289. Is that often the case when there are no professional gentlemen? It is sometimes the case.
1290. At what hour of the day does the Court close? Four o'clock.
1291. Then there is often business, when the Court closes at four o'clock, which is not attended to that day? Yes.
1292. Are you aware whether there is any amount of arrears now? I am not. The summons sheet has been very light lately, and these are the cases that are postponed; not those of people held in custody, but cases on what is called the summons sheet.
1293. That may arise now and then from very protracted discussions on one particular case? Yes, that would have the effect, of course, and such a postponement would be inevitable; no person could be blamed for such.
1294. The Mayor is the presiding Magistrate in the City of Sydney, is he not? When he is present he takes the Chair.
1295. Are you not aware that Captain Scott's appointment as Police Magistrate had reference more to the performance of chamber duties than presiding in open Court? I am not aware.
1296. Would it be possible for Captain Scott to perform the numerous duties which belong to him in the chamber, and to be very constantly on the bench? I do not know whether Captain Scott has more duty to perform than Mr. Dowling had; Mr. Dowling was on the bench from the opening of the Court until its close.
1297. *By Mr. Lucas*: And also Mr. Forbes? Yes.
1298. *By Mr. Cowper*: The great complaint now is, that people cannot get their summonses and informations attended to in the office? I have heard such complaints.
1299. Have you not heard it suggested that the Clerk of the Court should be made a Magistrate, with the view of doing that business, to enable Captain Scott to attend more on the bench? I have.
1300. Do you think that would work well? I do not think it would.
1301. Are you aware whether the business now at the Police Office is very much larger than it was in Mr. Dowling's time? My impression is that the business is very much less now than it was then.
1302. Is that owing to the diminution of crime? I think it is. It must be either the diminution of crime or the non-apprehension of offenders—I cannot say which.
1303. The cases are, in your opinion, less? Yes.
1304. In speaking of Mr. Crane as a very efficient clerk, are you not aware that he was promoted? I am speaking of him as a deposition clerk; whatever I may know from being in the offices I am not giving any opinion.
1305. Is Mr. Smithers the only efficient deposition clerk now in the office? Yes, of necessity; the others are quite new appointments—they have been but a few months there.
1306. All of them? I think all of them. Mr. Hales has been there about six or nine months at the longest, and he is the senior of the two who take depositions besides Mr. Smithers.
1307. Do they show an aptitude for their duties? I think so, as apt as anybody could be in the short time.
1308. Mr. Martin was for a time a deposition clerk? Yes.
1309. But from his age and infirmity he was put to other duty? It was a pity he should ever have been put into the Court; it was too heavy work for him.
1310. His duties are now performed by younger men? Yes.
1311. Have you any suggestions to make with regard to the better conduct of business in the Police Office;—you think it is worse conducted now than it was in former years? I never saw, under any former Police Magistrate, so much disorder and irregularity in the Court as I have seen lately. I do not attribute it all to Captain Scott; when he is not in the Court Room he cannot preserve order there.
1312. What kind of confusion do you mean—what you have said of the indecent conduct of attorneys? Yes; one or two attorneys dictate to the Magistrates, to a great extent, the order in which cases shall be heard.
1313. Does the Mayor of the City attend much? Very seldom; I think he seldom attends except at licensing meetings; I think it has not been the custom for the Mayor to attend the Police Court for some years.
1314. Do you think the disposition of the Bench is to put down the attorneys and their improper conduct, or rather to tolerate it? I think the Magistrates generally are not aware of their powers, or they would stop it; the remedy lies in their own hand.
1315. In all Courts great latitude is allowed to professional men, is it not? Too much, very often.
1316. Is it not the case sometimes that even the Judges in the Supreme Court are snubbed by barristers? I believe it is.
1317. And they do not appear to resent it very much? They are not insulted. I think the snubbing a Judge on the bench receives is sometimes more by way of inuendo; but the insults are direct enough at the Police Office.
1318. *By the Chairman*: You think the business of the Court has decreased during the last twelve months? Yes.
1319. Considerably? Very much from former years; I cannot say it has decreased within the last twelve months specially.
1320. With reference to the misconduct on the part of some attorneys—have you heard one attorney in particular frequently insult the Police Magistrate since his appointment? Yes.

1321. Was he not suspended from practice? Yes, from practice before the Police Magistrate; but as almost all the other Magistrates heard him, the suspension was virtually a nullity.
1322. Did not the Police Magistrate refuse to hear him for a considerable period? Yes. Mr. S. B. Dowsett.
1323. And during his suspension he was frequently heard by other Magistrates, notwithstanding the gross insult to the Police Magistrate? Yes. 1 Aug., 1862.
1324. Have you ever heard this attorney tell the Police Magistrate he would not go there any longer to teach him his duty? Yes, I did once hear such an expression.
1325. And no notice was taken of it? None.
1326. Do you know of any other attorney having been suspended? No.
1327. Do you not think the administration of justice has been brought into contempt by the constant irregularities you have mentioned? No doubt.
1328. Has not Captain Scott, by his general conduct as Police Magistrate, forfeited the confidence and respect of the professional men who appear there? Yes, if Captain Scott ever had their confidence, I have no doubt it is gone.
1329. For the reasons you have alluded to? Yes.
1330. *By Mr. Lucas:* You referred to Captain Scott being in his private room, and hearing cases there, do you think that a fit place for cases to be heard? If three Courts are held, one must be in his private room.
1331. Is it a fit place for cases to be heard? It is not a place where he ought to hear cases in which he has summary jurisdiction; but there is nothing to prevent his taking ministerial inquiries in his private room.
1332. There is many a dog-kennel much larger than that—it is about one third the size of this room? Not much more; it is formed by a partition across a passage.
1333. Did it ever come under your observation that persons have been detained in gaol for the want of bail-bonds being made out? It may have been so, but I do not know it.
1334. Do you think a Magistrate could not do the whole of the chamber duties required, in two hours a day? I understand that Mr. Dowling did it.
1335. Used not Mr. Dowling to do the chamber duties between nine and ten o'clock in the morning? Between nine and ten and one and two, as I understood.
1336. Do you not think it would facilitate the business of the Police Court if there were a second roster summoned for the chamber duties? I think not.
1337. Has it ever come under your notice that the proceedings of the Court have been delayed, in consequence of the inspector of police who had charge of cases there having to attend to report duties to the Inspector General between ten and eleven and twelve o'clock? I have known several instances where cases have not proceeded in consequence of the absence of inspectors.
1338. Have you not known the Magistrates go through the sheet on some occasions, and in consequence of the absence of the inspector, he being in attendance on the Inspector General, the cases have been postponed? I do not remember a postponement of that kind; but I cannot say it has never occurred.
1339. Are there not many of the unpaid Magistrates to whom the professional gentlemen you speak of use every respect? Yes.
1340. There are many unpaid Magistrates to whom they pay proper respect? Yes, there are some who maintain their dignity. Some of the unpaid Magistrates receive much more respect than others.
1341. Speaking of the postponement of cases, do you know that during the time there was no Police Magistrate, the unpaid Magistrates made it a rule to attend daily, take their proper turns, and go through the whole sheet? I do not know what the rule was; but I know that they attended more regularly.
1342. There were not these frequent complaints about postponements that there have been since? I think not.
1343. There was no shirking the duties then—the unpaid Magistrates took any case that came before them? Yes.
1344. The reason they shirk the duties now is, that there being a paid Police Magistrate they think he has a right to take these cases? Some do.
1345. Do you know that some of the advocates go so far as placing their cases on the sheet themselves—cases in which they have drawn the information and summons—and removing cases from the sheet; after the sheet has been handed into Court they have erased certain cases, and put other cases on the sheet—has that ever come to your knowledge? I do not remember hearing of such a thing; I have heard that Mr. Stubbs has done so; I do not remember to have heard of any attorney having done so.
1346. You referred to the want of police, to carry out the directions of the Magistrates to keep order in the Court? Yes.
1347. It is useless for Magistrates to direct order to be kept in the Court unless there are some police there to keep order? Of course. It would be hardly dignified for a Magistrate to cry out "Silence in the Court!"
1348. The Magistrates do not usually support each other very much? I cannot tell what takes place on the bench.
1349. I mean, when one Magistrate is offended the other does not take the matter up—when one Magistrate is insulted he leaves the bench, and the others proceed with the case with the person who has insulted him? I think when one Magistrate is insulted the whole Bench is insulted.
1350. His brother Magistrates do not usually take notice of it, but proceed as if nothing had occurred? Yes.
1351. *By Mr. Cowper:* The attorneys, then, rule the Court? They do, or some of them.

- Mr. S. B. Dowsett.
1 Aug., 1862.
1352. *By Mr. Lucas*: You are referring now to what has taken place within the last two years—not to the previous conduct of the Court? I am speaking, as nearly as I can, of the present time.
1353. *By Mr. Hoskins*: Do you remember a case which occurred at the Police Office, when Captain Scott was the presiding Magistrate, in which he told a prisoner, who said he did not expect justice there, that he should see him at Darlinghurst in a day or two, and he would not be so “cocky” as he was then? Yes.
1354. Have I given the words literally? As near as I can remember.
1355. *By the Chairman*: Speaking of policemen in attendance on the Court, have you not frequently heard complaints from the Magistrates that it is impossible to obtain one to do anything? I have.
1356. Do you not think that a Police Magistrate, with a first class chief clerk to attend to the chamber duties, would be sufficient to transact the duties of the Court, with the ordinary clerical assistance? What has been done may be done again.

WEDNESDAY, 6 AUGUST, 1862.

Present:—

| | | |
|-----------------|--|--------------|
| MR. COWPER, | \| | MR. HOSKINS, |
| MR. W. FORSTER, | \| | MR. LUCAS. |

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Henry Connell, junr., Esq., again called in and farther examined:—

- H. Connell, junr., Esq.
6 Aug., 1862.
1357. *By the Chairman*: Do you produce some returns asked for by this Committee? Yes, I do.
1358. Will you hand them in? (*The witness handed in the same. Vide Appendix A.*)
1359. Do you produce the information exhibited against William Wentworth Bucknell? Yes, I do. (*The witness handed in the same. Vide Appendix B.*) That is the case, together with the application of the complainant that the warrant should be suspended in order that a summons might issue.
1360. When was this letter received in the office? I cannot tell you that.
1361. How long has it been with the present information? I cannot answer that question.
1362. Is there any clerk in the office who can tell that? I cannot tell that. I think I have seen that paper with Captain Scott. If you will allow me to look at it, it will probably refresh my memory. (*The paper was handed to the witness.*) I saw it, I think, before the 25th June.
1363. Is it usual for Captain Scott to retain possession of documents of that sort? I cannot answer that question.
1364. In whose custody has the information been since it has been exhibited? The custom is for the information always to be in the hands of Mr. Armstrong, who places it on the sheet. In that case the summons is made returnable to-day, and the case is on the sheet to-day.
1365. That summons has been issued since the commencement of this inquiry? What inquiry?
1366. The present inquiry? I cannot recollect the date of the commencement of the present inquiry.
1367. That summons has been issued since the 8th July last? No, it has not been issued since the 8th July last. I think the 24th or 25th June is the date.
1368. Have you any record in your office that will enable you to say positively when that summons was issued? If you will allow me to look at it. (*The paper was handed to the witness.*) I think not. I do not know.
1369. You have no record in your office that would enable you to state positively when that summons was issued? I do not know.
1370. Do you not know that it has been issued since the commencement of this inquiry? The summons was issued—I believe the summons, according to Captain Scott —
1371. Never mind about Captain Scott? I believe it was issued on the 25th June.
1372. Will you undertake to state to this Committee that that document was received before Monday last by Captain Scott? I will state positively that I saw it in his hands before the 25th June.
1373. Should it not have been kept with the information and the other papers in the case? I cannot answer that question.
1374. You cannot answer it? No; I know this application was addressed to Captain Scott —
1375. Do you recollect any inquiries being made about this case, and when? Yes, from yourself.
1376. An order was produced by me from a Justice of the Peace to see these proceedings? I do not recollect any order from you.
1377. Do you not recollect an order being produced signed by Mr. Burrill? I do not recollect.
1378. Authorizing me to inspect these documents? I do not recollect.
1379. Was that document in the possession of any clerk connected with the establishment at that time? I cannot answer that.

1380.

1380. Is the return you have handed in, a return of the number of cases placed on the summons sheet at the Central Police Office, Sydney, from the 1st of January to the 1st of May, 1859? Yes. H. Connell,
Junr., Esq.

1381. And also from the 1st of January to the 1st of May, 1862? Yes. 6 Aug., 1862.

1382. Do these returns show the number of cases postponed, and also the number of cases initiated by the city authorities? They do.

1383. Do you produce the papers in the case of Sandon v. Doyle? I do. (*The witness produced the same.*)

1384. *By Mr. Cowper:* Have you brought any return showing the arrears of business in the office when you were appointed Clerk of Petty Sessions? I do. (*The witness handed in the same. Vide Appendix C.*) I beg to explain, with regard to not discovering the papers and depositions, that it was impossible to get at them simply from the want of an index to the General Register of Crime, and also to the letter books and general correspondence. They were in such masses that although they might be there it was a piece of luck, as I said before, to get at them.

1385. *By Mr. Lucas:* Will you furnish the Committee with copies of all informations and summonses issued during the month of February last? I will do so. I may add, with regard to the case of Bucknell, that the summons was issued, to my knowledge, on the 25th of June, so that it must have been a considerable time before this inquiry commenced. I beg also to state that this case is coming on to-day; the summons is made returnable six weeks after the issue, and as the case comes on to-day, it will be evident that it was issued at that time. The rule is, when a defendant lives at a great distance, and in this case he lives at the Namoi, not to issue a warrant when a man would come upon a summons. As the summons is returnable to-day it must have been issued upon that document.

APPENDIX.

A.

A RETURN of the number of Cases placed on the Summons Sheet at the Central Police Office, Sydney, from the 1st day of January to the 1st day of May, 1859, shewing the number of postponed cases, and also the number of cases initiated by the City Authorities.

| Number of Cases. | Postponed Cases. | Cases initiated by City Authorities. |
|------------------|------------------|--------------------------------------|
| 1,480 | 228 | 203 |

Central Police Office,
Sydney, 4th August, 1862.

A RETURN of the number of Cases placed on the Summons Sheet at the Central Police Office, Sydney, from the 1st day of January to the 1st day of May, 1862, shewing the number of postponed cases, and also the number of cases initiated by the City Authorities.

| Number of Cases. | Postponed Cases. | Cases initiated by City Authorities. |
|------------------|------------------|--------------------------------------|
| 1,504 | 327 | 312 |

Central Police Office,
Sydney, 4th August, 1862.

B.

INFORMATION.

Wednesday, 6 Aug.—1862.

New South Wales,
City of Sydney
to wit.

Be it remembered that on this thirty-first day of May, in the year of Our Lord one thousand eight hundred and sixty-two, at the City of Sydney, in the Colony of New South Wales, Susannah Bucknell, of the City of Sydney, married woman, appears before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, and on oath informs me that, in the year of Our Lord one thousand eight hundred and fifty-six, at the Paterson to wit, at Sydney aforesaid, one William Wentworth Bucknell, of Boomi Station, on the Namoi River, in said Colony, squatter, did feloniously marry and take to wife one Hopkins, Susannah Bucknell, his former wife, to whom the said William Wentworth Bucknell was previously married, being then alive, contrary to the Act in such case made and provided: whereupon the said Susannah Bucknell prays that I the said Justice will proceed in the premises according to law.

Sworn at the City of Sydney, in the said Colony,
on the day first above written, before me

SUSANNAH BUCKNELL.

D. C. F. SCOTT, P.M.

C. P. Office.—Warrant cancelled and summons issued—dispatched by letter—no answer recd.—
D. C. F. S., P.M.

4 June, 1862.

H. Connell,
junr., Esq.

6 Aug., 1862.

To Captain Scott,
Police Magistrate, Sydney.

I have had an offer of maintenance made by my husband, and am now paid the first quarters, namely, twelve pounds ten shillings. Will you direct that the warrant issued may not be sent to be executed, as I intend to proceed by the more mild method, namely, by summons, and have authorized my attorney, Mr. Moffat, to act in this matter on my behalf?

SUSANNAH BUCKNELL.

24th June summons applied for, and issued 25th June, 1862.—D. C. F. S.

C.

Arrears in the Central Police Office when Mr. Connell was appointed Clerk of Petty Sessions.

1. The Accounts not rendered for nearly 18 months.
2. The Index of the Register of Crime was in arrear 11 months. Without the aid of this Register it would be extremely difficult to find any particular case out of about 10,000 depositions—it would be like searching for a needle in a bundle of straw. The Police Magistrate paid a clerk out of his own pocket to bring up this book.
3. The Fines and Fees sometimes recorded on a piece of paper.
4. No Register at all for recording correspondence and papers received into the office. (It would be a matter of time to find any particular letter.)
5. No Dog Register (Clerk subject to a penalty.)
6. No Summons and Warrant Books in use for checking the Fees and Fines.
7. The Daily Collection Book of Licenses, Fines, and Fees, several months in arrear.
8. The Jury List Minutes for the year 1858, not recorded—no entry whatever.
9. The Electoral Minutes for the Police District of Sydney, for 1858-9, do not appear to be entered.
10. None of the Letter Books or Licensing Books indexed.
11. No Lists of Fees were posted in any part of the building (Clerk subject to a penalty.)
12. All the Licensing business jumbled in one book.
13. The Weights and Measures of the Colony in different parts of the building.
14. Newspapers missing for years.
15. Poundkeepers' Bonds missing.
16. The Roster Book in arrears upwards of 12 months.

Sub-Inspector George Read called in and examined:—

- Sub-Inspector G. Read.
1386. *By the Chairman*: You are Sub-Inspector of Police? Yes.
1387. Do you produce the warrant issued against William Wentworth Bucknell? Yes.
1388. What is the date of that? 2nd June, 1862.
1389. Can you state when that was received by yourself? On the 2nd June.
1390. Has it been withdrawn or cancelled? It has been cancelled.
1391. By whose indorsement? The indorsement is in the handwriting of Captain Scott, and is to this effect,—“Central Police Office, Sydney, 5th June. Cancelled at the request of the complainant.”
1392. Do you know in whose handwriting is this indorsement (*referring to another indorsement*)? Mr. Moffat's.
1393. “On behalf of Mrs. Bucknell, I hereby request this warrant to be cancelled and withdrawn. 3rd June, 1862. W. P. Moffat, prosecutor's attorney.”—That is in the handwriting of Mr. Moffat, the attorney? Yes.
1394. Is it usual to cancel warrants after they have been placed in the hands of the police for execution? I have about sixty or upwards cancelled warrants, on my file in my office.
1395. Can you state by whom they have been cancelled principally? By Captain Scott, Mr. Warburton, and Mr. Forbes.
1396. Extending over a period of how many years? About five years.
1397. Then the warrant was handed to you on the 2nd of the month, and not cancelled till the 5th? Yes.
1398. *By Mr. Forster*: Have you known any cases where warrants have been cancelled by other than the persons who have given them? One in a case of wife desertion, issued by Mr. Ronald and cancelled by Captain Scott.
1399. Do you know whether Mr. Ronald assented to the cancellation? I am not aware.
1400. Under what circumstances was it cancelled? I am not aware.
1401. Did you see it cancelled? No; I found the indorsement on the warrant.
1402. What, as a police officer, is your opinion with regard to this warrant—was it a legal warrant in the first instance? Yes.
1403. Do you consider that Captain Scott's writing something upon it which purports to be a cancellation deprives it of its legality? I question whether it does.
1404. Do you consider yourself bound to enforce it after that? I think, as a matter of prudence, I should not be justified in enforcing it.
1405. Do you consider that you have any discretion as to enforcing a warrant—that you can enforce it or not, as you like? I am bound to enforce it, until it is cancelled.
1406. You think that the cancellation of a warrant by a Magistrate, other than the Magistrate who gives it, deprives it of its validity? I question whether it does, but as a matter of prudence I think it should not be enforced.
1407. You have not done so? I have refrained from enforcing them after they have been cancelled.
1408. What have you done with them after they have been cancelled? I have filed them in my office.
1409. You keep them as a sort of justification to yourself? Yes.

1410. *By Mr. Hoskins*: Do you happen to know whether warrants are granted in any case without affidavits having been made to justify the Magistrate in issuing the warrant? I am not aware of any case. Sub-Inspector
G. Read.
1411. Do you know whether it is done in all cases—whether the information is made in Court? Yes, the law requires it. 6 Aug., 1862.
1412. Can a warrant be granted except upon the information of a party in Court? It is granted upon information, and not otherwise.
1413. Then it is a common practice for a warrant that has been granted for the apprehension of an offender to be cancelled without the application of the person who applies for it? It is generally done upon the application of the person upon whose information the warrant was issued.
1414. Have you ever been in the police force in the mother country? Yes.
1415. Did you ever see a Magistrate cancel warrants there? Never.
1416. Did you ever hear of such an occurrence before you came to this country? Never.
1417. How long have you been in the police force in this country, and in England? Twelve years and a half.
1418. Then this procedure of a Magistrate cancelling a warrant, without the application of the person who first applied for it, and without the consent of the Magistrate who granted it, is a procedure you never heard of before you came to this Colony? Never before.
1419. Are you often in the Central Police Office? Frequently.
1420. Every day? Almost daily.
1421. Have you the charge and general supervision of the police who do duty round the Police Office? At present I have general charge of the police in the Metropolitan District.
1422. Have you ever received any orders from your superiors, or have you yourself detailed men to preserve order at the Central Police Office? Yes, daily.
1423. How many men are sent there? Five daily.
1424. From your experience, do you consider that proper order is maintained by the spectators generally in the body of the Court? Generally pretty good order has been kept; there have been exceptions.
1425. Have you not been complained to by the Magistrates as to the disorder and noise that have prevailed in the Court? They have complained.
1426. In consequence of the police being very lax in the maintenance of order? Invariably when the Magistrates have complained the police have exerted themselves to maintain order. The Magistrates appear to entertain very different views upon this subject; some Magistrates tolerating a much greater amount of noise than others.
1427. Have you ever been led to believe that five policemen are not enough to preserve order there? I think they are sufficient.
1428. Still you admit that you have had frequent complaints from the Magistrates that order has not been preserved? There have been complaints; not frequent.
1429. Can you say of your own knowledge, how many hours a day, on the average, Captain Scott is in the habit of sitting on the bench adjudicating cases? Perhaps his attendance has averaged about three hours a day.
1430. Is he there every day? About the office every day.
1431. I want to know if he is on the bench every day dispensing justice? Not every day.
1432. Is his absence frequent? Not very frequent. Upon the average, I think he has opened the Court five days a week.
1433. Is his absence from the bench during the day, even presuming he opens the Court, more frequent than his presence? No, I think not.
1434. His average attendance on the bench daily is about three hours? I think about that, as nearly as I can judge.
1435. Do you happen to know whether cases are frequently remanded, or whether there is any arrear of cases? Cases are frequently remanded.
1436. Will you explain why they are remanded;—are they remanded from the want of attendance of Magistrates? They are frequently remanded for further evidence, and frequently from the want of attendance of Magistrates.
1437. Is the latter, more frequently than any other, the reason of their being remanded? No, they are oftener remanded for further evidence, than from the non-attendance of Magistrates.
1438. Is it the fact that the business of the Court cannot sometimes be proceeded with, from the non-attendance of Magistrates? That has been the case on a great many occasions.
1439. Have you the control of issuing summonses to Magistrates on the roster? No, I have nothing to do with them.
1440. Do you happen to know that a large number of the Magistrates who are upon the roll do not attend at the Police Office? Yes.
1441. A great number are very lax in their attendance? —
1442. You have had a great deal of experience in Police Courts in England, I suppose;—judging from your experience, do you consider that Captain Scott is a gentleman whose decisions have given general satisfaction to the legal profession, and to persons of intelligence, for instance, to yourself? I have differed from him, in some instances, in his decisions.
1443. Do you consider that Captain Scott, from his general decisions, shows that he has any acquaintance with the elementary principles of law? I am not a very good judge of Captain Scott's ability in that particular. I would rather not answer the question.
1444. Have you ever done duty in London? Five years.
1445. From what you have seen of the conduct of business in Police Offices in London, do you consider that a stipendiary Magistrate in London is a man better qualified to give a decision, in the complicated cases sometimes brought before Magistrates, than Captain Scott?

- Sub-Inspector G. Read.
6 Aug., 1862.
- Most of the London Magistrates are trained men—members of the legal profession. They are much better qualified and much better paid than the Magistrates here.
1446. Do you think it an advantage to have trained men? I think so—a very great advantage.
1447. Do you think it would be an advantage to have Magistrates here members of the legal profession? I think it would.
1448. *By Mr. Cowper*: What particular position did you occupy in the police force in London? I was employed for a long time in the superintendent's office, as a clerk.
1449. Your position for knowing whether warrants were cancelled or not was not so good as it has been here, in Sydney? I was not in so good a position; but I think I should have known if warrants had been cancelled.
1450. You were in the police under Mr. Forbes? Yes.
1451. And Mr. Warburton? Yes.
1452. And Captain Scott? Yes.
1453. Under each of these gentlemen it has been the practice to cancel warrants? Yes.
1454. Captain Scott has not, then, introduced a new custom? No.
1455. *By Mr. Lucas*: I see this warrant is dated 2nd June? Yes.
1456. When did that come into your possession? On the 2nd June.
1457. When was this put on by Mr. Moffat? When I received the warrant the address was not sufficiently definite. I applied to the clerks for farther information, and they referred me to Mr. Moffat. I was unable to see Mr. Moffat that day, but on the following day, having been from my office a short time on police business, on my return I was informed that a gentleman had called at the office in company with Mr. Moffat, and that at Captain Scott's request the warrant had been given up to him.
1458. To whom? To the gentleman I have mentioned.
1459. Do you know who the gentleman was? Subsequently I ascertained the gentleman was Mr. Hargraves.
1460. *By Mr. Cowper*: Which Hargraves—the gold discoverer? Yes. When the warrant was returned to me the day after, it bore this indorsement.
1461. *By Mr. Lucas*: Did you take it then before Captain Scott? I took it immediately and placed it before him.
1462. And he then wrote this memorandum on the margin of the warrant? Yes.
1463. Were these remarks, with reference to Mr. Dean, the solicitor, on the warrant when it first came into your possession? No.
1464. When was that written? Between the time it was given to Mr. Hargraves and its return to my hands.
1465. That was also put upon the warrant while it was out of your possession? Yes.
1466. Do the police usually allow warrants to go out of their possession? No; but as the request was made by the Magistrate who issued the warrant, it was complied with.
1467. You say you have attended Police Courts in London? Yes.
1468. Do you know whether professional gentlemen are allowed as great a latitude in Police Courts in London as they are allowed in this Colony? They have very much greater latitude here.
1469. Do you think the professional men here pay proper respect to the Magistrates, or to some of the Magistrates on the bench? I think they are sometimes very disrespectful.
1470. Have you noticed their conduct with respect to Captain Scott, the Police Magistrate? I have noticed that the conduct of some of the attorneys has been very disrespectful, on more than one occasion.
1471. Do they show more disrespect to him than to many of the unpaid Magistrates? I have not remarked that.
1472. Are there not many unpaid Magistrates who attend the Police Office, to whom the professional men show proper respect on all occasions? I think some of them are more or less disrespectful to all the Magistrates, on some occasions.
1473. Have any Magistrates complained to you that there have been no policemen in Court to swear the witnesses and keep silence? No, I think not.
1474. Are you sure of that? I do not remember any complaint having been made to me. I have heard that such complaints have been made.
1475. You say there are five policemen put on duty in the Police Office daily? Yes.
1476. Where are these stationed? Generally two in York-street Court, one in George-street Court, a sergeant in the passage, and the second sergeant's attention is divided between the two Courts. Some of these men are frequently away with letters.
1477. With letters from whom? They are employed in conveying them to the different Government offices.
1478. By whom are they employed? The sergeant receives the letters from the different clerks in the office, and sends them as directed.
1479. Do you think that a proper duty for the police to perform;—do you think they should be made messengers of? I think not.
1480. Do you not think it would be better to have a messenger appointed for the Police Office? I think it would be better.
1481. Is it not the fact that, upon various occasions, there have not been more than two policemen at the Police Office, to keep order in both Courts and in the passage? It may have occurred by accident, when they have been called away upon some emergency.
1482. Do you not know that it has occurred on several occasions? I am not prepared to say, but I think it quite likely it may have occurred.
1483. Have you ever heard a Magistrate threaten to adjourn a case, in consequence of the want of a policeman to keep order in the Court? No.

1484. Your office is on the left hand side, going into the Police Office? Yes.
1485. *By Mr. Hoskins*: Do you know whether Captain Scott has been in the habit of hearing cases in his private room? He has, on several occasions.
1486. Has that frequently occurred? It has.
1487. Have the public been admitted into that room during the hearing of cases? I never heard of their being refused admittance, except when the room has been crowded.
1488. *By Mr. Lucas*: It is easily crowded? Yes, the room is very small.
1489. It will not hold above five or six people? Not many more.
1490. *By Mr. Hoskins*: Can you explain the reason of cases being heard in Captain Scott's private room? It has been when the other Courts have been occupied.
1491. How many Courts have been sitting? Including the Court in the private room, three.
1492. Do you happen to know whether Captain Scott passes much of his time in his private room when he is not adjudicating upon cases? Yes, he is there generally.
1493. How many hours a day, on the average, is he there? I could not say; I frequently find him there when I have occasion to see him.
1494. Do you happen to know what duty he is engaged in while he is there? I could not say.
1495. Did you ever hear? If I have been there in the morning he has been engaged in receiving complaints from persons making applications for summonses and warrants.
1496. Do you consider the arrangements for the management of the police business in the Central Police Office perfect, or could they be improved? I think it is quite possible to improve them.
1497. Will you suggest what you would consider improvements? I think it would be a great improvement to have two paid Magistrates, that the daily attendance of two Magistrates might be ensured.
1498. Ensure their attendance on the bench? On the bench, if necessary. One should be on the bench, and one in the office, to receive complaints and grant summonses and warrants.
1499. Then I infer from the tenor of your reply, that Captain Scott is frequently absent? He frequently has to leave his office to go on the bench.
1500. Of course—but is he not absent from the Police Office? He is generally there.
1501. Do you happen to know whether he is frequently called away from the Police Office to attend to other duties, such as to visit Cockatoo, or to confer with the Colonial Secretary? He has to go away sometimes; I believe he has for some time past visited Cockatoo once a week.
1502. Are there any other reasons than those you have stated why you would suggest the appointment of a second Police Magistrate at the Central Police Court? I think there would not be so many remanded cases if there were two paid Magistrates; Magistrates who are engaged in commercial pursuits have to remand cases to days to suit their own convenience.
1503. Do you also think, judging from your experience, that the persons who have been appointed to the situation of Police Magistrate have been better qualified to dispense justice than the ordinary unpaid Justices of the Peace? I would much rather not answer that question.
1504. Are there any other suggestions you would make with reference to the management of the Police Office? No.
1505. No other? Except that I think, if there were less business at the Central Police Office the business would be better conducted. I think there is too much business concentrated there; there is much more business transacted at the Central Police Office than at one of the Courts in London.
1506. Do you know whether there is much business transacted at the Water Police Office? Not a great deal.
1507. Do you think if there were a re-arrangement of the police business in Sydney, by which a portion of the business now conducted at the Central Police Office should be transferred to the Water Police Office, it would be an improvement? I think it would tend to relieve the Central Police Office.
1508. What arrears of business there are at the Central Police Office are from cases remanded? Yes; on both the charge and summons sheets cases have frequently to be remanded.
1509. From want of Magistrates? From want of Magistrates, or from the Magistrates not being able to get through them in the day. Some cases occupy a very long time.
1510. Do you think the Magistrates in London get through the business more expeditiously than they do here? Yes, a great deal.
1511. Will you explain the reasons? In the first place, attorneys have not so much latitude, by a very great deal, as they have here; in the next place, the Magistrates never appear to have any difficulty in coming to a decision; they are thoroughly well acquainted with their duties.
1512. You think the long harangues of the attorneys cause an accumulation of business? Yes; they occupy pretty well half of the time of the Court.
1513. Did you ever hear the Magistrates remonstrate with the attorneys? Frequently.
1514. From your experience of the management of Police Offices in London, do you not think Magistrates there would prevent attorneys conducting business as they do in the Police Office in Sydney? I believe they would; I never knew attorneys to attempt it there.
1515. Do you think it would be an improvement to the management of the Police Office here, if the Clerk of Petty Sessions were made a Magistrate, and empowered to issue warrants
and

Sub-Inspector
G. Read.

6 Aug., 1862.

Sub-Inspector and summonses? I think it would be an improvement to have a second Magistrate.

- G. Read. 1516. *By Mr. Lucas*: The police serve copies of summonses, do they not? Yes.
 1517. And keep the originals? Yes.
 6 Aug., 1862. 1518. To produce in Court in *ex parte* cases? Yes.
 1519. What becomes of the originals? I am not aware, unless it goes with the depositions; we do not retain them.
 1520. They are not asked for very often;—when a defendant appears to answer a complaint, the summons is not asked for? No; I believe the summons is generally attached to the proceedings, but I am not quite sure of that.
 1521. Even after the appearance of the defendant? I think so; I am not quite sure.
 1522. What becomes of the police sheet? It is forwarded to the Inspector General's Office, and filed there.

William Day, Esq., J.P., called in and examined:—

- W. Day, Esq., J.P. 1523. *By the Chairman*: You are a Justice of the Peace? Yes.
 1524. Have you, since acting as a Justice, ordered or consented to the cancellation of any warrant previously issued by yourself? No, never.
 6 Aug., 1862. 1525. Do you recollect the case of *Sandon v. Doyle*? Yes.
 1526. Was the warrant cancelled in that case? No; the case was heard before the Court.
 1527. The case was heard before the Court, and dismissed? Yes; the defendant was discharged.

Rowan Ronald, Esq., J.P., called in and examined:—

- R. Ronald, Esq., J.P. 1528. *By the Chairman*: You are a Justice of the Peace, and have been so for many years? I have.
 6 Aug., 1862. 1529. Have you for some time past devoted any portion of your time to the duties of a Justice at the Central Police Office, Sydney? I have for several years, but more particularly the last year, devoted a great deal of my time.
 1530. You have had, then, some opportunity of judging of the manner in which business is conducted in that office? I have.
 1531. Have you occasionally acted in the absence of Captain Scott, the Police Magistrate? I have.
 1532. Both upon the bench and in his private room? Yes, and as deposition clerk also.
 1533. Why have you acted as deposition clerk? Because I could get no assistance from the office.
 1534. Have you applied for assistance before acting as deposition clerk? I have—I was told there was no one to attend to it.
 1535. To whom did you apply? I have applied to Captain Scott, and I have applied to the Clerk of Petty Sessions.
 1536. Has that been a frequent occurrence? I cannot say that it has been a rare occurrence.
 1537. Did you require a deposition clerk for a second Court or a third? Sometimes for a second, and more frequently for a third.
 1538. Do you know the number of clerks employed in the office? I think I can tell you.
 1539. About how many? Eight or nine, I think.
 1540. Do you not think that quite sufficient, if they were properly managed? I should think so, certainly, quite enough.
 1541. Has any reason been assigned for the absence of a deposition clerk? Leave of absence, sickness, and absence.
 1542. Without leave? I did not make those inquiries, but I have known cases of absented very often.
 1543. Has the business of the Court been delayed by such absence? Very frequently.
 1544. Having acted as you have, can you give us any idea as to the mode in which the business is generally conducted at the office? As a man of business, I consider it conducted in a most slovenly manner.
 1545. Do you consider the establishment in perfect working order? I do not.
 1546. Can you state why not? I find, from my own personal experience, that the clerks do not pull together—there seems to be a petty jealousy abroad; they do not seem to feel that the business of the public is of primary importance. As a merchant, I should not keep such men in my employ a day.
 1547. Have you ever sat with Captain Scott upon the bench? Yes, very frequently.
 1548. Have you heard any complaints from the public, from suitors, or from professional gentlemen employed at the police office, as to any of his decisions? I have; but I would like to say very little upon that point. I would like to answer the question vaguely, in this way:—When I say that Captain Scott is a gentleman and impartial, I say what is true, but I have seen a want of decision of character.
 1549. How often have you acted in Captain Scott's absence, within the last twelve months? Perhaps fifty times in his absence, on the bench—he may have been in his chamber.
 1550. How often have you been in chamber, doing chamber duty for him? During the last twelve months, not an entire day at any time, but portions of days, perhaps fifty times during the year.

1551. At whose request? At the request of Captain Scott, and if I found no one in chamber, and people wish to lay informations or to get summonses or warrants, I considered it my duty to expedite the public business when there was no one else to do it but myself. B. Ronald,
Esq., J.P.
1552. Has the public business been delayed by reason of Captain Scott's absence from the office? It has, but I would answer the question in this way:—It has been delayed in consequence of his absence on other duties. 6 Aug., 1862.
1553. Do you recollect, on the 16th September last year, being upon the bench with Mr. Caldwell? Very probably I was.
1554. Do you recollect sending for the licensing clerk to bring in the papers of a person named Deering? I do.
1555. Were those papers brought in? They were refused to be brought in by the Clerk of Petty Sessions.
1556. Did he assign any reason? The orders of his superior.
1557. Had you any conversation with the Clerk of Petty Sessions upon the subject? I had; I considered that he had a right to bring in what the presiding Magistrate at the time demanded. It was a case of emergency, if I mistake not, where some Official Assignee was engaged. If my memory serves me, I was fearful of the assets of the estate being damaged to the extent of the loss of that license; for had it not been given, the police might have reported the house as deserted, and the license might have been cancelled.
1558. It was under the 33rd section of the 13th Victoria, No. 29? It was.
1559. And on that occasion the Clerk of Petty Sessions refused to produce the papers in Court? Yes.
1560. What became of the case? I think it was afterwards granted, on the next sitting.
1561. But you could not adjudicate? I could not, because the documents were not present.
1562. Were the persons interested in attendance? They were, and their license might have been jeopardized, and the creditors of the estate might have suffered a monetary loss.
1563. They were thus put to some delay? They were.
1564. Have you known cases postponed at the Police Office by the Police Magistrate? I have, and by other Magistrates also.
1565. Have you known cases to be postponed by the Police Magistrate without the consent of the parties? I cannot charge my memory with that.
1566. Have you, since you have acted as a Justice, at any time ordered the cancellation of any warrant issued by yourself? Never.
1567. Do you consider such a course regular? Certainly not; I would let it take its course, and stand the consequences.
1568. How long have you been acting as a Magistrate? I think between eleven and twelve years. Sir Charles Fitz Roy appointed me.
1569. You have stated that there appears to be a jealousy among the clerks in the establishment? There is; that is evident.
1570. Were you acquainted with the clerks in the time of Mr. Warburton? Yes.
1571. Did any such jealousy exist at that time? It did not.
1572. How was the business of the office conducted at that time? I never considered that the business of that office was conducted satisfactorily as long as I recollect it, that is from the time of Colonel Wilson. I was very young then, but I had opportunities of observing.
1573. Have you anything to recommend to this Committee, or any suggestions to make, in the way of the improvement of the department? I know a little of the practice in London, having connections in one of the Police Offices in London, and I think we ought to have much more efficient deposition clerks, such deposition clerks as could instruct the Magistrates, many of whom require instruction. That I conceive is about the main thing, because almost all the mischief is done there, and in imprudently granting warrants instead of summonses. The mere clerical department inside—the filling up of forms—is secondary, because they ought all to be checked before they are signed.
1574. But the deposition clerks have nothing to do with the granting or issuing of warrants or summonses? They have not; but the informations come before them, and they are another check.
1575. The informations do not usually come before the deposition clerk till the case is called for trial? The deposition clerk has, or ought to have, possession of the informations and sheet previous to coming into Court.
1576. *By Mr. Lucas:* You do not mean before the case comes on for trial? Not at all.
1577. *By the Chairman:* As far as the actual taking of the depositions is concerned, are the clerks in the office now not particularly qualified for that office? There is one, Mr. Smithers, whom I consider well qualified, highly qualified.
1578. And does he frequently render great assistance to the Magistrates? Before I was so well up to it, I owed everything, at least a very great deal, to Mr. Smithers' knowledge.
1579. Mr. Crane, when he was there, was he also an efficient officer? A most excellent officer.
1580. *By Mr. Forster:* Do you think there is a very great difference between the general proceedings in the Police Court now, as compared with what it was a couple of years ago? Yes, I think so; I think there is a sort of petty jealousy abroad among the clerks; they do not seem to go to work with a will; they do not seem anxious to perform their duty; one is jealous of another.
1581. You think the unsatisfactory state of things at the Police Office is owing to the clerks? Yes, there is a jealousy in the office.
1582. As a general rule, do you think the clerks are men qualified to perform their duties? There is only one good deposition clerk in the whole office; in fact, there is only one we can call a deposition clerk, and he is a first class one.

- E. Ronald,
Esq., J.P.
6 Aug., 1862.
1583. You have no knowledge of the way in which these appointments are made—under what system the clerks are appointed? No.
1584. You have nothing to do with that? No.
1585. In the Police Court, do you see the same degeneracy in the mode of conducting the business in the Court—a falling off from what it was in former times? There is a falling off.
1586. What do you attribute that to—to the Magistrates? No, because they have merely bench duties to perform; I allude to the internal clerical part.
1587. Then there is a falling off, then—? One man was habitually drunk, for example; another, an old gentleman, since dead, was rendered incompetent by bad health, for years; the poor man was afflicted by Providence, but he was incompetent; and then there are two or three boys; I myself have had to return summonses that have been filled up to the plaintiff instead of to the defendant; fortunately I read them over, or my name would have been seen at the bottom.
1588. Do you think this state of things is in any measure owing to the Magistrates themselves? Not to the Magistrates; they have nothing to do with the internal work.
1589. With regard to the administration of justice in the Court, do you think that as well conducted as it ever was? I do not think so.
1590. What do you attribute that to? Magistrates cannot be always found to go through the duty, as in the old time, when we had more than one Police Magistrate.
1591. Then it is the want of a Police Magistrate that is the cause? The want of some one, either of the Mayor or some one else. I think myself, if the Police Office and Municipal Chambers were together, that no second Police Magistrate would be necessary, because the Mayor would be close at hand to open his own Court, and he would not have to go any distance to attend to his other duties, which I believe are very onerous.
1592. Is there a different class of Magistrates on the bench now, from what there was in other days? Very.
1593. Do you think there is an improvement in that respect? I think some are not an improvement.
1594. What is your opinion of their general character, as compared with that of those of former days? I think they are not a better class.
1595. You think we had better qualified men in former times? Those I have come in contact with.
1596. Do you think the operation of free institutions, and the new state of things that has arisen, has been beneficial to the administration of justice in the Central Police Office of Sydney? I could not say, indeed.
1597. These irregularities you speak of, you say have arisen latterly? Yes; the irregularities *in* the office.
1598. The defective administration of justice? Well, I did not say the defective administration of justice, but I think there has been unnecessary delay occasioned by the inefficiency of the clerical staff.
1599. You think the clerical department is the principal reason of delay? That is a very great reason. I myself, for example, when I have arrived to open the second Court, found that the sheets have not been ready; I must therefore wait, forsooth, or go round the office to see where the sheet is, to get it ready, get a deposition clerk, and open the Court.
1600. Did you not admit that the character of the Magistrates had been deteriorated, as a general rule? I think many of the Magistrates are very deficient in education.
1601. Do you think that many of them are fit to be Magistrates at all? I have not the appointment of Magistrates.
1602. When you are on the bench, do you generally preside, or how is the question of precedence settled? I always act in this way, if it is my day as per roster:—I go, first of all, into the York-street Court, which is generally presided over by Captain Scott; if he is busy elsewhere I preside there; if he presides there, I immediately go and preside in the George-street Court. If I happen to go there and find it a busy day, I go in, but I never take the presiding Chair if the Magistrates whose day it is are present.
1603. Then the question of precedence on the bench is settled by the roster? It is settled by the roster, and I think it is very fair. It is their duty to be there on a particular day, and if any other Magistrate comes they only assist.
1604. Then there are more Magistrates than one summoned for a particular day? Yes.
1605. How do they settle the question? Generally the oldest Magistrate presides; for instance, if Mr. George Allen, Mr. George Hill, or some other Magistrate older than myself were on the bench, I would make way for him, as I should also for the Mayor.
1606. I suppose the preservation of order in a Court, and the administration of justice, depends a good deal upon the character of the person presiding? And upon the police as well.
1607. Have you any complaint to make of the way in which the police assist? We are very often at a loss for police to keep order in the Court, to call witnesses, to administer the oath even.
1608. Who is to be blamed for that? I suppose they are on other duties; I suppose the police force are not sufficiently numerous to be able to tell off the required number.
1609. Did you ever represent this? No; I consider it to be the duty of the head of the department to represent anything of the kind.
1610. Who is the head of the department? Captain Scott.
1611. If you found this defect increasing—that is, that you had not police—would you still go on sitting upon the bench without making any complaint at all? I would go and do my duty; if I thought my saying or doing anything would have any influence, I would do it for the public good.
- 1612.

1612. Did you ever find yourself altogether in want of a constable to keep order in the Court? Yes.

1613. To take in charge a disorderly person? To keep silence in the Court.

1614. Could you not have got persons who were looking on to assist you? I have done it myself; there is no difficulty about it, but it is only proper that a police officer should be present.

1615. You think that some of the defects complained of have arisen from this circumstance? Yes, certainly; from the paucity of police there.

1616. What is your opinion as to the merits of a system of unpaid Magistrates altogether, as compared with the system of paid Magistrates? I should like to see all the Magistrates in the territory unpaid, if they would attend to their duties; it would be a great saving to the country.

1617. Do you think if all the Magistrates in the Colony were unpaid, the administration of justice would be more efficient? At all events, it is quite certain that you have not the same hold on an unpaid servant as you have upon one who receives remuneration.

1618. Is not that admitting that the paid system is the most effective? The paid system is the most effective, but still I do not recede from my position that I should be glad to see the whole of the duties performed by unpaid Magistrates.

1619. That is, if you could get the business done without expense as well as you could with it, you would prefer saving it? Yes. The position of a Magistrate is an honorary one, and I think men of independent means and of good education are proper persons to put in that position.

1620. On the whole, do you not think the circumstances of the country may be such as to render it impossible to find these independent men? Yes, I think so; in a country like this, where we are all scrambling for a living, there is a paucity of such men.

1621. Consequently we are reduced, as a matter of necessity, to a paid Magistracy? Yes.

1622. Do you not think a paid Magistrate is absolutely necessary in Sydney? Yes.

1623. Do you not think the defects complained of would increase if there were no paid Magistrate? Yes; one is wanted in Sydney.

1624. With reference to the time when there was no paid Magistrate in Sydney, except the Mayor, if he may be so called, do you think business was better conducted than before or since? Mr. Warburton was put on the Commission of the Peace, and acted as a Justice at that time.

1625. He was a paid Magistrate, in fact? He was paid as Clerk of Petty Sessions, but was appointed a Magistrate.

1626. Do you think the administration of justice was more efficiently conducted then, than it is now under Captain Scott? I think it was equally well, but I do not think the clerical duties were efficiently carried out under Mr. Warburton.

1627. You have stated that Captain Scott's defect of character is that he is not sufficiently firm? I think he is of too genial a nature.

1628. Too amiable? Too amiable. He is a gentleman. That is a comprehensive term, and I apply it in its true sense.

1629. What is a gentleman? I mean by it one who deserves the name of *a man*.

1630. *By Mr. Hoskins*: I presume such persons are to be found in all ranks of society? In all ranks of society; it is the *toga virilis*.

1631. *By Mr. Forster*: Can you define the word "gentleman"? I do not know that I came here for that purpose.

1632. You have used a term I do not understand—you have said Captain Scott is a gentleman? Yes, he is, in his conduct, in his attention to any one who comes there, in his manner and address.

1633. You mean that he is courteous, and you have described him as an amiable man? Yes, but I think there is a want of decision in him.

1634. Do you think that his principal fault? I think so.

1635. You have no reason to think him deficient in the knowledge of his duties? He has been there long enough to know them.

1636. Is he not compelled to attend to a great many duties not connected with the bench? Yes.

1637. Have you any reason to believe that he takes these other duties from choice or from necessity? They are portions of his duty, I presume.

1638. Do you not think it would add to the efficiency of the Police Magistrate if he attended to his duty in the Court rather than to any other? I think he should be as much in his chambers as possible, attending to the issuing of summonses and warrants.

1639. To the ministerial part of his duty? To the ministerial part of it.

1640. You do not think his principal duty is in the Court itself? I do not.

1641. Do you think it possible for a Police Magistrate to be efficient if he does not attend the Court regularly? I think not.

1642. Do you not think every attendance at the Court is in itself a species of training? I have found it so myself. I think in that, as in everything else, without practice and without paying attention you can never be proficient.

1643. *By Mr. Hoskins*: You did not reply very explicitly to Mr. Forster's question with respect to the unpaid Magistrates;—Do you think the Magistrates appointed of late years have been equal, in point of education and fitness, for the performance of the magisterial function to those who were appointed formerly? Some of them have not.

1644. Will you speak of them in the mass—in the aggregate? I cannot speak of them in the mass, for many very superior men have been recently appointed.

1645. With reference to the complaint as to the police, you did not quite answer Mr. Forster's

R. Ronald,
Esq., J.P.

6 Aug., 1862.

- R. Ronald, Esq., J.P.
- 4 Aug., 1862.
- Forster's question ;—Did you complain to Captain Scott of the paucity of police to assist the Magistrate? I have frequently conversed with him on the subject ;—I have said,—“ There is no one here to attend to anything ; I do not think the police force sufficient.”
1646. What was Captain Scott's reply? He thought with me, and I believe he applied ; at all events, there is a messenger there now.
1647. Is the number of police stationed in the Court now sufficient to preserve order and to ensure obedience to the orders of the Magistrates? Frequently it is not. The police may be employed in other duty—special duty, perhaps, as for example, in the case of the fire the other night a number of the police were told off, and so in many other instances.
1648. I am not asking you about special cases, but whether, as a rule, you have a sufficient number of police in attendance? As a rule, there is not a sufficient number in attendance.
1649. Do you consider that the business of the Court would be facilitated by having a larger number of police in attendance? Yes ; I think order would be better preserved, and the dignity of the Court upheld.
1650. The dignity of the Court is not upheld, in consequence of the non-attendance of a sufficient number of police? I think so ; a Magistrate cannot go off the bench and collar a fellow for making a noise in the Court.
1651. From your experience in the Court, do you consider that attorneys have shown a proper deference to the Magistrates? As a general rule, I think they have. At times, in the heat of argument, attorneys, like other men, go beyond bounds. I have had no cause to complain for a long time, although I had once ; I always experience great respect from gentlemen of the profession.
1652. Do you think the sittings of the Court are protracted, and the business postponed, in consequence of attorneys needlessly delaying the business by lengthy harangues and examinations of witnesses? It may appear needless.
1653. I ask you as a Magistrate, whether that is your opinion? I think, as a Magistrate, that there is a great amount of needless talk—of unnecessary verbiage. It may be that legal gentlemen think they do not place their cases sufficiently clearly before a Bench without having recourse to these long harangues. We find the same thing in the superior Courts of the Colony.
1654. Do you think the Magistrates have the power to stop it, if it is irrelevant? Yes, if it is irrelevant, but it is sometimes difficult to define what is irrelevant and what is not.
1655. Do you stop it in such cases? Yes, I do ; I say “ I think there is no need to go into that, Mr. So-and-so.”
1656. Did you ever see an attorney insult a Magistrate on the bench, or hear of one doing so? I cannot call to mind — There was one case, that of Mr. Moffat ; I forget the particulars of that now, but he made a very humble apology afterwards, and begged the pardon of the Bench when the Magistrates were all together.
1657. Of course you consider that you have the power to commit for contempt, or to suspend from practice in the Court? I do not think we can suspend from practice ; I think that belongs to a higher Court.
1658. Do you know whether other Magistrates have complained to Captain Scott of the paucity of police in attendance in the Court? I cannot speak of my own knowledge, but I believe so.
1659. How often are you in the habit of attending the Police Court? Generally twice or thrice a week.
1660. Do you stop there all the time? Whenever there is business to do I stay.
1661. Can you tell me how many hours a day, on the average, Captain Scott is in the habit of sitting on the bench, from your own observation? I cannot say how long he sits, but on the average, the business of the Court would take from four to five hours.
1662. I am asking you how many hours a day, on the average, from your own observation, Captain Scott is in the habit of sitting in the Court? Perhaps, on the average, from two to three hours.
1663. Do you know where he is when he is not there—what he is doing? I apprehend he is either in chambers, at Cockatoo Island, or at the Classification Board, or in attendance upon his superiors elsewhere.
1664. That frequently occurs? Yes ; once a week, for example, he goes to Cockatoo Island ; that is, on Wednesday, and it causes considerable delay.
1665. Can you say whether Mr. Dowling and Mr. Forbes were in the habit of sitting more hours a day on the bench dispensing justice than Captain Scott has been? I believe they were ; I think they had not to visit Cockatoo.
1666. Can you state, as a matter of fact, whether the business was disposed of more expeditiously than it has been since Captain Scott has been Police Magistrate? I think it was ; they were legally qualified gentlemen.
1667. *By Mr. Lucas* : Was Mr. Forbes, when he was Police Magistrate, legally qualified? I believe not, but I believe he was then reading for the Bar.
1668. *By Mr. Hoskins* : Do you consider that Captain Scott is not a legally qualified gentleman? I think he is qualified to be a Magistrate, but I would omit the word “ legally.”
1669. Do you consider a legal training or education a necessary qualification for a Police Magistrate? I do not ; but I think every Police Magistrate should make himself conversant with the general Acts of Council.
1670. Was Mr. Dowling or Mr. Forbes acquainted with the general Acts of Council? Mr. Dowling was a barrister, and Mr. Forbes was preparing for the Bar.
1671. Do you consider that Captain Scott is? I do not consider that he is, in the sense in which they were.
1672. Do you consider that he has a better acquaintance with the principles of jurisprudence than

- than the other Magistrates? Not than some who have some knowledge of law; I think there is something more than a knowledge of law required for a Police Magistrate, a knowledge of human nature, a little colonial experience, and an acquaintance with dealings among men.
1673. Have you ever heard the complaint made by professional men, or by other persons, that Captain Scott was ignorant of the first principles of law? I have heard such things; but they might say the same thing of me.
1674. Do you think such complaints well founded? I think he might have read himself up better.
1675. Do you happen to know whether business is delayed, whether cases are postponed and remanded, in consequence of the paucity of attendance of Magistrates? Yes, I have known that frequently. I have frequently had to take the sheets, call over the names, and postpone them myself.
1676. Does that frequently occur? Frequently.
1677. Do you happen to know the number of Magistrates there are on the roster? No, I do not.
1678. Do you happen to know whether Captain Scott is in the habit of adjudicating upon cases in his private room? As a Court; I am not aware that he does in any other way; we sometimes hold a Court in his room.
1679. For the despatch of public business? For the despatch of public business.
1680. I want to ask you a question that Mr. Forster touched rather closely, although not quite;—Do you consider that the appointment of a Police Magistrate for the despatch of public business at the Central Police Office was an improvement? I think it an improvement.
1681. Do you consider that it is desirable that a person appointed as Police Magistrate should be a person of legal attainments? I do not think it a *sine qua non*, but at the same time I think it desirable that he should be well read up. I can easily imagine that a man of legal attainments may be otherwise unfit for the office of Police Magistrate.
1682. Will you explain what disqualification you referred to, if he has this essential qualification? He may be very ignorant of men and manners, he may have serious infirmity of temper, he may have crooked ways of viewing things, he may be partial.
1683. In making suggestions for the improvement of the mode of conducting the business, you said they were based upon the practice in London,—did you speak from personal observation? The suggestion I made with reference to the deposition, arose out of a correspondence with a relative of mine, who has been for thirty years in the Metropolitan Police Office, White Hall Place, London.
1684. Not from your personal acquaintance with the practice? Not at all. I have visited the Police Offices there, but this suggestion is from the experience of one whose knowledge of the subject is of more value than any observation of mine.
1685. Do you consider the system of management of the business at the Central Police Office as perfect or as imperfect? As very imperfect.
1686. Can you, as a Magistrate, make any suggestions for its improvement? I would suggest that there should be another efficient deposition clerk; that the other clerks should be replaced by men who are not at variance with one another, because as long as there is jealousy existing in the office the work cannot be done properly. I have seen squabbles—and a most disgraceful squabble, on one occasion—between two of the principal clerks, in the presence of the Police Magistrate himself; little short of a calling out, indeed.
1687. *By Mr. Lucas*: Will you name the clerks? The Clerk of Petty Sessions and Mr. Armstrong.
1688. That is, Mr. Connell and Mr. Armstrong? Yes.
1689. *By the Chairman*: Will you explain the nature of that altercation, or the circumstances surrounding it? It was some quarrel among themselves. I happened to be in the Police Magistrate's room when they began attacking each other: "I will meet you after hours in such a place." "Well, I am prepared." I said, "What a nice set of fellows you are—this is a most disgraceful thing."
1690. *By Mr. Hoskins*: Was Captain Scott present? He was.
1691. You are sure of that? If you had not so pointedly put the question I would have said yes.
1692. You have very little doubt of it? No doubt whatever.
1693. Did he reprimand the clerks? Not then.
1694. Did he take notice of it afterwards? I am not aware.
1695. Did he request them to refrain from this wrangling? No; one went one way, and the other the other.
1696. You gather that there is a spirit of insubordination in the office? Yes.
1697. What is your opinion based upon—observation? Yes; from my knowledge of the routine of business for the last twenty-five years, I would not have them in my office.
1698. Have you any other suggestions to make? I think the clerks are quite capable of doing their duty if they were kept at their duty.
1699. Are the clerks not kept at their duty? Not when such scenes as these occur.
1700. Are they irregular in their attendance? They are frequently absent. I frequently see them in the streets in business hours.
1701. Who is responsible for their being present to perform their duty? Captain Scott, as the head of the department.
1702. Have you represented to Captain Scott their frequent absence? I have not considered it my duty.
1703. Have you represented to Captain Scott the general inefficiency of the clerks? I have spoken of several who were inefficient.

R. Ronald,
Esq., J.P.
6 Aug., 1862.

- R. Ronald, Esq., J.P.
- 6 Aug., 1862.
1704. *By the Chairman*: Are these clerks still employed there? They are.
1705. *By Mr. Hoskins*: Did Captain Scott promise to attend to what you had said, or to make inquiries? No, he would not make such a promise to me.
1706. Is Captain Scott discourteous to you? Not to me, by any means. On one occasion he was so, and I will tell you how:—A man came to the Police Office to receive an amount ordered by the Court—it was for wages; there was no one there to pay it. I went into the inner office; the Clerk of Petty Sessions was not there, and there was no one deputed to act for him; the C. P. S., I thought, was guilty of great neglect in so acting. I expressed my opinion of his conduct, and got ill-will in consequence. I consider the conduct of the C. P. S., in this instance, most reprehensible.
1707. At what hour of the day was this? It was in business hours, from ten to three. I complained of it, and they were very sore upon the subject.
1708. In point of fact, do you know that the Clerk of Petty Sessions is frequently absent during business hours? He might; he was on that occasion. I thought it was very hard for a poor working man to come for his wages and not to be able to get them.
1709. Have you any suggestion to make with reference to the building? The building is very inconvenient—the offices are too much scattered. If the officers were more together a better supervision of the work could be carried out. I will illustrate it in this way:—A suitor comes in; he enters a room at the extreme end of the building in George-street; he asks for a summons or warrant; the Justice writes on a piece of paper, and he is told to go to the other end of the building, to look for Mr. So-and-so. No messenger is sent with him to show him the way, and a person not conversant with the office may wander about for three-quarters of an hour before the business is done. The applicant for a summons or warrant goes to one end of the office and applies for it, then he is sent away without a guide to the other end, then he has to come back to pay for the summons, and then he has to go away again to Mr. Armstrong at the other end of the building.
1710. Would you recommend the employment of additional police, to maintain order and to facilitate the despatch of business? There ought to be more police told off for Police Office duty.
1711. Do you consider that Captain Scott's failings, as a Police Magistrate, are more to be ascribed to want of determination of character than to ignorance of the first principles of law? I think so. I think the whole mischief has arisen from want of firmness in maintaining his position there as a Police Magistrate, and of making his subordinates do their duty properly. He is too amiable.
1712. Will you define what you mean by want of firmness in maintaining his position—do you mean in reference to his brother Magistrates or to his subordinates? His subordinates; he does not maintain his position as head of that department, and Mr. Connell is allowed far too much latitude.
1713. *By Mr. Couper*: You have not confined your attendance at the Police Office to your roster days, but have generally assisted Captain Scott on other days? Yes.
1714. Has that given you an opportunity of becoming acquainted with the various clerks in the office and their qualifications? Yes.
1715. You spoke of general inefficiency and want of cordial co-operation among themselves;—is that confined to only one or two clerks, or is it general among the clerks? General—the majority of them.
1716. Not as between Mr. Smithers and Mr. Connell only? No; there is a feeling between them.
1717. Do you consider Mr. Connell an efficient clerk for the general class of duties he has to perform? I think if he would keep in his room and attend to his duties, instead of cutting about the Police Office, he would be better in his place. I do not consider his duties very arduous; it is chiefly the taking and accounting for the fines and fees of the office.
1718. Has he not the general supervision of the whole clerical staff? Yes.
1719. To check the various clerks, and to keep the office records in order? Yes, but the money-taking seems to be his particular work.
1720. Mr. Ormiston is the accountant, is he not? Yes, but he has nothing to do with the money, he only keeps the books. The money ought all to pass through the hands of the Clerk of Petty Sessions.
1721. Is it your opinion that the chief duty of Mr. Connell is taking the fees and keeping an account of them? I think that is a very important part of his duty.
1722. Under whose direction are summonses and informations prepared? They used to be prepared by Mr. Martin and Mr. Davidson. Any suitor coming to the Police Office went first to the Magistrate for a chit, he then proceeded with the chit to Mr. Davidson, who prepared the information; he then came back to the Clerk of Petty Sessions to pay the money; when the money was received the information was initialled; he then returned to the Magistrate, and from the Magistrate he went to Mr. Armstrong for the summons and subpoenas.
1723. That is Mr. Armstrong's branch? Yes, and the preparation of the summons sheets for the Bench.
1724. Has Mr. Connell an office of his own? He has one that was the Police Magistrate's.
1725. Is it placed in a convenient position with regard to the other clerks? No, it is most inconvenient.
1726. Is it true that this was originally taken possession of by Mr. Warburton, when he was appointed to the Commission of the Peace? Yes.
1727. Then he abandoned his former office with the clerks and took possession of the Magistrate's room? Yes, and that is retained by Mr. Connell.

1728. Then Captain Scott has another room? Yes, it is a little room where you cannot speak a word confidentially without its being heard all over the place.
1729. Is there sufficient accommodation for Mr. Connell in the suite of rooms occupied by the clerks, without this room that he now occupies? Not as the building is at present.
1730. *By Mr. Lucas:* Was it not the case, that before Mr. Warburton was appointed a Magistrate he occupied a little room in the York-street end of the building? Yes. There would not be room there for Mr. Delohery and Mr. Ormiston; one is the accountant, and the other attends to the licensing business.
1731. *By Mr. Couper:* The office accommodation is rather insufficient? Yes, if you were to take away Mr. Connell's large room.
1732. You consider Mr. Connell competent for his position if he would attend to his business? I think he is competent enough to receive the money. I think any boy in a draper's shop could do that.
1733. You think he is a qualified clerk for that duty? Yes.
1734. Do you think Mr. Ormiston is efficient in his office as accountant? I have not had an opportunity of knowing; but I have not heard any complaint.
1735. Do you consider Mr. Armstrong well qualified in his branch? I do not; I think he has a sad infirmity of temper; he is very fidgety—apt to give annoyance and make mistakes. What I saw take place between him and Mr. Connell would have been sufficient, had he been in an office of mine, to have sent him about his business the next day.
1736. Do you refer to both of them? Yes; I would have collared them both and put them out of the office there and then.
1737. Mr. Smithers you consider well qualified as a deposition clerk? Yes; he has been there ever since he was a boy.
1738. Who are the other clerks who act as deposition clerks? Mr. Heales is the only one; he is getting well up to his work; he was a sad blunderer at first.
1739. *By the Chairman:* And just as he is getting up to his work he is removed to another branch? Yes, I suppose that was owing to Mr. Davidson's dismissal or resignation.
1740. *By Mr. Couper:* Who is the third deposition clerk? Mr. Heales was the only acting deposition clerk. There is some youth who acts in that capacity; he has not been very well lately—his name is Felton I think.
1741. You have no means of judging of his qualification? No; he used to blunder a great deal; it was he who addressed a subpoena to the defendant instead of to the plaintiff.
1742. He is the youth you spoke of in the former part of your evidence? No, that was another person who was there; I think his name is Chisholm.
1743. You are not aware that Chisholm and Day, junior, were not paid any salaries? No; I would rather pay salaries to persons who could do the work, than have persons unable to do it, for nothing.
1744. You object to youths being admitted into the Police Office to act as clerks without being paid? I do; I object to having any persons in the Police Office over whom there is no control, and if you do not pay them I do not think you have the control over them you ought to have.
1745. With regard to the police, you say they are not generally in attendance in sufficient numbers;—are you aware that the City of Sydney, for the last year or two, has been generally short of the proper complement of men? Yes.
1746. You do not imagine that the police are purposely kept away when they are available? I would not suppose that; I know they are not.
1747. It is stated by the inspector that there are five men told off every day for Police Office duty—are you aware that that is the case? No.
1748. What would you, from your experience, consider a sufficient number of men to be in attendance in the various Courts? Ten. I would place one to swear witnesses; I would place one at each door, to prevent the escape of anyone before the Bench, should he attempt it; that would be three in each Court; and then there ought to be two and a man over at the lock-up.
1749. Some of the police are occasionally required at Quarter Sessions, as well as to attend upon the various Courts? I have no doubt that they are on other duty, but still the want exists.
1750. With regard to the character of the Magistrates, are your remarks as to the want of education applicable to the Municipal Magistrates, or generally to the others;—since we have had Municipal Institutions, the Aldermen not unfrequently have been made Magistrates? Yes.
1751. Do you think putting these gentlemen into the Commission of the Peace has introduced the element you speak of? I do not refer to them so much as to others; I could point out others.
1752. Less competent even than the Aldermen? Yes; and some who affect to have education will not preside. I have frequently been in the Court and have said to a gentleman of this description, "Mr. So-and-so, will you preside—I wish you would do so, as Captain Scott is away at Cockaton?" and the answer has been, "I will sit with you if you wish it, but I will not preside." They do not like to incur the responsibility.
1753. That extends to gentlemen who have education—they do not choose to run the risk? Yes; but if they do not choose to run the risk, they are of no use as Magistrates.
1754. *By Mr. Lucas:* With reference to the building, do you not think it would be much more convenient if the Clerk of Petty Sessions were to take possession of what is now Mr. Armstrong's room;—Mr. Armstrong, I think took the room that was formerly the Clerk of Petty Sessions? That is Mr. Smithers' room.
1755. Would not that meet the objection with reference to the scattered nature of the offices?

R. Ronald,
Esq., J.P.

6 Aug., 1862.

R. Ronald,
Esq., J.P.

6 Aug., 1862.

offices? To a certain extent; but then you have Mr. Delohery and Mr. Ormiston isolated.

1756. Could not they follow Mr. Connell into Mr. Armstrong's room? They could go there, but it would be much better if they were all together.

1757. Would not they then be all together—would not Mr. Ormiston, Mr. Delohery, and Mr. Connell be in one room as they are now;—I would have a door leading from that room into what is now the information clerk's room, and also a door leading into the deposition clerk's—would not the clerks in the Police Office be all in one spot? I understood you to say you would remove Mr. Connell to Mr. Armstrong's present room, but I do not think that is large enough.

1758. Is it not larger than the room he now occupies? It is, if you take down the partition.

1759. Would not that meet the objection as to the scattered nature of the building, and allow the Magistrates their own room? Yes; but as an accountant, I say that the accountant ought not to be in the room where the general business is carried on.

1760. Is he not in the room with the other clerks now? No; his room is partitioned off it.

1761. Could he not have the room that is now occupied by Mr. Smithers? He might, but where would you put Mr. Smithers?

1762. He, as the deposition clerk, would not require to be seen by the public, and he might have the room now occupied by the accountant, at the other end of the building—would not that be more convenient? It would be more convenient, but I do not think it would be a satisfactory arrangement.

1763. Are you aware that a warrant issued by you was cancelled by another at any time? No, I do not remember.

1764. Have you ever found that the Magistrates have being inconvenienced by the inspector being absent when cases have come on, between ten and eleven o'clock in the morning? Yes, and I have been informed that the inspector has gone to the Inspector General's Office.

1765. Have you not known persons to be in custody where the Magistrates have been compelled to postpone their cases in consequence of the absence of the inspector, and for want of his evidence? I cannot charge my memory where cases have been postponed because the inspector was not present to give evidence, but I know that in consequence of the absence of witnesses they have been postponed.

1766. Do you not know that Mr. Warburton was often absent from the Police Office, between the time of the resignation of Mr. Forbes and of the appointment of Mr. Connell? I know he was, and I know the work was very much in arrear.

1767. Have you ever experienced the want of books of reference in the Police Office? Very much indeed.

1768. Are there not fully half the Magistrates in the Commission of the Peace in the City of Sydney who never attend either of the Police Offices? I should think there are; there are also many who attend there during a portion of the day, who adjourn the Court, and never come back to complete the business. I have frequently had to do that duty, and I dare say you have also.

1769. You say you have been doing duty at the Police Office for many years;—Have any summonses ever come before you containing so large a quantity (*handing witness the summons marked C*)? Nothing of the sort; two lines, or three, at the outside, is the usual thing.

1770. Do you not know that professional gentlemen, when they are engaged, prepare their own informations and summonses? Very often they do.

1771. Do you not know that in all the cases initiated by the city authorities the informations and summonses are prepared by their officers? Yes.

1772. Such as those brought before the Court by Mr. Stubbs, the Inspector of Nuisances? Yes.

1773. The summonses and warrants are all prepared by them? They are.

1774. Is it not the fact that when they come to get the Magistrates' signature they bring the informations and summonses attached? Yes.

1775. The Magistrates sign the informations and summonses at the same time? Invariably, in city cases.

1776. And also in professional gentlemen's cases? Yes, they are regularly prepared by them.

1777. Only in cases where the summons does not accompany the information are they prepared by the clerks in the Police Office? Yes, and very irregular it is too.

1778. *By the Chairman*: What are Mr. Connell's duties? I would define them, as far as I can, as the general supervision of the office, the checking of informations, the receiving of fees, and paying out of moneys—the receipt and disbursement of moneys.

FRIDAY, 8 AUGUST, 1862.

Present:—

| | | |
|---------------|------------|-----------------|
| Mr. COWPER, | | Mr. W. FORSTER, |
| Mr. CALDWELL, | \| | Mr. HOSKINS, |
| | Mr. LUCAS. | |

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Francis James Garrick, Esq., called in and examined:—

1779. *By the Chairman:* You are a Solicitor of the Supreme Court? Yes
1780. Have you had any experience as a practitioner at the Police Court? I am not a Police Office practitioner, but I have had average experience in practice there.
1781. Will your experience enable you to give this Committee any information as to the manner in which business is conducted there by the Magistrates? I consider the administration of justice on the part of the Magistracy very indifferent and incomplete, by reason of the greater proportion of the persons who occupy the bench being grossly incompetent to discharge the office of a Magistrate. As a rule, they are ignorant of common legal principles, and there is no competent person to give them information on points of law, or to direct their decisions.
1782. That is, no competent person connected with the establishment? Yes; no competent Police Magistrate, I had better say. There is no competent person to direct them in points of law; and in consequence of the successful efforts of the Police Office practitioners to mislead the Bench, the decisions given are, as a rule, erroneous.
1783. Then you have noticed attempts, on the part of Police Office practitioners, to mislead the Bench? The attempts are constant; the greater the lying the more the success, in my experience.
1784. Have you noticed anything in the decisions of the Police Magistrate himself to warrant you in stating that he is not a competent person? He is on the bench so seldom that I can hardly speak as to his decisions. I have frequently initiated a case before him, and he has left the bench for some cause or other, handing the case over to somebody else.
1785. Leaving it in the hands of other Justices? Yes. I think also that the conduct of the Police Office practitioners there degrades the Court to a very great extent, by reason of the Magistracy not having the moral courage to control them. I have heard, in one instance, both the Magistrate and the practising attorney call God Almighty to witness; and I have been a witness of other gross exhibitions of impropriety.
1786. Are these cases of frequent or rare occurrence? So far as my experience enables me to state, I believe them to be very frequent.
1787. With respect to the office arrangements——? I think they are very incomplete for the successful conduct of police business.
1788. Have you known cases postponed from time to time in consequence of the absence of Magistrates? I have had to attend on several days for trifling matters that should have been disposed of immediately.
1789. What has led to the delay? I believe it has been owing to want of departmental arrangement.
1790. *By Mr. Hoskins:* How often have you been in the habit of attending the Police Office? I could not give you an idea—not very often, but with sufficient frequency to enable me to form an opinion, because it has extended over years.
1791. Does that form one of the leading branches of your business? Certainly not.
1792. Are you frequently there? I am there sufficiently often to form a correct opinion.
1793. *By the Chairman:* You have been concerned there in many cases of great importance? In numbers of cases. They are generally cases of importance that I have to attend there.
1794. *By Mr. Hoskins:* Does a week or a fortnight elapse between each? Very often more than that.
1795. You cannot say then, of your own knowledge, how many hours a day Captain Scott attends on the bench? I have no idea; but I have very frequently observed that he comes into Court, initiates a case, and leaves it.
1796. Were you ever concerned in a case which he initiated and afterwards left? I cannot mention a case by name, but I know of several.
1797. Did you complain of his leaving the case? I protested against it. I may mention one that occurred the other day—the prosecution of Morrison by the Bible Society.
1798. To whom did you protest? I requested Captain Scott to continue the hearing of the case.
1799. Did he disregard your request? I cannot say he disregarded it; I think he said he had to go to Cockatoo.
1800. Did you make any representations to any other party? No, I think it was hardly necessary to do that, because the matter has been noticed in the daily Press.
1801. Do you know whether the Government have received any representations with respect to it? Not that I am aware of.
1802. You state that there are a considerable number of Magistrates whose educational acquirements and intelligence are so deficient that they ought not to be there? I am sure of that—positive of it. There are men on the bench who are grossly ignorant of the common principles of education.
1803. Do you consider that the persons to whom you refer are in excess of the number of Magistrates that have that qualification? I am sure they are. With the exception of several gentlemen, you seldom see a respectable man on the bench.

F. J. Garrick,
Esq.

8 Aug. 1862.

- F. J. Garrick, 1804. What do you consider respectable? A man competent to discharge the functions of a Magistrate.
- Esq.
- 8 Aug., 1862.
1805. You think most of the Magistrates are deficient in legal acquirements? Not only that, but defective in the knowledge of those general principles that enable a man to apply common sense in the giving of decisions.
1806. Will you have the kindness to state whether the persons to whom you now refer have been recently appointed or been Magistrates for a number of years? They are the appointments of the last few years. I think since Responsible Government.
1807. You mean to say that you consider the Magistrates who used to sit in the Police Court previous to the inauguration of Responsible Government were a superior class of men to those appointed since? With some few exceptions, I am certain of it.
1808. Are you not aware that a number of the Magistrates who sit on the bench are members of the Municipal Council? Several of them.
1809. Do you think those persons are not sufficiently well informed to dispense justice as Magistrates? My recollection only enables me to remember two, and I am certain they are quite competent in every sense of the term.
1810. Do you consider that the appointment of a Police Magistrate to preside in the Court at the Central Police Office is an advantage? I believe the appointment of a properly qualified man would remedy the whole evil.
1811. Will you define what you mean? I mean a professional man, a lawyer, a man who is able to direct the other Magistrates in difficult questions. Quite apart from other considerations, I think that gentlemen discharging the functions of a Magistrate ought to be able to apply to a lawyer to direct them on points of law governing cases, when Police Office practitioners attempt to mislead them, which they frequently do.
1812. Do you consider that Captain Scott is deficient in the elementary principles of law? I am sure he has no knowledge whatever on the subject, so far as I have been able to judge.
1813. Do you think his knowledge of the elementary principles of law is superior to that of the great body of the Magistrates? No, inferior to a great many of them.
1814. Do you happen to know whether his decisions generally are cavilled at or complained of by intelligent persons—not only by litigants but by professional men and others capable of forming an opinion? I hear that they are so, but I do not know it of my own knowledge. He never seems to me to get to the end of a case at all events, not of any that I have anything to do with. He does not seem to me to be able to stand the worrying of professional men, and he has not the moral courage to put a stop to it.
1815. I gather from what you say, that you recommend that the Police Magistrate should be a person of some legal knowledge? Yes, he should be a lawyer of good standing. You may get plenty of lawyers who are quite unqualified to discharge the duties.
1816. What would you consider a sufficient salary to enable the Government to obtain the services of such a person as you speak of? I do not think you could get a competent man under £1,000 a year.
1817. Do you happen to know of your own knowledge whether the Magistrates who presided in the Central Police Office previous to Captain Scott's appointment were subjected to the same insult and discourteous treatment from the Police Office practitioners as the present gentlemen? I believe not.
1818. Do you think the body of practitioners who practice in the Court were more respectful to the Magistrates previous to Captain Scott's appointment than they are now? I cannot say with reference to Captain Scott or any particular person, but to the Magistrates generally they were far more respectful.
1819. Are you aware whether Mr. Dowling, for instance, ever remonstrated with or directed them to be more courteous—did you ever hear him? I did not.
1820. Do you happen to know whether they were more respectful to him? Yes, so far as I had opportunity of judging. I might observe that no Police Office practitioner would address to a Magistrate an argument which he knew to be false, if he knew that Magistrate was capable of detecting it, nor would he conduct himself in an unseemly manner if he felt aware that the Magistrate had the courage to reprove or punish him. I have seen the most degrading and disgusting scenes in the Police Office, on the part of the Bench and persons practising there, which could be put down without the slightest difficulty if the Bench had the moral courage to do it; I speak of the Bench as a whole.
1821. Do you consider that Captain Scott shows a want of decision of character in common with the rest of the Magistrates? Certainly his weakness in that respect is patent to everybody.
1822. The practitioners are not more respectful to Captain Scott than to the other Magistrates? Very little.
1823. There is a little difference then? There is a little, because they treat him as a gentleman.
1824. Do they not treat other Magistrates as gentlemen? Certainly not.
1825. I should infer that there are reasons why the legal practitioners consider that the body of the Magistrates generally are not gentlemen, while Captain Scott is; will you be kind enough to say whether that is your opinion? I hardly know how to reply to that. Police Office practitioners can act in a gentlemanly way if they please, and I have generally observed that towards gentlemen on the bench they behave in a gentlemanly and courteous manner; but when men sit as Magistrates, who it is generally conceived, ought not to have been on the bench, they treat them accordingly. Judging from my personal experience, I should regard it as ridiculous to address an argument on a point of law to a man grossly ignorant of the common principles of education, and who could not appreciate it, while on the part of an attorney who has got up to speak on the other side, every effort to mislead has been successful.
- 1826.

1826. Did you ever hear the legal practitioners insult Magistrates on the bench? It is the rule, not the exception. I wish you to understand that I speak of Police Office practitioners, whom I consider a separate part of the profession. F. J. Garrick,
Esq.
1827. Have you ever heard that one of the Police Office practitioners threatened personal violence to Captain Scott when on the bench? I have, and I believe he was suspended in consequence. 8 Aug., 1862.
1828. Did you hear it from persons on whose statement you could place any reliance? I have no doubt of its truth from results—that the particular party was suspended.
1829. Do you happen to know whether he was arrested by order of Captain Scott? I do not.
1830. Do you happen to know whether he suffered any legal punishment? I think not.
1831. Beyond suspension? Beyond suspension. I may take that as an illustration of what I have been saying. Any man of moral courage would have committed the fellow at once.
1832. Do you happen to know whether that practitioner is now and has been lately practising before Captain Scott? Yes, continually; and I believe they are better friends than ever; that is to say, I believe Captain Scott is afraid of him.
1833. Did you ever hear Captain Scott use disrespectful or ungentlemanly language on the bench? I never heard or saw him behave ungentlemanly. I have heard him what I thought unkind, harsh.
1834. *By Mr. Lucas:* To witnesses? No, to prisoners.
1835. *By Mr. Hoskins:* Do you happen to know whether there have been many appeals against the decisions of the Bench—applications for prohibitions? They are far more numerous of late years than they used to be; they have increased to a very great extent.
1836. Prohibitions to stay judgments given by Captain Scott? Not by any individual, but by the Magistracy generally.
1837. Will you be kind enough to state what are the deficiencies you alluded to in the arrangements of the Police Office with respect to the clerical staff? I believe the arrangements are defective for the conduct of public business, which necessitates persons going there for several days before they can obtain the hearing of a case which should be disposed of in the course of the morning.
1838. Can you ascribe any reasons for that? So far as I have been able to judge, it results from their mode of construction of what we would call the business paper. On a particular day I have been told by the chief clerk myself that the Inspector of Nuisances has a right to pre-eminence on the sheet, to the prejudice of everybody else, but in some cases he is not ready to go on, and they are adjourned and occupy a pre-eminent position again, to the prejudice of subsequent cases.
1839. Have you ever remonstrated, against such proceedings? Yes, I made a great noise about it a little time ago.
1840. Has it been remedied? No; the chief clerk, and I think a gentleman named Armstrong, stated that such was the rule of the office, and that was all the satisfaction I could get.
1841. To whom did you remonstrate on the subject? To the gentlemen on the bench.
1842. Did you ever remonstrate to Captain Scott? No, I thought Mr. Connell was in charge of the department.
1843. Do you not consider that the Police Magistrate has general charge of the whole department? Yes, abstractedly considered.
1844. Did you never remonstrate with him? No, I should consider it useless.
1845. Why? He takes things so easy that I do not think he would worry himself by going into the departmental arrangements.
1846. I should infer, then, that the department is in a state of disorganization? I would not go so far as that, because the department may be properly organized though the Police Magistrate may not interfere; he may have a man beneath him who is able to conduct it better than himself.
1847. If the arrangements are not such as you approve of, or the body of legal practitioners approve of, and you consider they ought to be remedied; if they are not remedied to whom do you think you ought to apply? So far as my own opinion is concerned, I should think some Member of the House should take it up and ask for an inquiry into it.
1848. Do you not consider it very unfair to the person in charge of the department to bring any public charge against him without first making him acquainted with the irregularities complained of? Certainly, if they come in the nature of a charge, but it did not strike me as at all necessary. I abstain entirely from making any personal charge.
1849. You say the arrangements for public business are not satisfactory? Certainly they are not.
1850. Do you not consider that if you are dissatisfied with the arrangements, you ought first of all to appeal to the head of the department to alter those arrangements? In my own case the reason why I should not do so would be, that the Police Office not being a place where I practice habitually, I would rather endure the evils for the time being than be at the trouble of making a formal complaint.
1851. This Committee is appointed to inquire into the general management of the Central Police Office; you, I suppose, are a voluntary witness here, and you have complained of disorganization — ? I am here at the request of one of the gentlemen of this Committee.
1852. At any rate you have come here, and you complain of the general disorganization of the department, and you have illustrated it by referring to some particular case with reference to the Inspector of Nuisances having precedence;—I think, then, I ought to ask you if the body of legal practitioners in the Court have made similar complaints? I have heard them complain of that particular thing on one occasion, but the persons who are in the habit of practising there seem

F. J. Garrick, Esq. seem to have an influence also over the business sheet; they move cases and get them postponed. I do not know whether it is from constant practice, or from constantly bullying and insulting the Bench, but they seem to do just as they like.

8 Aug., 1862. 1853. Have you ever protested against that interference with the duties of the Magistracy? I have asserted what I conceived to be the rights of my client, as one of the public, but I have not travelled out of my way to bring myself into collision with professional men.

1854. Have you ever protested to Captain Scott? Not that I recollect; I do not believe I ever did.

1855. Are there any other objections to the management of the clerical staff of the office—do you think the clerks are generally efficient? I have noticed, on one or two occasions when I have been down there, that with the exception of one or two gentlemen, they seem to be disposed to hand business from one to another—"Oh, you do this, I am engaged"—"It is not my department"—or something of that kind.

1856. Do you believe that business has been delayed in consequence of this handing from one to another? I cannot say business has been delayed, but persons applying to conduct business in the ordinary course have experienced delay.

1857. Have you ever remonstrated with the chief clerk about this delay? No, I have rather given a fee to expedite matters.

1858. Are you in the habit of giving fees? No, I do so when I wish anything done quickly.

1859. Do you know whether the clerks have been in the habit of receiving fees from practitioners? Not as a rule.

1860. You have given fees? Yes, when I have been a little late, and the clerks have been detained a little over the usual time; perhaps on a Saturday afternoon, when the office was about being closed, I have given a fee in order to stop their mouths from grumbling.*

1861. Will you be kind enough to give the names of those to whom you have given a fee? I would not like to give the names, because it may have been my fault.

1862. Do you absolutely decline to give the names? Yes, because I consider it was my fault; I never was asked for a fee.

1863. Is it the practice in other Courts to give fees to enable you to get what you require? It is very common.

1864. Can you say whether it is common at the Police Office? I believe not.

1865. Did you ever hear other legal practitioners say they were in the habit of giving fees? Not that I am aware of. I believe those who practise there get their business completed for another reason, that the clerks are frightened of them. I may mention that the practitioners seem to rule the whole department with a high hand; they blow up the clerks, bounce and bully the Magistrates, and so get what they want—that is my experience.

1866. Do you consider that the clerks in the Police Office perform their duties with the same despatch, as satisfactorily, and as attentively as clerks in the offices of lawyers or any other clerks in private employ? Certainly not.

1867. Will you have the kindness to state what you have seen different in the practice there? I cannot state in what particulars, but I do not think persons in a similar capacity in a private office would conduct business in the way they do there; they would be afraid; the eye of the principal would be upon them; it would not be tolerated. For instance, I have heard of a clerk announcing to Captain Scott that he was unwell and must go home, and I have heard of him going for a day or two's shooting or fishing, or something of that kind.

1868. Do you happen to know whether the clerks are frequently absent? I believe they are frequently absent, but not the whole day. I believe they go in and out on excuses which they make; but I am not able to speak to any great extent in that particular matter.

1869. To whom do they apply for permission to absent themselves? To Captain Scott. I think the Water Police Department works very satisfactorily compared with the George-street one.

1870. Do you know whether there is much less business brought before the Water Police Office? I have heard that there is no comparison in the amount of business.

1871. Do you know whether there is any large amount of arrears of cases postponed at the Central Police Office? I do not know it of my own knowledge.

1872. Do you consider that there are a sufficient number of policemen in the Court to preserve order? I think the number is ridiculous.

1873. Too many, or too few? Far too many. It has often struck me as extremely absurd that six or seven drunken men or women should require six or seven policemen to go into the box to make oath as to the circumstances under which they apprehended them.

1874. I want to know whether there are a sufficient number of police to preserve order? Amply sufficient.

1875. Do you happen to know whether Captain Scott or other Magistrates are in the habit of cancelling warrants they have issued for the apprehension of persons, those persons not having been brought before them? No, I am not aware that it is usual. I have heard of one or two instances of such proceedings; I think, in one instance, a warrant, and in the other, a withdrawal of a criminal charge.

1876. The persons not having been brought before the Magistrates? No. One case I know of my own knowledge, the other I have heard of.

1877.

* NOTE (on revision):—The answers upon this page do not convey my meaning exactly in reference to the payment of fees. What I intended to convey was, that I have frequently paid fees to clerks, in order to insure compliance with my wishes (as in the production of Police Office documents in other Courts), and I have paid a gratuity, as stated in reply to the question "You have given fees?" at the bottom of this page.—F. J. G.

1877. Can you say whether this was the practice previous to the appointment of Captain F. J. Garrick, Scott? I do not know.
1878. Did you ever hear of it? Never. I may mention that only one of the two cases I allude to was by Captain Scott. Esq.
8 Aug., 1862.
1879. Have you any objection to state the cases? Yes.
1880. You never heard of such cases as the cancellation of warrants, without the apprehension of the persons against whom the warrants issued, occurring in Mr. Dowling's time? Never.
1881. Do you consider the arrangements for the despatch of business at the Police Office generally satisfactory? I do not.
1882. Will you be kind enough to suggest a remedy? I think a competent head of the department would remedy the whole—it strikes me so; because on the one hand, he would look into the official arrangements, and on the other, stop, on the part of the Police Office practitioners, that course of conduct the combination of which tends to all that is complained of in connection with the Police Office. If a competent man were sitting on the bench, a case which now occupies two or three hours, in consequence of the Police Office practitioners addressing what they know to be false arguments to the Bench, might be disposed of in ten minutes, because such a man would put a stop to the waste of time now occupied in this way, which so often leads to the throwing over of a great quantity of business.
1883. Are there any other recommendations you could make, with reference to the clerical staff or buildings? The buildings are considered to be thoroughly unfit for the purpose, but I do not know that I am competent to suggest any remedy on that head.
1884. *By Mr. Cowper*: What do you mean by a properly qualified Police Magistrate? A legal gentleman.
1885. You think if the Police Magistrate were a lawyer that would answer every purpose? He must be a competent lawyer.
1886. What do you think would be a fair salary for such an officer? I have stated that I do not think you could get a competent man under £1,000 a year.
1887. In these cases to which you allude, where in one instance a warrant was cancelled, and in the other a criminal charge allowed to be withdrawn, do you consider the proceeding improper? Highly improper; it is an offence in itself to compound a felony.
1888. *By Mr. Hoskins*: In the eye of the law? And in the eye of fact too, if the party were tried for it. It is generally considered that certain practitioners can, what is termed, manage anything.
1889. *By Mr. Cowper*: A great deal of the irregularity is owing to the improper conduct of the attorneys? I think so—in fact, I am sure it; if there was any person on the bench that would put it down the business would go on very fairly.
1890. You spoke of the Police Magistrate interfering to prevent false argument and long addresses;—do you not think that if the Police Magistrate were too arbitrary it would be matter of complaint? I think a complaint must be just before it is entitled to any weight.
1891. Is not the same complaint made against the Judges of the Supreme Court, that they permit the time of the Court to be needlessly wasted in long arguments? The public may call it needlessly, because perhaps they do not appreciate the importance of a full discussion of some matters that occupy the attention of the Supreme Court; but at all events, it is not carried to the same extent there, nor are the arguments of counsel so glaringly false as those which are made use of constantly and with success at the Police Office.
1892. *By Mr. Forster*: This practice of receiving fees, as to which you have declined to give the names —? I did not state it was a practice.
1893. It has happened to you? Yes.
1894. You are not aware whether it has happened to other persons? No.
1895. Do you know whether it has ever occurred with regard to either the Magistrates or the police officers of the Court? I have heard reports, but of course I have no knowledge of their truth, as to practitioners working with the sergeants of police in obtaining admission to the watch-house to get business, and all that kind of thing. I have no doubt of its truth, from what I have observed, but I cannot say I know it of my own personal knowledge.
1896. *By Mr. Hoskins*: Is it a commonly received opinion among professional men, that to get business despatched quickly it is necessary to give a fee? No.
1897. *By Mr. Cowper*: There have been some changes during the last year or two;—have you any objection to say whether the persons are now in the employ of the Government who received the fees from you? Yes, I object to state that.
1898. *By Mr. Lucas*: With reference to the increase of prohibition cases latterly—is it not more simple to obtain prohibitions now, under Sir John Jervis' Act, than it was some years ago? Yes.
1899. Before the passing of that Act it was very difficult—persons had to appeal to the Quarter Sessions? Yes; at least it was much more difficult than it is now. But there was always a Common Law right of prohibition, and there is that now.
1900. Does it not facilitate business to give the civic authorities precedence on one day of the week? No, I have not found it so. It tends rather to confusion, because the number of cases the civic authorities bring on prevents their being ready in the whole of them; and then if they are defended, as perhaps happens in every third case, the Inspector of Nuisances arranges for their going over, and that confuses the whole thing.
1901. I am speaking of it under the idea that they would be properly managed;—would it not facilitate business then, if the civic authorities had one day in the week set apart? Undoubtedly, if the public knew it, but they do not know it.
1902. You do not often appear as an advocate at the Police Office? Not very often.
1903. Do you know of your own knowledge that some practitioners there place on, remove,

F. J. Garrick, Esq., and sometimes postpone cases of their own on the summons sheet, without consulting any person? They appear to me to do it, from my own observation.

1904. Have you known a Police Office practitioner go up to the summons sheet and place a case on the sheet? No, I have not.

1905. Speaking of the necessity of police going into the box to prosecute cases of drunkenness;—it is necessary for the policeman who apprehends a man to go into the witness box to depose to the circumstances? I do not say it is not so; but it has often struck me as ridiculous to see six or seven stalwart policemen, each in charge of some decrepit old woman, going into the box and making a long statement.

1906. Nevertheless, it is necessary that some person should go into the box? I suppose, as a fact, it is so.

1907. *By the Chairman*: It has been stated to this Committee that the establishment is in perfect working; do you consider it so? Certainly not.

1908. Do you think it regular or proper for a Magistrate to order the cancellation of a warrant previously issued by himself, after it has been placed in the hands of the police for execution? No.

1909. I wish to correct you when you stated that the Inspector of Nuisances has a large number of cases; you mean Mr. Stubbs? Yes.

1910. He generally has a very large number? Yes.

1911. Do you know the average number? No, I am not aware. I think I have seen as many as fifteen on the sheet.

1912. Have you ever heard attorneys at the Police Office misstate both law and evidence to the Bench? Their conduct is the rule in that particular.

1913. Has that been done, in your opinion, through ignorance? Wilfully. I do not think at all about it; I am sure of it. With them, the more guilty the party the more glory in getting him off.

1914. Speaking of the class of persons who usually preside at the Police Office, have you not known many cases of considerable importance, involving complicated questions of law and fact, frequently decided by the class of persons you have spoken of? Frequently.

1915. With reference to the establishment generally, do you consider the present staff, if properly managed, sufficient to carry on the business? Too many, I should think; in fact, I am certain of it.

1916. Have you been acquainted with any of the clerks there for some time past? I know them; I am not intimately acquainted with them.

1917. Do you know the deposition clerks? I think I do.

1918. Mr. Smithers? Yes.

1919. Is he not considered a good deposition clerk? First class. He and Mr. Crane, now in the Water Police Department.

1920. Were the two best, I imagine? I think so.

1921. Have you heard complaints, from time to time, of suitors and witnesses being delayed at the office? No; I have spoken of my own knowledge in that respect.

1922. Their being delayed at the Court? I have said so—that a case which might be disposed of in ten minutes has kept me dancing attendance for three or four days.

1923. Do you consider that these irregularities arise from the want of a competent person at the head of the establishment? Yes, a person who could put a stop to the waste of time that occurs by needlessly long examinations and speeches. For instance, if a Magistrate admits as evidence what fills six or seven sheets by way of deposition, not one word of which should have gone down, it must necessarily lead to waste of time. Then some of the Magistrates, knowing their own incompetency, are often afraid to decide in a difficult case. I think there have been one or two cases of prohibition lately in which the Magistrates have been personally let in for costs. They are always safe in dismissing a case, but they may do harm if they give an erroneous decision. It seems to me that they are so frightened now that they often dismiss a case for no other reason. Whenever they have the slightest doubt they are afraid to adjudicate. I have heard as much stated from the bench.

1924. *By Mr. Forster*: Is there no remedy for that? I know of none but the appointment of a competent man who would not be afraid to decide. You cannot go by *mandamus*, because they have heard and dismissed. If a gentleman hearing such a case could go into the adjoining room and ask a Police Magistrate, competent to give an opinion, whether the argument addressed to him was right or not, of course he would act, if he had confidence and the public had confidence in the Police Magistrate.

1925. *By the Chairman*: I think you stated that you had frequently noticed a large number of policemen in Court? Yes, it takes three of them to call a witness; the inspector in charge of the summons sheet calls out the name, some one standing by calls it out again to some one at the door, and he goes outside and calls it.

1926. Have you noticed any want of order in the Court generally on the part of the public? No, that has never struck me.

1927. Have you ever heard complaints made by suitors and others, of Magistrates attending to take particular cases? No doubt they do; I have not the slightest doubt of it.

1928. You have heard such complaints made? Yes, I have no doubt the Bench is repeatedly packed.

1929. *By Mr. Hoskins*: Which do you consider the most important part of the Police Magistrate's duties? His judicial position.

1930. Sitting on the bench adjudicating? Yes.

1931. Can you say of your own knowledge whether Captain Scott spends more of his time in his room or on the bench? So far as my experience goes, he is seldom or ever on the bench.

1932. I think you said before, that he was not in the habit of sitting so many hours on the bench as Mr. Dowling? No, not so far as my experience goes. There seems to me to be a disposition on the part of Captain Scott to shrink from cases that worry.
1933. Do you think it would be more satisfactory to the public and to legal practitioners if the Police Magistrate were sitting on the bench adjudicating? Yes, I am certain of it. He ought to be always there, either for reference or acting personally. Everything in the Police Office is introductory to the exercise of his judicial character, and the most important part is a correct decision.
1934. I gather from what you say, that it would be more satisfactory if a Police Magistrate, who had a knowledge of the law, were dispensing justice and sitting in the Court the whole day? I do not say merely a lawyer, but a good lawyer.
1935. *By Mr. Cowper*: A bad lawyer would be worse than none? Yes.
1936. You are aware that very great complaints are made by the public because there is no person sufficiently accessible to enable them to get their summonses and warrants signed? I never heard that; any Magistrate can do that.
1937. Are you not aware that the unpaid Magistrates generally decline to do it, and that in consequence, Captain Scott has undertaken the chamber duty? I was not aware of it. I have experienced no difficulty in going to private Magistrates, at their counting-houses, and getting them to do what I wanted. Of course they have asked me to be sure it was quite right. If I went to an entire stranger he would probably tell me to go down to the Police Office.
1938. *By the Chairman*: In your opinion, the Police Magistrate should not be called upon to discharge other duties than those immediately connected with the office? What do you mean by other duties?
1939. Such as visiting at Cockatoo? I think he ought not to be out of the Police Office.
1940. *By Mr. Hoskins*: His duties primarily should be on the bench? I think so.

F. J. Garrick,
Esq.

8 Aug., 1862.

Mr. Edward Reeve called in and examined:—

1941. *By the Chairman*: You were formerly a clerk in the Central Police Office? Yes.
1942. In whose time? I joined the Central Police Office on the 11th January, 1854, and I left it on the 18th July, 1858, having been there four years and a half.
1943. I believe you are at present employed in the office of the *Sydney Morning Herald*? Yes.
1944. Have you, since leaving the Police Office, had any opportunity of observing the manner in which business is conducted there? Yes, some opportunities.
1945. Do you consider the establishment in perfect working order? Not quite; it could be improved.
1946. Who was Police Magistrate during the time you were employed in the Police Office? Mr. Dowling was the first, then Mr. Forbes; I left during Mr. Forbes' term of office.
1947. Can you state about how many hours per diem Mr. Dowling usually sat on the bench? He was frequently on the bench all day; he used to come off for his lunch.
1948. And adjourn the Court for half an hour or an hour? Yes, the Court he was sitting in, if he was sitting alone.
1949. During that adjournment did he usually take chamber business? Yes, he had chamber business then immediately; the moment he came off the bench people used to rush in upon him. That was always the difficulty in the Police Office, to get the chamber business done. That has been the cause, as I think and always thought, of the mismanagement of the office which has frequently happened. There was no authority to do the chamber business when the Police Magistrate was on the bench. We used to have assistance from the unpaid Magistrates, but although the unpaid Magistrates were very useful when they sat on the bench, they frequently caused great inconvenience when they acted in chamber business. This was because their attendance to it was so desultory. An unpaid Magistrate would perhaps commence a case, and there would be great difficulty to get him present at later stages in the proceedings.
1950. Then it was considered absolutely necessary, at that time, that the Police Magistrate should devote his attention to the Court duties, was it not? Yes, to both duties.
1951. Were the complaints of frequent occurrence as to the delay to suitors and others, by reason of the chamber business not being attended to? The cases could not be initiated unless there was due authority got for it; the clerks could not take any responsibility.
1952. Did not Mr. Dowling usually manage to get through the chamber business as well as the ordinary business of the Court? He did the best he could.
1953. Did he not manage to get through it? Yes, he managed to get through the business some way or other, of course.
1954. Have you any correct knowledge of the working of the Police Office establishment during the last two years? No, I have not been there except occasionally.
1955. Can you give the Committee any information as to the management of the office during the last two years or twelve months? In what way?
1956. As to the general working of the establishment—as to the mode in which the business of the office is conducted generally, or the decisions of the Court? I know nothing about the decisions of the Court; I do not take any interest in them.
1957. *By Mr. Lucas*: Do you not think it would be a great improvement if one or two unpaid Magistrates were summoned daily to do the chamber duties? It would be an improvement, but it would not work so well as the appointment of a second Police Magistrate.

Mr. E. Reeve.

8 Aug., 1862.

- Mr. E. Reeve. 1958. In reality, it would not take above two hours a day to do the chamber duties? It would take all day.
- 8 Aug., 1862. 1959. Why? Because people come in to make complaints at all hours—from nine in the morning to four in the afternoon.
1960. Would it not be more convenient for persons making complaints to attend at certain hours of the day? I do not think that could be done. I was summons clerk for a long time, and, according to my experience, when parties come in smarting under an injury, if they cannot get to a Magistrate at once, they immediately think the clerk is putting them off; and then, if the summons clerk went to the Police Magistrate on the bench, and tried to get an authority from him there, the case would be interrupted and the clerk would be snubbed by the Police Magistrate, as I have been frequently myself for so doing.
1961. You think it would be an improvement to summons unpaid Magistrates to do the chamber business daily? Yes.
1962. And then the Police Magistrate could be constantly on the bench? I think it might be an improvement, but it would be rather doubtful, for this reason—that it would give the police clerks too many masters; every unpaid Magistrate would be the temporary master of the department, and that would interfere with its efficiency.
1963. The chamber duties chiefly are merely to hear complaints and order summonses or warrants, as may be required? Yes.
1964. What interference is there with the clerks? I recollect a case which I think will show you the nature of the interference to which I allude:—Under the Deserted Wives and Children's Act, it was the practice of Mr. Dowling to issue warrants in the first instance, and it was always done. But there was some action taken in the matter—I forget whether by the intervention of the Supreme Court or otherwise, but however, it was found out to be illegal. We then had orders to issue no warrants in the first instance under that Act, but only warrants for disobedience of summonses. Subsequently to that, several unpaid Magistrates wanted to issue warrants in the first instance where the cases were very hard, but of course the clerks, having had directions from the Police Magistrate, made a difficulty about doing it, and they would have got into a scrape if they had done it. In that case, you see, the unpaid Magistrates and the Police Magistrate were at issue, one ordering one thing and the other another.
1965. Generally speaking, all the Magistrate does in chambers is merely to write on a slip of paper—"information for wages," or assault, or so forth, and put his initials to the paper, and send it to the information clerk? Sometimes the unpaid Magistrates would order summonses under an Act which would not be correct.
1966. Many of the paid Magistrates do that? At the time when I was a clerk in the Police Office, both the Police Magistrates were professional men—Mr. Dowling and Mr. Forbes.
1967. *By Mr. Cowper*: Mr. Forbes was not a professional man then? I understood he was a barrister.
1968. *By the Chairman*: He was then studying for the Bar? He was acquainted with the law.
1969. *By Mr. Hoskins*: Do you consider it desirable that the Police Magistrate should be a person conversant with the law? I do. I think it is almost a matter of necessity; not that I intend to cast the slightest imputation upon the gentleman who holds the office at present.
1970. Which do you consider the most important duties the Police Magistrate has to perform—the chamber business, issuing summonses, or granting warrants, or dispensing justice on the bench? I think it very difficult to say. The duties are all very important. The Police Magistrate, as the head of the department, must manage his department and see that all goes on right, just as any other head of a department. If he merely sat on the bench things would soon get into a state of glorious confusion.
1971. You consider the Police Magistrate responsible for the efficiency of the department? Certainly.
1972. I think I understood you to say, Mr. Dowling used to sit on the bench nearly the whole day? He was frequently there the whole day.
1973. And at the same time he used to attend to the chamber business? Yes, people used to rush into his room the first thing in the morning before the Court opened, and they used to watch for him as he came across. If he left the bench for a moment or two, for a natural occasion, he used to have two or three old women running after him, and his temper used to suffer in consequence.
1974. Was there much clerical business which the Police Magistrate has to perform, in arrears when Mr. Dowling was Police Magistrate? I do not think any of the Police Magistrate's business was in arrears.
1975. Granting summonses, issuing warrants, signing informations, and so on? No, it could not be; I do not see how business of that kind could get into arrears; it would have to be attended to one way or the other. People might complain of delay, but of course if the complaint was not made or sworn this day it would be the next. It was the business of the clerks to see that when parties came there they were attended to, and of course, if a person came for an information one day and they could not get it sworn, or whatever had to be done in the matter, they took good care to see that the matter was attended to by the Police Magistrate as early as possible the next day; or they got it sworn before any unpaid Magistrate they could get hold of.
1976. Then, in point of fact, there was no inconvenience from Mr. Dowling sitting on the bench the whole day? I think there was every inconvenience.
1977. Inconvenience to the public? There was inconvenience to the public.
1978. For what reason? The unpaid Magistrates were not always there—only occasionally; sometimes

sometimes a great many and sometimes none at all. That was particularly the case during Mr. Dowling's magistrature. When Mr. Forbes was Magistrate, the unpaid Magistrates used to be more constant in their attendance. Mr. E. Reeve.
8 Aug., 1862.

1979. That being so, were there any great delays in the issuing of summonses, hearing informations, and granting warrants? You see the work at the Police Office is very irregular. Sometimes there are a great number of persons present to make complaints for two or three days, then almost none at all; at such times we might have plenty of Magistrates there in the one case, and we might have none in the other. In my time the business was exceedingly irregular, and it was impossible to regulate it, from the difficulty of having a Magistrate that one could have access to.

1980. You think the appointment of a second Police Magistrate, who should be accessible at all times for hearing informations, would be an improvement? I think it would be a great improvement; I have always thought so; of course he would have to be a competent person. I do not say that a paid Magistrate should be appointed entirely to do chamber business, but that there should be one of two always ready to do chamber business, and the other to go on the bench.

1981. You think it an advantage to have paid Magistrates? Certainly; not that the assistance of the unpaid Magistrates is not very important and valuable too, but I do not think they are to be depended upon to keep the department regularly going.

1982. Will you state generally your reasons for preferring to have stipendiary Magistrates doing duty at the Police Office? Simply because there would be always somebody there that the clerks could always have a claim upon, to attend to whatever business came in. It might be that a bail-bond was required to be executed immediately, and if the Police Magistrate was not in the office—he might have gone down to the Colonial Secretary's Office perhaps—then the only way would be, as I have frequently done, to go and watch for an unpaid Magistrate. I think I have stopped Mr. Lucas frequently to take bail-bonds and recognizances. The clerks used to get hold of Mr. Egan so often that at last he did not altogether like it. A good-natured unpaid Magistrate was in fact rather liable to be imposed upon.

1983. Do any other reasons suggest themselves to you for having paid Magistrates? No, I do not think I have any other reasons. I think if there were two paid Magistrates, the Government could then be secure that they would have a technical knowledge of the law, which is especially requisite, it strikes me, in initiating cases. Another reason is, that they would be responsible to the Government immediately; and there would always be a provision for chamber business and Court business going on at once.

1984. Do you consider that that arrangement could be carried out by making the Clerk of Petty Sessions a Magistrate, for the purpose of signing summonses and granting warrants? If he was competent to the office it might.

1985. Did you ever hear at any time, that clerks at the Police Office were in the habit of receiving fees from persons who had business there, or from legal practitioners, for the purpose of expediting business or getting their cases put prominently on the list? I have heard insinuations made, but I do not know anything about it.

1986. You know nothing of it of your own knowledge? No. There was a regular rule for setting down cases, and if any case had been put on the list in an exceptional way, Mr. Dowling would have detected it immediately.

1987. You think there is no foundation for these insinuations as to the clerks being in the habit of receiving fees? I did not make any such insinuations; I said I knew nothing about it.

1988. You said you had heard it insinuated that the clerks were in the habit of receiving fees? I did not say I had heard insinuations that they were in the habit of doing it now; I spoke of the time when I left; I cannot speak of the actual working of the office now. It is very easy to throw out these insinuations, and very difficult to answer them.

1989. *By Mr. Cowper:* You say the want of having somebody to perform chamber duty at the Police Office was always felt? Always.

1990. And you consider that that is a very important part of the Police Magistrate's duty, if not the most important? I think it is. If the Police Magistrate was always in the chamber he would always be able to manage his department.

1991. You consider that there is ample work for two Police Magistrates? I do. They might be occasionally idle when complaints came in slowly, but to keep the department working in thorough efficiency, my impression is that there must be two Police Magistrates, thoroughly competent men, not only to do the work but to see that the clerks do not make mistakes, and occasionally to see that the unpaid Magistrates also do not make mistakes.

1992. Did you consider Mr. Dowling overworked—that he had more to do than he could do with regard to his health? I think he was overworked.

1993. Was it not a complaint that his health broke down? It was generally said so. Mr. Forbes had the same amount of work to do, but he managed to get more assistance from the unpaid Magistrates.

1994. *By the Chairman:* Do you think two Police Magistrates would be necessary at the Central Police Office if a division of the city were made, allotting a larger space to the Water Police Office; for instance, by dividing the city and giving them jurisdiction as far as King-street? It would depend upon the area assigned, but still as that has been the Central Police Office so long, you would find that a great number of persons would continue to come to the Central Police Office. When I was there, after some division was made, we used to have a great deal of work belonging to the Water Police division; they would come to the Central Police Office, and when the case was initiated we had to send them back to the other Court.

1995.

- Mr. E. Reeve. 1995. Could not that be remedied by the clerk or person taking the information, by referring them at once to the other Court? It was frequently; but an idea that has taken possession of the people is that the Water Police Office is for sailors' cases only.
- 8 Aug., 1862. 1996. Have you heard of any proposition to divide the city? Yes, I have.
1997. Do you think that in the event of such a division being made, two Police Magistrates would be necessary for the George-street Office? I cannot say; it depends altogether upon the nature of the division.
1998. I believe whilst in the Police Office you had some experience in preparing informations and summonses? Yes.
1999. Will you just look at these four summonses (*handed in by Mr. Connell*), and say whether you consider them fair specimens of the summonses usually issued at the office—daily issued at the office whilst you were there? No; I think they are a great deal neater than the summonses I used to send out.
2000. It is not the neatness I speak of, but did you ever see any containing so great a quantity of matter as these do, whilst you were there? I have seen it in some special cases.
2001. But are these samples a fair sample in point of bulk? Certainly not.
2002. *By Mr. Forster*: Have you looked at the grammatical construction of them? No, I have not.

ADDENDUM.

NOTE.—With reference to the foregoing evidence given by me—in answer to questions 9, 12, 13, 26, 33, and others—relative to the performance of chamber duties at the Central Police Office, and the necessity for having some Stipendiary Magistrate always at hand to attend to those duties, I have omitted to state the significant fact, that during a considerable portion of Mr. Dowling's magistrature (and immediately subsequent to my own appointment) a very large proportion of the chamber business was voluntarily transacted by Captain M'Lerie, in addition to his own particular duties as Superintendent of Police. So that during the whole time that Captain M'Lerie's official duties were transacted by him at that office, there was, practically, a *second well-experienced Police Magistrate at the Central Police Office*, to whom the clerks could have recourse if Mr. Dowling happened to be specially engaged.

The assistance thus afforded—as long as it lasted—of course enabled Mr. Dowling to devote a large proportion of his time to a very efficient performance of bench duties, without creating any great inconvenience in the office. The assistance thus afforded was rendered by one who did not interfere with the executive management of the office, properly so called. Mr. Dowling was assisted in the chamber business by Captain M'Lerie, but he always remained the sole head of the department, in regard to the management of his clerks, the arrangement of their respective duties, and all internal regulations of the business of his office. When Captain M'Lerie left, it was of course a very different matter. The difficulty I have spoken of then began to be very sensibly felt, and the clerks managed with Mr. Dowling and the unpaid Magistrates in the best manner they could.

EDWARD REEVE.

Sydney, 14 August, 1862.

TUESDAY, 12 AUGUST, 1862.

Present:—

MR. COWPER, | MR. DICKSON,
MR. HOSKINS.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Alexander Dawson, Esq., called in and examined:—

- A. Dawson, Esq. 2003. *By the Chairman*: Your name is? Alexander Dawson.
- 12 Aug., 1862. 2004. You are the Colonial Architect? I am.
2005. Do you produce any plan of the Central Police Office building? I do. It is the only public building in the city of which I had not a record; but I have prepared a plan of that building. The proposal is to make it more useful until the new buildings are erected, and for that purpose several improvements were in the meantime found necessary.
2006. *By Mr. Cowper*: Do you propose to build upon the space inside the wall dividing the building from Market Lane? Yes; it will give additional accommodation.
2007. You provide other accommodation for the Court-keeper, removing him from the main body of the building, and giving him quarters in the north-west corner of the yard? Yes.
2008. That makes two other rooms available for offices in the main building? Yes.
2009. And it is intended to put clerks into these offices? I believe so; the alterations were made for that purpose.
2010. The space is available for them? Yes.
2011. What else are you doing? Making the roof water-tight.
2012. And making general repairs? Yes; a sum of £1,000 was voted for that purpose last Session.
2013. You have been in conference with the Mayor and City Surveyor, on the subject of negotiations between the Government Departments and the City Corporation, in reference to carrying out arrangements for the new buildings? Yes.
2014. Have you and Mr. Bell agreed upon a plan? Not exactly. I have some objections to Mr. Bell's plan.
2015. Has Mr. Bell consented to adopt your plan? I do not know. I suggested that he should make some alterations on his plan.

2016.

2016. You have not seen the plan of Mr. Bell carrying out the modifications you suggested? No; I am not aware that any alterations have been made on that plan. A. Dawson, Esq.
2017. The present buildings are exceedingly ill suited for their purpose? I believe so, though I have not been many times in the buildings. 12 Aug., 1862.
2018. And they are not of sufficient value to make it desirable to retain them? No.
2019. And no alterations or repairs would make them so? No; the building is unworthy of extensive alterations.
2020. *By the Chairman*: And even if they would, it would involve the expenditure of a very large sum of money? A large sum of money would require to be expended on the building, which is not worth it.
2021. *By Mr. Cowper*: Do you think it would be a desirable way of providing for the Police Department of the city, as well as the Municipal Corporation, provided the plan were modified as you suggest? I should suggest that the Police Department occupy one end of the building and the Town Hall the other.
2022. And instead of their going through from George-street to York-street, you propose that they should run north and south? I would have the Police Department at the Druiitt-street end, and the Town Hall at the north end. I also think the plan might be altered so as to include the open area in the centre, shown on Mr. Bell's plan, which is about twenty feet wide. That, the most valuable part of the ground, could be made available for greater convenience and accommodation.
2023. You think you could put buildings upon the area you speak of, and still leave the office equally commodious and convenient? Yes; I think more so, if you, as I have just said, include the space. I think the most valuable part of the site is taken up by this area.
2024. *By the Chairman*: You propose to build over it? The plan would be entirely recast. Yes, I would occupy the space, to afford more accommodation and convenience.
2025. How would you light the interior? By clere story windows.
2026. In the dome above? There are several modes of lighting.
2027. Do you not think that would be a great waste of public money—for what use would these rooms be adapted? No doubt the plan would require to be remodelled.
2028. Very considerably, would it not? Not considerable, but it would very considerably improve an objectionable design.
2029. *By Mr. Cowper*: You have only conferred with Mr. Bell and some of the city authorities upon this matter? That is all. The Mayor, the Police Magistrate, Capt. M'Lerie, and Mr. Bell, were there.
2030. *By the Chairman*: Have you only had one conference? Only one.
2031. *By Mr. Cowper*: When will the repairs in the present building be done? Very soon. The roof was the principal thing; the gutters were bad, and I have built two rooms for the Court-keeper, and made two additional offices, that was all that Captain Scott and the buildings required.

E. Bell, Esq., called in and examined:—

2032. *By the Chairman*: Your name is Edward Bell? Yes. E. Bell, Esq.
2033. You are the City Engineer? Yes, and Surveyor. 12 Aug., 1862.
2034. Do you produce from your office, Mr. Bell, the proposed plan of the new Town Hall and Police Offices? I do.
2035. *By Mr. Cowper*: Is that the plan originally submitted to the Government, and which received their partial assent, or the one adopting some of the suggestions made by Mr. Dawson? It is the same plan, but not exactly as it was submitted to the Government. It embodies Captain Scott's and Captain M'Lerie's suggestions, with regard to the Police Office and Watch House—Captain Scott's with regard to the Police Offices, and Captain M'Lerie's as regards the Watch House.
2036. But Mr. Dawson states that he took a preliminary objection to the whole arrangement, suggesting that the Police Office building should be erected upon a square block facing Druiitt-street, leaving a sufficient portion of the site to be taken up by the Corporation Offices facing the Market buildings? He made that suggestion at the meeting, but did not press it.
2037. It was not seriously considered? I had that impression. He proposed that the space between the buildings should be built over; and I pointed out that the covering of the area was objectionable in one sense—that it would deprive the Police Office and Town Hall buildings of light. In addition to which, I urged that the covering of this space instead of leaving it open, would cause a material increase in the expense, whilst we had sufficient space without it. The accommodation was considered sufficient by Captain M'Lerie and Captain Scott, except in one respect, namely, a stable for two horses. When I suggested to Captain Scott that it was not advisable to have a stable in the middle of the buildings, on account of the offensive smell that would arise therefrom, he did not press it. He thought it would have been useful for the custody of stolen horses or cattle, pending adjudication.
2038. It was not with the view of providing stable accommodation for horses used by the officers of the department? I understood that it was necessary to have stables for stolen horses or cattle. I also heard that stalls were required by the officers of the department for the accommodation of their horses, but I could not undertake to say I heard it at that meeting.
2039. You consider it is not necessary for the sake of obtaining space on which Police Office buildings of sufficient dimensions may be erected, that Mr. Dawson's suggestion should be considered—you think you have space enough? Yes, leaving that central space open.

E. Bell, Esq. 2040. You have then space enough to provide accommodation for the necessities of both departments? Everything.

12 Aug., 1862. 2041. You consider it objectionable that the whole block should be built upon? Yes, as obstructing the light and ventilation. When the plan was laid before the Government, Mr. Cowper urged the necessity of the Police Office building being kept entirely separate from those on the Corporation ground. In the plan submitted to the Government in the first instance, the strong solitary cells were under the Town Hall, but by decreasing the width of the middle area, I put the cells and waterclosets in the main building of the Police Office, of which this a plan.

2042. You have adapted your plan to the suggestions of myself? Yes. Then in order to meet Captain Scott's view of having nine rooms in addition to the Police Courts and Magistrates' room for the Police Office, I have made the two Police Offices the same size as now, and four rooms, 25 feet by 17, on the same floor as the Police Office, for Captain Scott, the Clerk, and the Magistrates. Then on the story above are five rooms. The Police Office may be higher than the clerk's room. Captain M'Lerie wished that in the plan I could make an alteration of the arrangements, so as to get a separate watch-house for the women and another for the men, and that the walls of the cells should be detached, so as to prevent communication. By a little alteration of the arrangement, I have obtained three cells at the Druitt-street end of the Police Office for women—one is 14 feet 6 inches by 12 feet 6 inches, and the others 18 feet by 12 feet. They are so arranged that women must pass the searching room and sergeants' room before going into the Police Office. In addition to the eight solitary cells, there are two waterclosets in that end. There is also a separate entrance for the Magistrates at the northern end of the Police Office. Every part will be totally distinct from the Town Hall.

2043. You still adhere to this plan, as preferable to that of Mr. Dawson? I think so, in every respect; and think that when Mr. Dawson goes into it, he will find the funds will run short in covering this immense area. We have sufficient space for all the accommodation required for the Police Office and Town Hall without this covering.

2044. *By Mr. Dickson*: What do you mean by the funds running short? Well, I calculate that the work may be done for £25,000; to cover the whole would cost £40,000.

2045. *By Mr. Cowper*: And you consider it a needless increase of the expenditure? Yes. You will find full accommodation when the building is finished, without covering the whole site.

FRIDAY, 15 AUGUST, 1862.

Present:—

| | | |
|-----------------|--|--------------|
| MR. COWPER, | \| | MR. HOSKINS, |
| MR. W. FORSTER, | \| | MR. LUCAS, |
| MR. WILSON. | | |

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Mr. William Conway Armstrong called in and examined:—

Mr. W. C. Armstrong. 2046. *By the Chairman*: You are a clerk in the Central Police Office? I am.

2047. How long have you been employed in that office? Over four years; I am now in my fifth year.

15 Aug., 1862. 2048. I believe you attend to the summons department? I do—that is part of my duty.

2049. I suppose you attend to the issue of all summonses out of that office? All summonses in that office go through my hands.

2050. Will you look at those four summonses (*handing witness the copies of summonses appended to Henry Connell, junior's, evidence*)? Yes, I know them.

2051. Those have been filled up by yourself? Yes, but shall I explain —

2052. You may explain afterwards. Do you consider those fair samples of the summonses issued from your office? Not generally.

2053. As regards their length or form? They are, occasionally.

2054. Will you look at the whole of them, and say about how often you make out such summonses? Perhaps once a month.

2055. The whole of them? Yes, I may say the whole of them; this, however (C 3), embezzlement, oftener.

2056. Can you state how often that summons is used (C 4)? I really could not say how often; the last case we had of this kind was about four months ago—keeping a bawdy house.

2057. I suppose, upon a fair average, you would not issue a summons of that sort above twice a year? Yes;* I think, to my own knowledge, six or eight times.

2058. Could you give the places? Not without reference to my books.

2059. Have you had six within the last year? †I think so; still I could not give the places without reference to my books.

2060. Will you state how these summonses were prepared? It was, I think, on the second day that Mr. Connell was examined, and he sent for me, and said, "Mr. Armstrong, will you prepare

* Revised:—Twice or thrice a year.

† Revised:—No.

"prepare a few of our longest summonses, as the Committee wish to make it appear that there are nothing but short summonses; and I wish you to prepare some of the longest, in order that I may take and show them." He said, "Can you do them at once?" I said I could not, but that I would take them home, and get up at five o'clock the next morning to do them; accordingly, I prepared thirteen, and took them the next morning to Mr. Connell, who selected these four after looking over them: that is all I know of the transaction.

Mr. W. C.
Armstrong.

15 Aug., 1862.

2061. Were these the four longest? I think they were a fair average of those I copied; I have the others to produce, but not here.

2062. *By Mr. Cowper*: Is the work you have to perform at the office heavy? As much as ever I can do; I am frequently obliged to take home work.

2063. *By Mr. Lucas*: Can you tell us what are the duties of Mr. Connell? That would be a rather difficult matter to answer; I presume his duties are those of a Clerk of Petty Sessions, by Act of Council.

2064. Do not the city authorities prepare their own informations and summonses? Will you explain what you mean by "the city authorities"?—There are three. Mr. Stubbs prepares his own informations and summonses; Mr. Seymour the same; and, until within the last two years, Mr. Mitchelson, who has to prosecute breaches of the law by millers and bakers, did the same.

2065. Mr. Mitchelson is not an officer of the city authorities? I was not aware of that.

2066. I am speaking of Mr. Stubbs? He prepares his own informations and summonses, and they are generally signed by the Mayor, Mr. Oatley.

2067. *By Mr. Hoskins*: What are the duties of a Clerk of Petty Sessions? They are so very many that it would be utterly impossible to answer in a moment.

2068. Can you tell me the duties that Mr. Connell performs? My answer would be the duties of a Clerk of Petty Sessions—the duties defined by Act of Council.

2069. Do you think the staff of the General Police Office is sufficient? Since the death of Mr. Martin we have been a good deal pushed.

2070. In consequence of the scarcity of hands—the insufficient number of clerks? Yes.

2071. *By Mr. Wilson*: Are you generally able to perform your duties during office hours? Sometimes; sometimes I am not. I wish to submit a statement of my duties, to be appended to my evidence. (*The witness handed in the same. Vide Appendix.*) I wish also to submit four or five summonses that were prepared yesterday, to show the general character of the business done.

2072. *By Mr. Cowper*: Is that an average day's work? No, only part of the day's work, because the town summonses are in the hands of the town officers to be served; these are country summonses, and will have to be sent away to-day.

2073. *By the Chairman*: Those are original documents? Yes.

2074. *By Mr. Hoskins*: Are you often in the Police Court? Only in Captain Scott's absence, when I take a summons to an unpaid Magistrate to be signed. I confine myself closely to my office.

2075. Is Captain Scott frequently absent? Only when he goes to Cockatoo Island or to the Classification Board.

2076. How often does that occur, on the average? Twice a week.

2077. How many hours a day is he absent, or is he absent the whole day? He generally goes about ten, after having initiated the business, and he is frequently back at one; sometimes it is two or three; it depends upon the business he has to do.

2078. *By Mr. Cowper*: He does not go to the Classification Board weekly? I fancy so. I am told when he is absent that he is at Cockatoo or at the Classification Board.

2079. He goes to Cockatoo every Wednesday? Every Wednesday, and sometimes Thursday. I have known him to go there three times a week, when there has been any row.

2080. On all other days he is there during office hours? Yes, constantly; he is generally the first there, at nine o'clock in the morning.

2081. Does he attend in his room or on the bench? He generally sits on the bench, one day with another, two hours a day. I have known him to be sitting there at six o'clock in the evening.

2082. *By the Chairman*: Where? In the Court.

2083. Who? Captain Scott.

2084. How often? Occasionally.

2085. Attending to the public business till six o'clock? Yes.

2086. How often during the last four years have you known the Court to be occupied till six o'clock? Half a dozen times.

2087. Have you ever known Captain Scott to sit more than once after four? I think I have known him sit there six or seven times.

2088. I think you said you had not known the Court to be open during the last four years more than half a dozen times? I have known it to be much more frequently open after five.

2089. Can you state whether you have known it to be open more than half a dozen times during the past four years after four? Yes; but I would qualify what I before stated—I firmly believe it has been open more than half a dozen times.

2090. You cannot state positively? No, because unless I am detained by some special business, I go away at four o'clock.

2091. *By Mr. Hoskins*: I understood you to say that Captain Scott's average attendance is about two hours a day at the Police Court? Yes, I think, as nearly as I can judge. I do not constantly see Captain Scott, as I only go into Court when I have summonses to be signed; but I think, taking one day with another, the average would be about two hours a day.

- Mr. W. C. Armstrong. 2092. On the days when he is not attending the Classification Board or visiting Cockatoo, where does he spend his time the rest of the day, when he is not in Court? In his room, as far as I can judge. I only go to Captain Scott when I have business with him; when, for instance, I require him to sign summonses, &c., and when I go I find him there.
- 15 Aug., 1862. 2093. Do you know how he is engaged when he is in his room—what duties he is engaged in? In giving orders for summonses and warrants. Parties go to him and state they wish to lay an information; he then makes a memorandum of the names of the plaintiff and defendant, and sends them over to the information clerk, who draws the information.
2094. He is engaged more in attending to his office duties than in adjudicating upon the bench? That would imply that I watch him all day, but I see very little of the Court except when I have to visit it to get the signature of a Magistrate to a summons; I am confined to my own room.
2095. Is it part of your duty to fill up the warrants? No, the warrant clerk attends to that.
2096. *By the Chairman:* You have nothing to do with filling up warrants? Nothing. When I say that, I do not mean absolutely nothing, as occasionally, when there is a rush of business, I assist generally in the work of the office.
2097. Your business occasionally leads you into Court? It does.
2098. Do you recollect a person being committed to gaol for a month by the Police Magistrate, for being found asleep in her own water-closet? No, I do not.
2099. Do you recollect, in the early part of the present year, five men being arrested immediately upon their arrival in Sydney, from the Melbourne steamer? No, I do not.
2100. Have you heard it spoken of in the office? No, I have not.
2101. These men were detained in custody for a considerable time, merely upon the receipt of a telegram from Melbourne? I have not heard of it; most distinctly not.
2102. Your business is merely to fill up summonses, and to perform the duties mentioned in the memorandum you have handed in? Yes, and sometimes, assisted by Mr. Felton when he is not engaged, in taking depositions.
2103. And apart from these you can give us no information? I cannot.
2104. You stated, I believe, that Captain Scott, on a fair average, sits in Court about two hours a day? That is my impression.
2105. Can you state to me that during the last week Captain Scott has sat there a quarter of an hour a day? Where I sit I cannot see Captain Scott every time he goes in and out; I am not constantly watching Captain Scott; it is impossible for me to say.
2106. Are you not aware that the moment Captain Scott has opened the drunkards Court he leaves it? No, I have known him sit there two and three hours.
2107. Does he not invariably leave the Court the moment a second Magistrate comes in? Not to my knowledge. He may go out of Court without passing my room; but I am confined to my room, and do not see him every time he leaves the Court. He is in my room sometimes at least half a dozen times in the day; he looks over my summonses and books, and asks if there is anything for him to sign.
2108. Have you heard many complaints from suitors, witnesses, and others, as to delay in the office in the preparation of summonses, subpoenas, and bail-bonds? I have not.
2109. Never upon any occasion? Never upon any occasion. They are taken in turn, and attended to, one after another, as they come in. Of course if a number of cases come in I have but one pair of hands, and cannot attend to them all at once; if a constable comes to me with a man, and says, "Here is a man who has to be bound over to keep the peace," I must keep the others waiting while I attend to him.
2110. Whose duty is it—in the event of a person being fined, with the alternative of imprisonment—to prepare the proper document, and to send over to the watch-house when the fine is paid? The Clerk of Petty Sessions.
2111. His duty alone? His duty alone; at least I presume so.
2112. Cannot you state whose duty it is? I believe it to be his duty. Let me understand your question. When a person is fined for assault —
2113. For anything? It is the duty of the chief clerk to send over the memorandum the moment the fine is paid.
2114. Then it is the chief clerk's duty? Yes.
2115. How long ought the preparation of such a document to occupy? The person is brought over by the constable—"This man wants to pay the fine for drunkenness." Mr. Connell sends the person for the papers, the information and proceedings; they are brought to Mr. Connell, he reads them, makes out the memorandum, takes the money, enters it in his book, receipts the depositions, and sends the memorandum of receipt to the person in charge of the watch-house, who on the receipt thereof discharges the prisoner. That may occupy from five to ten minutes.
2116. And not more? And not more; that is, generally, unless it is an extraordinary case.
2117. Do you know anything about a man named Fitzsimmons? No.
2118. You do not know anything of that case? No.

APPENDIX.

Writing summons sheets for Magistrates and Senior Sergeant of Police, in charge of Courts, and for posting on outer door of Police Office, for information of public. Filing and recording informations, numbering and indorsing same with date of return of summons, and residences, &c. of defendants, and sometimes of complainants. Writing summonses and duplicates thereof, and indorsing same for service. Arranging and keeping the documents connected with the daily business of the Courts. Writing subpoenas and summonses for witnesses and depositions that persons are material witnesses

witnesses. Registering dogs, and keeping alphabetical register of the names, &c., of persons registering dogs. Binding over witnesses to give evidence at Quarter Sessions and Gaol Delivery. Writing recognizances and notices thereof for witnesses to produce stolen property at Quarter Sessions and Gaol Delivery and Central Police Office. Writing notices for witnesses not to appear at Quarter Sessions or Gaol Delivery and not to produce stolen property at ditto, in cases in which the Attorney General declines to prosecute. Writing recognizances and notices thereof, viz., persons bound to keep the peace or to be of good behaviour. Recognizances of and notices of bail in cases of felony and misdemeanour. Writing affidavits of justification of bail. Keeping book for the entry of names, &c., of sureties, for approval of Sub-Inspector of Police, as bail for prisoners, and in cases of binding to the peace or good behaviour. Keeping book for recording all cases for trial at Quarter Sessions and Gaol Delivery. Writing list of drunkards, abstract of summons cases, and abstract of charge sheet, cases for chief clerk, that he may know the business of the Courts for each day. Writing and entering letters connected with the business of the branch. Recognizances and notices of bail remanding prisoners; ditto in summary cases. Recognizances and notices, in cases of lunacy, under 9 Vic., No. 34, sec. 3. Keeping record of police summonses, &c., issued without information or complaint, under 19 Vic., No. 24, sec. 23. Keeping book for entry of all fees received daily for informations, summonses, warrants, subpoenas, recognizances, &c. Writing recognizances and notices thereof, under "Deserted Wives and Children's Act." Taking charge of jury lists, electoral rolls, and plans and descriptions of roads, &c., from Surveyor General's Office, and showing same to public. Taking charge of all informations upon which warrants are issued and all remanded cases (felony and misdemeanour), and handing over same to deposition clerk when required for the Court. Writing requisitions to Government Printer and entering same in requisition book.

Mr. W. C.
Armstrong.

15 Aug., 1862.

John Icke Kettle, Esq., J.P., called in and examined:—

2119. *By the Chairman:* You are a Magistrate of the Territory? Yes.
2120. And have been in the Commission of the Peace for some years? Yes.
2121. Do you occasionally attend at the Central Police Office and perform the duties as a Justice of the Peace? Very frequently.
2122. Have you attended there frequently of late years? Yes.
2123. Having attended there, can you give the Committee any information as to the manner in which this business is now conducted? You are speaking now of the present time. I do not think it is at all well managed at the present time. I think a great many alterations could be made for the public benefit.
2124. Can you point out any alterations which you think would be beneficial to the public? I think at the present time they are very deficient of competent clerks; that there are too many young persons who are sent there without experience, and that they injure the efficiency of the Police Court very much, for I think it requires persons of experience for such positions. Young persons might be admitted to gain a knowledge of the routine of business, but they should be some time before they took any responsible office.
2125. Have you, in point of fact, heard any complaints? Many.
2126. From whom do those complaints generally emanate? From the Magistrates and from the public.
2127. Complaints of the inefficiency of the establishment? Of the want of system, in a great measure, I think.
2128. Do you recollect being present at the last licensing meeting? Are you speaking of the annual licensing meeting?
2129. I think the last quarterly licensing meeting? I do not think I was.
2130. Do you recollect being present at a licensing meeting when a statement was made to the bench by the Clerk of Petty Sessions? I was when the Magistrates applied for a clerk; he said there was not one to send. I think there was some remonstrance made about it, and he said that he had not a sufficient staff; that such a number of young persons were sent into the office who were not efficient that it was impossible for him to carry out his duties.
2131. Did he say something to this effect—that it was impossible to get anything done for himself, that he could not get a clerk to do anything for him? Something of that kind. It struck me at the time that they wanted a head somewhere to refer to.
2132. Do you think these difficulties have increased within the last few months? Very much indeed.
2133. Were there any similar complaints during the time of Mr. Dowling or Mr. Forbes? I was not there in Mr. Dowling's time.
2134. Mr. Forbes? During Mr. Forbes' time everything went on well; there appeared to be a superior or head to the department, and there seemed to be a sort of obedience which I question whether there is now.
2135. Are you acquainted with the deposition clerks, Mr. Smithers, for instance? Yes, he is a very good one.
2136. First class? There could not be a better.
2137. Mr. Crane? There could not be a better.
2138. Perhaps he was the best in the whole Colony? There could not be a better; his general conduct also was of the most praiseworthy character. I have not met a person who has not spoken in the highest terms of him, both as to his efficiency and his general character. I think his going away was a great loss to the Central Police Office.
2139. He has been promoted? He has gone to the Water Police Office.
2140. Can you say so much for the efficiency of the deposition clerks at the present time, other than Mr. Smithers? I do not think they know much about it, although there is one youth at the Central Police Office who seems to be very quick.
2141. Do you know what portion of his time Captain Scott attends in Court? He is not much in Court.
2142. Can you say, as far as you have observed, how often? I think he generally goes in every morning, but as soon as he is relieved by other Magistrates he leaves, unless he is engaged in the case.

J. I. Kettle,
Esq., J.P.

15 Aug., 1862.

WEDNESDAY,

WEDNESDAY, 20 AUGUST, 1862.

Present:—

MR. CALDWELL,
MR. COWPER,
MR. W. FORSTER,

MR. HOSKINS,
MR. LUCAS,
MR. WILSON,

MR. WINDEYER.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

James Sheen Dowling, Esq., called in and examined:—

J.S. Dowling,
Esq.
20 Aug., 1862.

2143. *By the Chairman:* You are Judge of the Metropolitan District Court? Yes.
2144. And formerly were Police Magistrate of Sydney? I was Police Magistrate for upwards of six years, having all the time a double power, that is, two Justices united into one.
2145. Then you were in a position to transact all the business that came before the Court? I was in the position, and did transact, I believe, two-thirds of it.
2146. During the time you held that office, can you tell the Committee the average number of cases that were disposed of yearly at the Central Police Court? I cannot now, but there are statistics in the office that will show, because the returns were called for.
2147. Do you know the average amount of business transacted there at the present time? No.
2148. Has it increased or decreased? I am told by the clerks who are in the office now, and who were in the office with me, that it has decreased.
2149. Have you any reason to doubt the accuracy of that statement? I have no reason to doubt it in the least.
2150. Have you had any knowledge of the working of the office during the last twelve months? I have never been there since I ceased to be Police Magistrate, and cannot say I have any knowledge, except from seeing the criminal cases that have come to the Quarter Sessions, where I preside as Judge, and from reading in the newspapers the decisions. I have no personal knowledge.
2151. Can you state the number of clerks in the department during the time you were Police Magistrate? I think there were nine.
2152. Do you recollect the names of most of them? Yes; Mr. Warburton, the two Mr. Ormiston, Mr. Smithers, Mr. Crane, and Mr. Davidson. There have been many changes made there. At one time there was the gentleman who is now at the head of the Benevolent Asylum—Mr. Mansfield, and Mr. Martin, who died lately. I think those are most of them.
2153. Do you think those clerks who now remain in that department of the public service efficient? Mr. Smithers was always efficient, and Mr. Crane was also efficient. Anyone who knows Mr. Smithers knows that he is a man of intelligence, of great activity of mind, and a very good deposition clerk. Of Mr. Crane I always had a high opinion; I always thought him a very worthy person, and I was very glad to see him promoted. He is now head clerk of the Water Police Department. I took an especial interest in him, because it was during my time that he was placed in the office, and I therefore watched his career and was pleased to see him go on well; he has up to this time retained my good opinion. Mr. Smithers I found there.
2154. Did you occasionally transact the magisterial business of the department? Very seldom; I was always in Court.
2155. Do you consider that the proper place for a Police Magistrate? Certainly the place where he ought to be, or at least where a Police Magistrate ought to be. In my time there were two Police Magistrates, in point of fact.
2156. Who attended to the chamber business? Mr. McLerie, for hours daily.
2157. How many? For hours; I cannot say how many—it would depend upon the amount of business.
2158. Did Mr. McLerie continue to act as second Police Magistrate until your removal from the Police Office? No; he left some year or eighteen months before I left, but still even then he used occasionally to grant warrants and investigate cases before they came to me.
2159. But you consider it absolutely necessary that a Police Magistrate should attend to the Court business of the department? Most decidedly.
2160. Upon Mr. McLerie's ceasing to act as second Police Magistrate, by whom was the chamber business conducted? In a very improper manner. I have had to pause in the middle of cases to grant warrants, without having time even to read the informations, and to take the mere word of people that things were correct—which I thought very improper—I had, in fact, to trust entirely to the brains of other people.
2161. Speaking of warrants—do you consider it proper, when once a warrant has been issued and placed in the hands of the police for execution, for a Magistrate to order the cancellation of that warrant? It would depend upon circumstances.
2162. Upon *ex parte* application by the party? Cases might occur where it would be so. Suppose A, believing a murder had been committed, and believing that B had committed the murder, might obtain a warrant, and while the warrant was unexecuted, A might be properly convinced that no murder had been committed—that the person supposed to be murdered was actually alive; in such cases A might and ought to go to the Magistrate and withdraw the warrant.
2163. Even that would be somewhat improper? It would be an exception to the general rule.
2164. In the case of a woman charging her husband with bigamy, with positive proof of the fact, or without positive proof, and a warrant being directed to issue, do you think upon the

ex

ex parte application of that woman the warrant should be cancelled and a summons be issued? Certainly not, except in extreme cases; if the woman once invoked the law, the law should be allowed to take its course.

2165. Do you think it would be proper to order the cancellation of a warrant upon the statement of a woman—after the warrant had been placed in the hands of the police—that a summons would do as well? No, except in extreme cases.

2166. Do you not think such a course would be highly irregular and improper? It depends upon the circumstances; a general rule would not meet all cases.

2167. Under ordinary circumstances? Under ordinary circumstances, once having granted a warrant I should not recall it; although there might be some circumstances where a summons would have the same effect as a warrant.

2168. Whilst you were in the office, when a person was sentenced to a few days imprisonment in default of the payment of a fine, and he was removed to the station-house, how long was he detained after the fine had been paid? I can scarcely understand your question. If the fine were not paid he was sent to the lock-up, and would not be removed till the van came.

2169. If a friend came and paid the fine while he was lying in the lock-up, how long a time should be occupied in the preparation of the necessary document to send to the lock-up to procure his liberation? There was no document required so long as the man was in the watch-house; it would not take a minute; it would be necessary only to go from the Court to the lock-up, and to say that the fine was paid.

2170. Whose duty would it be to walk over to the lock-up? I should think a policeman's.

2171. In the event of there being no police in attendance, whose duty would it be? I should think one of the clerks might do it; I should not like to ask him; it would not be part of his duty to go to the watch-house, but in such a case I would not mind going myself.

2172. Ought not some document to be sent from the office? There is no necessity for an actual document while the party is in the watch-house.

2173. Would you consider the detention of a man from eleven o'clock till three, under such circumstances, very irregular? Certainly; communication, either verbal or written, ought to be sent immediately. I never remember such a case happening during the six years I was there. There are cases where prisoners are in gaol under similar circumstances, under warrant, where it might be necessary to have a written document, and in such cases time would be required not only to draw up the written document but to find a messenger to send to the gaol.

2174. But I am speaking of persons being still in the lock-up? I am speaking of their being in gaol now. There are cases, again, where persons are allowed bail, and who are committed to gaol until such bail can be found. The bail-bonds are prepared in the office, and it is then necessary for the Magistrate to go to the gaol and take the recognizances of the person in gaol, and that may cause delay. I have gone to the gaol at seven o'clock on Sunday morning to do so, frequently, and I have often called at the gaol on my way to and from the office.

2175. You think where a person has not been removed from the watch-house, a detention of ten minutes after the payment of the fine would be quite sufficient? Quite sufficient.

2176. Informations were frequently exhibited before you at the Police Office, I believe? I think there are less informations exhibited now before the Magistrates than before. I think there has been some new law abolishing the necessity of filing informations.

2177. Did you, during the time you were Police Magistrate, receive informations from any person charging another with obtaining money upon false pretences without taking that information upon oath? Never; I think it illegal.

2178. Do you consider it irregular of a Magistrate to step in and adjourn a case upon the *ex parte* statement of one of the parties, such Magistrate having had nothing to do with the case previously? I see no illegality in the matter.

2179. Irregularity? If the Magistrate before whom the case were initiated were near I would not like to do it, but I, as Police Magistrate, have had to do it frequently.

2180. Did you ever do it without consulting the parties to the suit? I am talking of criminal cases.

2181. I am talking of civil cases? I never would interfere with another Magistrate's civil cases. I spoke of criminal cases. Sir John Jervis' Act allows another Magistrate to issue a warrant for the enforcement of a fine in a case where that Magistrate did not adjudicate. I may have done this under Sir John Jervis' Act. When a fine has not been paid, I may have issued a distress warrant or an apprehending warrant, though I have not taken any part in the proceeding. I have not liked to do it, but the law allows it. I would not, however, adjourn or interfere in a civil case during its hearing.

2182. Is it not illegal for a Magistrate to issue a warrant upon the information of a man charging his wife with having robbed him? It is an offence unknown to the law, and therefore must be illegal.

2183. *By Mr. Couper*: When you were Police Magistrate you had considerable assistance from Mr. M'Lerie, had you not? Yes. The fact is, my time was so taken up in Court that I never knew anything about a case till it came before me. I had the double power, and used to sit from nine in the morning until four or five. In summer I always opened the Court at nine, and disposed of all the drunkards. At this time I had very little assistance from the city Magistrates.

2184. But the issuing of summonses, and the hearing of cases before they came before you judicially, was attended to by Mr. M'Lerie? Yes, generally.

2185. In fact, practically, there were two Police Magistrates? Practically, there were two Police Magistrates.

J. S. Dowling, Esq., 2186. *By Mr. Forster* : Have you paid any attention to the reports of proceedings in the Court lately? I read them, as very instructive.

2187. Do you notice any difference in the conduct of the business, as compared with the way in which business was conducted in the Court during your time? If we are to believe the reports, occasionally irregularities do creep in that did not exist in my time.

2188. Do you think there is anything remarkable in the manner in which attorneys are allowed to treat the Bench? No; I think the same attorneys practise now that practised in the Court when I was there. They want to be kept in order.

2189. You think they do want to be kept in order? Yes.

2190. Do you think they are kept in order as well now as they were then? Perhaps not; I think some of them are allowed to speak their thoughts a little too freely.

2191. I think it is to be inferred from what you say, that if irregularities do occur it is principally from attorneys not being kept in order? Certainly the Magistrates do not support their dignity.

2192. Do you think these complaints on the part of the public arise from the Police Magistrate not being in his proper place? It depends upon what is his proper place; I consider that his place is in Court; the Police Magistrate who sits in the Court ought to be like a Judge, and know nothing of a case until it came before him, and should deal with the case as then presented to him.

2193. Then if Captain Scott, either from a mistaken sense of his duty or from the demands made upon him elsewhere, is prevented from attending regularly in the Court, do you not think that is likely to lead to the bad conduct of cases in Court, and to irregularities? Yes, no doubt of it.

2194. Do you think it is a matter of essential consequence that the chief Magistrate of a city like Sydney should be a lawyer? I think it is necessary that he should have something more than a mere smattering of legal knowledge, as he has to decide, sometimes, most important cases.

2195. As a general rule, do you not think it desirable that the chief Magistrate should be a lawyer? Yes. It may perhaps be put down to my natural feeling towards the brotherhood, but I would prefer a lawyer to a military man or a civilian generally, although a military man and a civilian may, in the course of time, become as learned in the law as a barrister or an attorney.

2196. Of course his constant attendance in the Court would have the effect of training him? Yes; any man who possessed *nous*, who attended the Court constantly, and bought legal books and read them, would in time acquire a large amount of legal knowledge; but if a man attends Court only once a month, he forgets one month what he had learnt the previous one; a man who attends day by day would soon be *au fait* in dealing with prisoners and in the duties of the Court.

2197. *By Mr. Couper* : I judge that your views are in favour of two Police Magistrates? Yes.

2198. One for chamber and the other for judicial business? Yes, and I always thought so; I advocated the appointment of a second Magistrate, and thought I had gained my point; but "there's many a slip 'twixt the cup and the lip"—a new Ministry came into power who took a different view of the matter, and the old system was continued.

2199. *By Mr. Forster* : Do you not say that the most important duty of the Police Magistrate is to be upon the bench? Yes, I think so.

2200. You gave an opinion, with regard to cancelling warrants, which seemed to imply that it had been a practice known in your time? Never, to my present recollection.

2201. You never did such a thing? I do not think I ever did such a thing.

2202. You seemed to imply that cases might occur where the cancellation of a warrant would be justifiable? Yes, I think there may be such cases.

2203. Is not a warrant granted upon sworn evidence? Yes.

2204. Is it conceivable that a witness can be allowed to withdraw his evidence? He may make another affidavit.

2205. Is there any power given to a Magistrate to withdraw a warrant;—does not the issue of a warrant imply that the case is taken out of his hands altogether? I think not. Many warrants in this Colony have been cancelled, even by Mr. M'Levie. I think where warrants have been granted improvidently, upon insufficient testimony, or upon a mistake, as in the case I put of a supposed murder, the Magistrate would be right either to cancel the warrant or to put it by in a cupboard, or stay its execution.

2206. Would not the rule apply in that case, that the same solemnity which originated a warrant should be applied to its cancellation? That may be.

2207. Has that course been adopted in these cases? I cannot say.

2208. If that rule be admitted, it will follow that as the warrant is granted on evidence it should be cancelled on evidence? Possibly so. I have no doubt many warrants have been cancelled under the above circumstances. A master finding his servant absent from his business supposes that he has absconded, and rushes to the Police Office for a warrant for his apprehension. The master goes home and finds the servant, whom he thought absconded, at home and doing his duty. He asks why he was not at home at a particular hour, and obtains a satisfactory answer. Now it would be cruel in such a case to allow a warrant to hang over the head of the servant, and to leave it in the power of a constable to apprehend him and put him in the lock-up, where he might be kept for hours or even days before he could be released. In such cases the Magistrates, when required to do so, do their duty by cancelling a warrant.

2209. Have you ever heard of a Magistrate, other than the one who had granted it, cancelling a warrant? No; that I think might be a dangerous power to give to a Magistrate, to allow him to interfere with another Magistrate's duty.

2210. *By Mr. Windeyer*: Does not the responsibility of getting a Magistrate to issue a warrant rest with the person who put the law in motion? No doubt the responsibility rests with him. J. S. Dowling,
Esq.

2211. Supposing a Magistrate did grant a warrant in the way you have supposed, would not the person so obtaining it be answerable in an action for malicious prosecution? No doubt; but it would be hard upon the person who had applied for a warrant under a mistake, if, after he had applied to have it cancelled, it should be executed. 20 Aug., 1862.

2212. *By Mr. Forster*: On the supposition that there is some doubt as to the legality of the Magistrate doing this, would you recommend that the law should give the Magistrate the power of cancelling warrants? Reverting to the case I before put, it would be a monstrous thing to apprehend a man for murder when the murdered man was in existence, presented himself, and made himself known to the informer. In such a case the warrant must either be cancelled or become a dead letter, and if a dead letter why should it not be cancelled—why should it be said that there was a warrant in existence authorizing the apprehension of the man for murder?

2213. Suppose a case of this kind occurred, where a Magistrate wished to cancel a warrant and the constable insisted upon putting it in force;—would the constable be justified in putting the warrant in force, though the Magistrate had cancelled it as far as he had power to do so? Suppose the warrant is out of the hands of the Magistrate, and in the hands of the constable, the Magistrate tries to cancel the warrant and cannot get hold of it—that I understand to be your supposition—it would be an unseemly contest between the Magistrate and the constable.

2214. You have not, I think, yet answered my question;—Suppose there is some doubt about the legality of this practice, and admitting that benefit may result from it in certain cases, would you recommend that the law should be altered so as to give the Magistrate an undoubted power to cancel a warrant? Yes.

2215. *By Mr. Hoskins*: Do you, as a lawyer, consider that a Magistrate is empowered to cancel a warrant after having once granted it? I know of no statute law to the contrary; I know of no law that says a man having once granted a warrant shall not have power to cancel it.

2216. Do you know whether this is the practice in England? I cannot say. I can imagine extreme cases to happen in England as well as in this Colony.

2217. You have put a case to show that the withholding from a Magistrate the power to cancel a warrant might operate harshly in the case of a servant supposed to have absconded; but I ask you whether a Magistrate ought to grant a warrant lightly—whether he ought not, in the first instance, ascertain the truthfulness of the information? Suppose a man comes and is willing to swear such and such did take place, why should the Magistrate doubt his word, if he is a man of known character.

2218. Supposing he does swear that such and such did take place, and a warrant is issued, do you not consider that the warrant should be in force, so that the person who had applied for a warrant lightly should be made amenable to punishment by action for false imprisonment? It depends upon circumstances; the person who applies for the warrant may have reasonable cause to believe the party was guilty of the offence, and that would be a good ground of defence to an action.

2219. Do you not think this system of Magistrates cancelling warrants might lead to some abuses? I do not know that any system exists; I think it is the exception; I never heard of it as a system; occasionally it occurs.

2220. Can you give us any idea how often you cancelled warrants? I do not know that I have ever actually done it, but I imagine I have done it.

2221. It was not at all a common thing with you? No.

2222. In fact it was so uncommon that you cannot remember an instance? It is almost six years since I was a Magistrate, and it is impossible I can remember instances; certainly it was not the practice.

2223. From your observation when you were presiding as Police Magistrate in the Police Court in Sydney, did you consider that the bearing and demeanour of the legal practitioners was more respectful to you, as Police Magistrate, than to the unpaid Magistrates generally? My impression was that they paid me more respect than the unpaid; but I seldom had the unpaid with me, so that I could scarcely form an opinion. They always showed a greater inclination to have the cases tried by me than by the unpaid Magistrates. I have heard the practitioners address the late Mr. Chambers very improperly; but the Magistrates may have provoked that.

2224. Have you heard that great delay is caused in consequence of lawyers prolonging cases by their lengthy harangues? They always will do that in every Court.

2225. *By Mr. Windeyer*: Are they not more likely to do that in Courts where those who preside are not conversant with law? Yes.

2226. *By Mr. Hoskins*: Were you in the habit of checking them when they entered into irrelevant matter? Certainly I endeavoured to do so. I have the same practitioners in my Court now that I had in the Police Court—Mr. Moffat, Mr. Cory, and Mr. Roberts, and with some of those gentlemen, to check them is to increase the difficulty.

2227. Were they always respectful in their bearing towards you? Yes, the same gentlemen practise before me now who practised in the Police Court when I was there; I have known them constantly for the last twelve years, with the exception of two years, when I was at Bathurst, and I never had from either the slightest disrespect.

2228. Have you heard that they are in the habit at times of insulting the Magistrates on the bench? I have seen such a thing reported in the papers; whether it is true or not I will not venture to say. Many things get into the papers that are not true.

- J. S. Dowling, Esq.
20 Aug., 1862.
2229. Of course if insulting language were used to you, you would commit the person for contempt of Court, even if he were a legal practitioner? I certainly would; but I forgot myself once in not doing it, or rather I threatened to do it; I only had occasion once even to threaten it; but that has gone by, and I do not wish to rip up an old proceeding.
2230. It has been given in evidence that some legal gentlemen who practice in the Police Office use very offensive language to the Bench, and that in one case a practitioner even threatened personal violence to a Magistrate on the bench; nothing of the kind ever happened when you were present? Never.
2231. Would you recommend that the Police Magistrate, or the Magistrate who presides in the Central Police Court should be a lawyer? I would rather recommend that he should be a lawyer than that he should not. I do not see that it is absolutely necessary that he should be so, if he is a man of mature age, of fair intelligence and education, and moral worth, and possesses some acquaintance with law.
2232. Do you not think the business would be proceeded with with more regularity, and disposed of more promptly, if he were a lawyer? I certainly would rather have him a lawyer than not, but others who were not lawyers might make just as good Police Magistrates.
2233. Do you know whether there was much arrear in the Police Office business, whether cases were frequently remanded for want of the attendance of Magistrates, when you were there? There were frequently cases remanded, but not from want of my being there.
2234. From the paucity of attendance of the unpaid Magistrates? Yes; they would commence cases, and finding them difficult, would remand them to a certain day; when that day arrived they would not be in attendance, and at last would be written off "no parties."
2235. *By Mr. Windeyer*: Supposing a Police Magistrate and other Magistrates were present on the bench, what position do you think the Police Magistrate ought to take up with regard to the other gentlemen? They ought to be all on a footing of equality; I see no absolute necessity for the Police Magistrate to take the Chair. As regards the Mayor he is entitled to precedence, and when I was Police Magistrate the Chair used always to be given to him, except in the case of revising the electoral lists, when, under the Act, the Police Magistrate is required to do certain duties, and on that occasion it is his duty to preside. On one such occasion Mr. Thurlow claimed precedence over me because he was Mayor. Generally I did not claim precedence over anyone, but if I were in the Chair I did not rise to give it to anyone, the Mayor excepted.
2236. Suppose you thought a man ought to be committed, and the other Magistrates thought he ought not? I would commit—I have done that in numerous cases.
2237. *By Mr. Lucas*: The other Magistrates could have done the same? Yes. There have been cases where five Magistrates have been against me, and I have committed, and a conviction has followed. It has also been the other way—I have refused and the others have committed.
2238. *By the Chairman*: You have committed occasionally, and the person has been afterwards discharged? Yes, sometimes the most guilty escape in the Courts where the cases are as clear as noonday.
2239. Would you grant a warrant except upon the information of a competent witness? In other words, would I grant a warrant upon the information of an aboriginal?
2240. No; would you grant a warrant upon the information of any person, that person not being a competent witness? I scarcely understand your question.
2241. Would you grant a warrant against a man upon the charge of bigamy, on the information of his wife? The second wife would be a competent witness.
2242. The second is not his wife, *the wife I speak of*, is it not illegal to do so? I would not say whether under some circumstances I would not take the information of the wife for that purpose.
2243. Is it not already laid down that no warrant shall be granted except upon the evidence of a competent witness? The wife here would not be a witness to prove the case; but to put the law in motion—possibly I might, I am not clear upon that, I do not know whether Sir John Jervis' Act provides for that; certainly she could not be a witness in the Court; a wife is a good witness against a husband in all assault cases, &c.
2244. Would you grant a warrant upon the information of a wife charging her husband with bigamy? I am not prepared to give a positive answer to the question.
2245. *By Mr. Windeyer*: Do you think the holding what is called a magisterial inquiry in the private parlour of a citizen of Sydney, with reference to the death of person, a correct proceeding on the part of a Police Magistrate? I was never put in the position of holding an inquiry, and I can scarcely answer the question; but I should imagine it was not a course of proceeding I should like to adopt. I should make up my mind, as Police Magistrate, to decline holding such an inquiry. I had enough to do from nine in the morning till four or five o'clock in the afternoon, without holding these inquiries.
2246. *By the Chairman*: During the time you were holding the office of Police Magistrate had you any other duty to perform? None of a permanent nature. I occasionally went to Cockatoo.
2247. Not once a week? No; it was impossible for a person to do that and attend to his duties as Police Magistrate; he has more than he can do as it is; that is, presuming there is as much work to be done now as there was when I was Police Magistrate.
2248. *By Mr. Cowper*: When you left, was there not an impression that no Police Magistrate was necessary? No, it was the other way, and two were to be appointed.
2249. Latterly there was an impression generally prevalent, was there not, that in consequence of the attendance of the Mayor and a large number of unpaid Magistrates, the Bench duties would be performed by them? I never had that impression; I always thought there was a necessity for two Police Magistrates.

2250. *By the Chairman:* You say you would recommend that a Police Magistrate should be in constant attendance in the Court? That there should be one. J. S. Dowling,
Esq.

2251. And that there should be a second Police Magistrate to attend to chamber business? 20 Aug., 1862.
My idea is, that the time has arrived when the duties of that Court should be entirely performed by two Police Magistrates.

2252. And you would have no unpaid Magistrates? Yes. My remedy may be a desperate remedy, but I always did think so. From my six years' actual experience I recommended to the Colonial Secretary for the time being that there should be a second Police Magistrate. It is impossible for one Police Magistrate to do the whole duty. I know I nearly sacrificed my own life in the attempt, as I was occupied morning, noon, and night, as my night's rest was frequently disturbed by persons coming to me on business connected with my office. Two should be appointed, who should sit on alternate days, three days a week each, or in cases of urgent necessity the two could sit concurrently. If one only sat in Court the other should sit in chambers, to listen to the complaints of the poor people who might come to him. If a person were on the spot to speak to and advise these people, whose little squabbles are of as much importance to them as larger matters are to those who are in a different position of life, hundreds and hundreds of cases would never be brought into Court at all. There are now people of all classes of society who come to the Court and want advice, but cannot get it, and hang about until they become disgusted and look upon the Court as useless. I am speaking now of my own time, and I can imagine that the same state of things still exists. I would recommend that in summer time the Court should be opened at nine o'clock. I used to open it at that time, and dispose of the drunk and disorderly people. The Court could then be opened for the free list; the summons list could be returnable at a later hour of the day. With the relief of three days in, three days out of the Court, two Police Magistrates could do the business. I would farther suggest that one Magistrate should live within a convenient distance of the Court, so that he should be handy and ready to grant bail, and do a variety of things which it is necessary for the Magistrate to do.

2253. Do you think that could be carried out without some inconvenience to suitors? I think it would be a great advantage to the community at large.

2254. Do you not think your proposal that each of the Magistrates should sit three days a week would be attended with some inconvenience to suitors? I am merely adopting the plan in existence in Bow-street.

2255. Do you think it could be carried out without inconvenience to suitors? No doubt about it.

2256. How would you manage in adjourned cases, or cases in which it was necessary to remand the parties? I would remand them till the next day, and the Magistrate who had sat in them could go on the bench and dispose of them. They would always be both on the spot. There is one matter I think it my duty to mention; it is a hobby of mine, and comes, I think, within the scope of the duties of this Committee. When I was Police Magistrate, and when occasionally travelling through the country, I observed, as I have done since, that many Clerks of the Bench—and it was more particularly brought under my notice in the case of a relative of my own—many young men were appointed to the office of Clerk of the Bench who knew nothing of their duties, and who had no means of learning their duties. One of my own relatives was sent to the far interior to fill an office of this kind. He knew nothing of the nature of the duties he would have to perform, and would have no one to teach him. I then wrote to the Colonial Secretary for the time being, and suggested that no clerk should be appointed as a Clerk of Petty Sessions until he had passed a term of probation in some Police Office where there was a Police Magistrate, and had obtained a certificate of efficiency from that Magistrate. That was carried out for some time, but I believe has been discontinued.

2257. *By Mr. Cowper:* They do not get a certificate; but they are generally sent to an office for some time previously, unless there is reason to believe they are already acquainted with the duties? I know many Clerks of Petty Sessions who are entirely ignorant of their duty, and they have no one at hand to teach them, so they go on blundering from year's end to year's end, until eventually their pay is stopped.

2258. *By Mr. Windeyer:* Has not the Crown Prosecutor complained that the improper way in which the depositions have been taken has led to the miscarriage of justice? Yes; and the Magistrates in the country do not know how to instruct the clerks to perform their duties. In the towns the case is very simple.

2259. In recommending that a lawyer should occupy this position, do you not think it would be a saving for suitors, by preventing many applications for prohibitions and mandamus? Yes; maintenance orders have been upset because the clerks have not known how to draw them up.

2260. You think it would be especially useful where Magistrates hear matters judicially? Yes.

2261. A large number of such cases come before the Central Police Office? A great number.

2262. *By the Chairman:* I believe you stated that you always found Messrs. Smithers and Crane highly efficient clerks? Yes.

2263. Would not the same objection apply to the appointment of a stranger to the chief clerkship of the office in Sydney, as applies to the appointment of an inefficient clerk to an office in the country? Yes.

2264. Do you consider the appointment of such a person over the heads of others who have been many years in the department highly improper? I would not say highly improper, but I would say that it was not fair to others.

- J. S. Dowling, Esq.,
20 Aug., 1862.
2265. You consider that the gentlemen you found in the office were highly efficient as deposition clerks? I do not think Mr. Crane was a deposition clerk.
2266. *By Mr. Hoskins*: Do you think it would be advisable that there should be an alteration in the law, whereby a prisoner who is brought before a Police Magistrate, or a Magistrate, should be allowed to have a lawyer as counsel, to address the Court in his behalf? I always allowed it. I believe it is optional in a Magistrate, but I never had such faith in my own opinion as to be convinced that it could not be altered.
2267. Do you not think a reform of the law, whereby a prisoner could insist upon such a right, would be a great benefit, not only to persons who may be brought before Magistrates, but to the public at large, in the administration of justice? It is long since I looked at that point, but I always allowed an advocate to address me in criminal cases, and to call witnesses.
2268. *By Mr. Lucas*: They have no right? No, but it ties them down in their defence in another Court.
2269. *By Mr. Hoskins*: Do you not think it is an advantage to an illiterate person to have counsel to address the Court on his behalf? A decided advantage.
2270. And therefore, if there were an amendment in the law, as I suggest, that would be beneficial? No doubt.

Samuel North, Esq., J.P., called in and examined:—

- S. North, Esq., J.P.,
20 Aug., 1862.
2271. *By the Chairman*: You are the Water Police Magistrate of Sydney? Yes.
2272. How long have you held that appointment? From 1st January, 1854—nearly nine years.
2273. Do you know anything of the working of the Central Police Office in Sydney? Very little. I occasionally sit there under the Bakers and Millers Act; an inquiry under that law requires two Magistrates to adjudicate.
2274. Will that slight experience enable you to give any opinion as to the mode in which the business is conducted there? No.
2275. *By Mr. Cowper*: If an adjourned case, initiated by another Magistrate, were called on when you were present, would you postpone it to another day? That must depend upon whether the plaintiff and defendant were willing to have a postponement. I would postpone it, as a matter of course, if both persons were willing.
2276. Would you, knowing one party was present with his witnesses, upon the *ex parte* application of another, adjourn or postpone a case? Not without reference to the opposing party, to know whether he consented.
2277. *By Mr. Forster*: Have you ever been in the habit of cancelling warrants? I have done so sometimes.
2278. Is it a constant practice? No, it is not; it has occasionally happened.
2279. Are you quite sure of the legality of the practice? I think so, or I would not have done it.
2280. Have you considered the question? I consider that a Magistrate having the power to issue a warrant, if the opposite party afterwards says he will be satisfied with a summons, has the power of cancelling the warrant.
2281. Have you, in cancelling a warrant, made use of the same solemnities as you have in issuing it? I have said "Cancelled upon the application of the prosecutor."
2282. You have generally done so upon the statement of the complainant? Yes.
2283. Do you take this statement upon oath? No.
2284. You grant the warrant upon oath always? Yes, but if a summons will bring the party before me that is all that is required.
2285. Are you aware whether the practice of cancelling warrants is common? No.
2286. Have you ever cancelled a warrant granted by another person? No.
2287. On the supposition that there is any doubt of the legality of the practice, would you recommend that the law should be altered so as to give the Magistrate the power to do it? Perhaps it would be desirable to remove all doubts.
2288. *By Mr. Hoskins*: Are you in the habit of allowing prisoners' counsel to address you in defence, in cases that are brought before you? Yes.
2289. It is optional with the Magistrate, is it not? In criminal cases it is; a Magistrate need not hear counsel in criminal cases; in summary cases he must, and in civil cases, summons cases, wages cases under the Masters and Servants Act, or anything of that kind.
2290. Do you think it is desirable there should be such an alteration in the law as should make it imperative upon Magistrates to hear counsel if the prisoner desired it? I do not see any necessity for that.
2291. *By Mr. Windeyer*: The prisoner in a criminal case has a right to have the witnesses cross-examined? Yes, I never refused that; he may cross-examine the witnesses himself, or if he has a professional man, he is allowed to do so.
2292. *By Mr. Lucas*: The Magistrate is not compelled to allow that? I think not.
2293. *By Mr. Cowper*: Do you transact much general business in your office, or is it confined to sailors and shipping? I take Sydney from Bridge-street northward, and the North Shore, the whole of the business, police cases and summons cases.
2294. They would not be dealt with at the Central Court, but would be sent to you? They would be sent to me.
2295. *By the Chairman*: Mr. Crane, who was formerly employed in the Central Police Office, is now employed in your office? He is Clerk of Petty Sessions at present.

2296. Is he an efficient clerk? I think so.
2297. *By Mr. Hoskins*: Have you any attorneys who practise in your Court at times? Yes, we have. S. North,
Esq., J.P.
2298. Is their language and demeanour towards you generally respectful? Yes; occasionally there may have been some that might not be considered so, but I have always checked it immediately; in fact, I do not remember, except on one occasion, any disrespectful conduct on the part of any of them, and then the gentleman said he did not mean any disrespect. 20 Aug., 1862.
2299. *By Mr. Cowper*: You once had occasion to prevent one of these attorneys from practising until he had apologized? Yes.
2300. *By the Chairman*: Have you any objection to give the name of that attorney? No, the matter was public enough; it was Mr. Moffat.
2301. *By Mr. Windeyer*: Do you think where one Justice refuses to hear an attorney in the Court, on account of misconduct, that another Justice who has been sitting on the same occasion should hear him in the same Court? Yes, I do; I would not object to hear an attorney because he had been disrespectful to another Magistrate.*
2302. Is it not an offence against the Court? Yes.
2303. Is not the refusal to hear him a kind of punishment to the attorney? The particular Magistrate who has been treated with disrespect punishes him so far by refusing to hear him.
2304. Do you not think a Magistrate should put it upon higher ground—as an insult to the administration of justice, and to the Court of which he is a member? I think that would be going too far; an attorney might be disrespectful to a particular Magistrate, perhaps from personal dislike.
2305. *By the Chairman*: If a Magistrate, while sitting with you upon the bench, were insulted by an attorney, would you still continue to hear him? I have had cases of that kind, and have immediately put the party in custody until he has apologized.
2306. You would not sit and listen to him, then, unless he apologized? No, I would not.

James Murphy, Esq., J.P., called in and examined:—

2307. *By the Chairman*: You are a Magistrate of the Territory, and have been so some years? Yes. J. Murphy,
Esq., J.P.
2308. You were Mayor of the City, for the year 1860? Yes. 20 Aug., 1862.
2309. Do you occasionally take part in the proceedings of the Central Police Office? Yes, frequently.
2310. Will that enable you to give this Committee any information as to the manner in which the business is conducted in that office? To some extent.
2311. Have you heard complaints made from time to time as to delay in the administration of justice there? No, I am not aware; I cannot charge my memory with it.
2312. Have you frequently known cases adjourned by reason of the non-attendance of Magistrates to enable the second Court to be opened? Occasionally, for a short time; for a few minutes—perhaps half an hour; to no great extent.
2313. How long have you been in the Commission of the Peace? About three or four years.
2314. *By Mr. Windeyer*: You are in the habit of sitting a good deal upon the bench? Yes, I sit there frequently.
2315. Is it not the fact that the practitioners in that Court very often wrangle a good deal with the Magistrates on the bench, as to what are and what are not matters of law? No, I could not say that they wrangle; they wrangle sometimes between themselves; I have never heard them; they have never wrangled with me.
2316. Have you ever heard them with other Magistrates? No, I have not.
2317. *By Mr. Forster*: Did you ever attend the Court, or take notice of its proceedings in Mr. Forbes' or Mr. Dowling's time? Yes.
2318. Do you think as good order is kept in the Court now as was kept in those days? I should think so, from my observation.
2319. Do you think the attorneys are kept as quiet and in as good order? Quite as good.
2320. Do the attorneys misconduct themselves, by insulting the Bench? I have never been present when they have done so.
2321. You have never heard threats used, by attorneys, to the Bench? Well, I do not know whether it would amount to a threat, but the only strong language I have heard was a strong expression used towards a Magistrate by a practitioner who is a Member of this House.
2322. Who was the Member? Mr. Forster; but it was a very trifling affair.
2323. Perhaps the strong language might have been justified? I hardly think so, because after the Court broke up I mentioned the subject to Mr. Forster, and he expressed his regret.
- 2324.

* NOTE (on revision):—I request to be allowed to correct some portion of my answers to Mr. Windeyer's questions, some of them appearing contradictory, arising, no doubt, from misapprehension of the wording of the questions. I wish to be understood as saying, "that if sitting in Petty Session with other Magistrates, I would consider any insult offered to one of them as an insult to the Court, and would treat it as such." My two last answers to Mr. Windeyer show that such has been my practice. I do not, however, think a Court of Petty Sessions should refuse to hear an advocate because he has behaved improperly at some other Court of Petty Sessions; and this principle has been acted upon both at the Central and Water Police Courts, in the case of Mr. Moffat.

J. Murphy,
Esq., J.P.

20 Aug., 1862.

2324. You took no notice of it at the time? No, I did not interrupt the business at the time.
2325. If you thought a practitioner were misconducting himself, why not take notice of it at the time, and punish him? My reason was that I did not wish to delay the business.
2326. Do you think the delaying of business of more consequence than the keeping order in the Court? No, I always like to consider first. I might express myself too hastily at the time.
2327. You felt a doubt of your own power? Not of my own power—perhaps of my command of temper.
2328. Were there any other Magistrates on the bench who might have commanded their tempers? Yes, two.
2329. Did they take the same view of the matter as yourself, and think it better not to interrupt the proceedings, and to allow the strong language to pass unnoticed? I do not know what their feelings were.
2330. Do you not think the overlooking at one time strong language which was not justifiable, is very likely to lead to the use of strong language at another time? It was not overlooked, for after the business was over I spoke to Mr. Forster.
2331. You spoke to this gentleman privately? No, after the business was over.
2332. In your capacity of Magistrate did you reprimand him on the bench? I spoke to him; whether I reprimanded him —
2333. Did he apologize? I do not know; he came up and shook hands.
2334. On the bench? I do not know that it was on the bench.
2335. That is the way you settled the matter—you spoke to the practitioner, and he came up and shook hands with all the Magistrates on the bench? No, it was after the business was over.
2336. I thought I understood you to say that you spoke to him from the bench after the business was over, and that he then came up and shook hands with the Magistrates all round? After the business was over he acknowledged that he was too hasty.
2337. Did you find that this mode of proceeding had any effect upon him? I cannot say.
2338. Do you consider him generally a well-behaved practitioner? Yes.
2339. *By Mr. Hoskins*: Did you ever know any other instance where a legal practitioner used insulting language to the Bench? No, I was never present.
2340. Did you ever hear of unseemly scenes taking place? Yes, I have heard of an instance.
2341. Was it in your presence? No.
2342. Did you ever hear a member of the legal profession threaten personal violence to a Magistrate on the bench? I have heard of it, but I was not present.
2343. Is that legal gentleman now practising in the Court? Yes, but he was punished; he was suspended for three months.
2344. Do you know whether he ever practised during those three months, after the order for his suspension? Not in the Central Police Office.
2345. Are the attorneys generally respectful in their language and demeanour towards the Magistrates on the bench? I have always found them so.
2346. How often are you in the habit of attending the Central Police Court? Perhaps it would average twice a week, sometimes three or four times; in some cases I might be three, four, or five days running, where cases have been adjourned. I have sat there eight days, I think, in the same case.
2347. I should infer, then, that you are never a week absent from the Central Police Office? No, I might be a week not sitting, but there is never a week but I attend there. If I see the bench occupied I do not go on it, unless it is my day on the roster. I always take my days.
2348. Are the Magistrates who are summoned to attend, generally regular in their attendance? Not very regular.
2349. Do you know whether cases are frequently adjourned in consequence of the paucity of attendance of Magistrates? No, I am not aware of any cases being adjourned in consequence of the non-attendance of Magistrates.
2350. Do you know whether there is not an accumulation of arrears of business in the Central Police Office? I am not aware of any arrears except the adjourned cases, which are adjourned chiefly for the convenience of the legal practitioners.
2351. At what time of day do you go to the Police Office, on the days you are summoned to attend? I generally get there ten minutes or a quarter of an hour before ten, as I like to look over the sheet.
2352. Do you always find Captain Scott sitting on the bench when you go there? Not on the bench; we do not go on the bench till ten; I always find him in his room.
2353. From your own observation, can you tell us how many hours a day Captain Scott attends on the bench? No, I could not exactly. I have sat with him myself till after four, frequently.
2354. Is he to be seen every day in the Police Court? Not every day; I believe he has to go to Cockatoo.
2355. When he does not go to Cockatoo, is he to be seen on the bench? If he is not on the bench he is in his room.
2356. I want to know whether he is a larger number of hours on the bench in the Police Court, or in his room, or anywhere else? He is the whole day there, either on the bench or in his room.
2357. How do you know that he is in his room? I am there scarcely two days, but I go into the Police Office, and I always find him at his post.
- 2358.

2358. Is he more frequently in his room than on the bench dispensing justice? He is every day in his room, but he is not every day on the bench, consequently he must be more frequently in his room than on the bench. If there are sufficient Magistrates to carry on the business in the Court he has always sufficient work in his room.

J. Murphy,
Esq., J.P.

20 Aug., 1862.

2359. Would you consider it desirable to have a Police Magistrate on the bench always? I do not know that I would if there are sufficient Magistrates to form a Bench. One Magistrate is as good as another on the bench.

2360. You think there would be no great advantage to the public in having a paid Police Magistrate? Perhaps there is an advantage in having a paid Police Magistrate, because he is supposed to be always there, and you cannot calculate with safety upon the attendance of the unpaid Magistrates.

2361. Do you think it desirable that a Police Magistrate should be a lawyer? No, I do not think it at all desirable.

2362. Do you never, as a Magistrate, find cases in which some difficulties arise—intricate legal points—where you would like to advise with some person whom you might consider qualified to give an opinion? I have never experienced that. We have the Statutes to refer to. At the same time there is some quibbling with professional gentlemen.

2363. Do you think legal practitioners, in their arguments, endeavour to mislead the Magistrates on knotty points of law? I have fancied so myself.

2364. Would you not consider, therefore, that it would be much more satisfactory if you had a person learned in the law with whom you could advise in such cases? I think with a man of good sound common sense, justice and uprightness, there is no difficulty.

2365. Do you never issue warrants in the Police Office? No; I have ordered them.

2366. Have you never signed them yourself? We order them to be issued, and the clerk brings them to the Magistrate to be signed.

2367. Do you ever after issuing a warrant cancel it, without having the person for whom the warrant is issued brought before you? No, I never have done so.

2368. Have you ever known any other person cancel a warrant after it has been issued? Not of my own knowledge.

2369. Would you consent, after having granted a warrant for the apprehension of a person, if the person upon whose information you granted the warrant came afterwards and told you that the statement he had made to you when you granted it was not correct, and that a summons would answer every purpose, cancel the warrant? It would be out of my power; it would be in the hands of the police.

2370. You consider that it would be out of your power, and that you would not be justified in cancelling the warrant? I do not know; circumstances sometimes alter cases. If a person came to me and said a summons would be sufficient, I could see no harm in it, because a summons is a milder process than a warrant.

2371. I am supposing that subsequently to your having issued a warrant you were applied to? I should hesitate; I do not think I should do it.

2372. You never have any difficulty in getting any information from the clerks? Never; they are very civil and obliging.

2373. You are aware that the object of the appointment of this Committee is to inquire into the working of the Central Police Office; can you suggest any improvement, any means whereby the business can be facilitated? No.

2374. For instance, do you think the building defective, or the clerical staff insufficient? The building is very defective, but it is being improved now; it has been very inconvenient.

2375. You think there is a sufficient number of clerks, so far as your observation has gone? Yes, I think there is.

2376. *By Mr. Caldwell:* During the time you held the office of Mayor were you more frequently in attendance at the Police Office? Yes, there was scarcely a day but I went into the office.

2377. Then you had an opportunity, I presume, of observing the conduct of Captain Scott? Yes.

2378. Was he attentive to the duties of his office? Yes, very, particularly so.

2379. Do you believe he is competent to discharge the duties of his office as Police Magistrate? That is matter of opinion; I believe he is very competent.

2380. Do you know whether it is the practice of Captain Scott to open the Court at ten o'clock? Yes.

2381. Does he now? Yes, he frequently opens a few minutes before ten; I generally look in in the morning, a little before ten; generally, when I go into the office he asks me if it is time, and goes in and opens the Court.

2382. Do you think it would be an advantage to the public if the Court opened at an earlier hour than ten, say at nine? Yes, I think it would, to get rid of the drunkards cases. I tried it when I was Mayor, but I could not get the sheets in time. The clerks consider that nine is the time to come to the office, and then they have to make out the sheets. There is a good deal of writing to do.

2383. Could you suggest any plan that would expedite the business, so that the business might at once be entered upon at nine o'clock? The sheets could not be wholly prepared the night before, because there are many drunkards taken up in the night. I find the sheets are generally cleared off in the course of the day. There is very seldom any business after one o'clock.

2384. Do you think the business transacted at the Police Office has been unnecessarily delayed through the interference of attorneys? Yes, I think it has; they take up too much time in frivolous cases.

2385. Do you think there is any disposition on the part of attorneys to prolong cases, where the

J. Murphy,
Esq., J.P.
20 Aug., 1862.

the suitors are wealthy? Not particularly; no doubt they wish to make it appear that they are doing something for their fees, and they take up a good deal of the time of the Court; but the Magistrates could not very well stop it; it would deprive them of the opportunity of displaying their ability, and perhaps the losing party would think the Magistrates interfered unjustly. It is a delicate thing to do.

2386. Have you known any cases of trifling assaults that have been prolonged over two or three days, through the interference of attorneys? They have been adjourned.

2387. From day to day—small cases of assault? Yes, and perhaps after all have been dismissed, and ought never to have come before the Court.

2388. *By the Chairman*: Do you not think that shows the absolute necessity of having a lawyer there as a Police Magistrate? No, I do not think it shows it.

2389. *By Mr. Caldwell*: Do you consider it your duty to interfere with attorneys in cases of that kind? I think it a very delicate matter.

2390. *By Mr. Lucas*: Who prepares the charge sheet? Mr. Armstrong.

2391. I thought he prepared the summons sheet only; I thought the police prepared the charge sheet? No, the police bring the charge sheet from the watch-house.

2392. The police in the first instance fill up the charge sheet? The police bring the charge sheet in to Mr. Armstrong, and he has to copy it twice.

2393. In the first instance the police prepare the charge sheet? Yes.

2394. Could not the police at the same time prepare the copy for the Magistrates, and then they could have it ready at nine? Yes.

2395. Have you not frequently found, at a quarter past ten, the Magistrates waiting for the sheet, to proceed with the business? Not lately. I had, when I was Mayor, occasion frequently to complain, but it has not been the case for the last twelve or eighteen months.

2396. There is an amendment in that particular? Yes. I have never been there lately but both sheets have been ready, and the deposition clerk in the Court.

2397. I understood you to say that you never found a want of police there;—have you upon any occasion been sitting there, when it has been impossible to get a policeman either to call a witness or to keep silence in the Court? I have had occasions to mention it, but directly I have done so there has been a policeman brought in.

2398. You have seen the Court without a policeman? Not without a policeman; there was always one there. In the George-street Court, Cook was always there.

2399. Have you not seen the Court without a policeman at all? No, I have always seen one there; what I complained of was that he had to leave the Court to call the names.

2400. Have you known the want of a policeman to administer the oath;—I believe a policeman generally administers the oath? I never hesitate to do that myself.

2401. You have had to do that? Yes, when the policeman has been out calling witnesses.

2402. The policemen in the Court are not under the control of the sitting Magistrates at all? Whenever I wanted anything of them they were always ready.

2403. They are not under your control? No.

2404. They come in and go out when they like? Yes.

2405. With regard to having a person to refer to, would it not be better to have the Clerk of Petty Sessions a legal man as a referee than the Police Magistrate? Yes, but I find Mr. Connell very ready with the Statutes. I frequently in the morning, after looking over the sheets, refer to Mr. Connell, and find him very ready to give me information.

2406. I am not speaking about the Statutes, but about any knotty point that may occur between the Magistrates and the professional gentlemen;—do you not think in such a case that it would be better the Clerk of Petty Sessions should be a legal man than that the Police Magistrate should be so, because the latter might be engaged in another Court, and if he had to leave the bench for his private room the business of both Courts would be stopped; while if the Clerk of Petty Sessions were a legal man he would be always in his room, and might be consulted without any interference with the business? I have had occasion in some cases to leave the Court and consult the Attorney General; and perhaps, if the Clerk of Petty Sessions were a legal man, he might be consulted in the same way.

2407. Do you know that it is the case in England that Clerks of Petty Sessions are legal men where the Magistrates are not? I do not know that that is the case; it is not so in country districts.

2408. *By the Chairman*: You have said that you consider one Magistrate is as good as another on the bench? Yes.

2409. Do not cases involving complicated questions of law and fact frequently arise there? Certainly complicated cases arise, because it is very easy for two lawyers to complicate any case.

2410. What do they complicate, the law or the evidence? Both.

2411. Do you think it desirable that a Police Magistrate should have any knowledge of law at all? Decidedly. I do not think any Magistrate sits on the bench but has a knowledge of the law.

2412. Have you not frequently called to the bench a professional gentleman, not being employed in a case, to obtain his opinion before giving your decision? I cannot charge my memory now; it is very probable I might have done it.

2413. Have you ever known Magistrates attend Court in cases of importance, in which they themselves were interested, who did not usually appear at the Court? I cannot say that I have a knowledge of it; it would only amount to a suspicion.

2414. Have you ever heard it reported that such has been the case? Yes.

2415. Very frequently? No, not frequently.

2416. You yourself have a suspicion of the fact? Yes.

2417. I will name one case to refresh your memory,—Lassiter's case? Yes, that was a particular case. Perhaps that would refer to myself.

2418. You were not interested in that other than as Mayor of the City? Perhaps it would be as well to explain to the Committee. It was a case between Mr. Lassiter and the Corporation; and two of the Magistrates had been subpoenaed, as being interested, to give evidence. When I attended in the morning, to my surprise, I found these gentlemen on the bench. J. Murphy,
Esq., J.P.
20 Aug., 1862.

2419. And I believe one of the Magistrates grossly insulted a solicitor, for having the audacity of giving him his subpoena? I know he grossly insulted me.

2420. *By Mr. Lucas:* Who was that Magistrate? There were two gentlemen on the bench, Mr. Hill and Mr. Lyons. It was Mr. Lyons who insulted me.

2421. Do you say that those two gentlemen came there specially to try that case? They were subpoenaed as witnesses, and Mr. Driver having told me they were on the bench I went and took my seat. Mr. Roberts objected to their sitting, but they persisted in doing so, and I then asked Captain Scott to give me the Chair, and determined to sit if they did. They, finding that was my determination, left the bench, and I left also.

2422. Was it not understood that these gentlemen had subpoenas served upon them to prevent their taking their seat on the bench? Yes, it was stated so.

WEDNESDAY, 27 AUGUST, 1862.

Present:—

MR. COWPER,

MR. FORSTER,

MR. HOSKINS.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

George Hill, Esq., J.P., called in and examined:—

2423. *By the Chairman:* You are a Magistrate of the Territory, and have been so for many years? Yes, for upwards of twenty years. G. Hill, Esq.,
J.P.
27 Aug., 1862.

2424. Have you during that period acted as a Justice of the Peace at the Central Police Office in George-street? I have, almost every week, more or less.

2425. Sometimes once or twice a week? Yes, and more than that.

2426. Then you have had a large amount of experience in the duties of the Police Office? Yes, during my mayoralty I think I never omitted a day, being in attendance more or less during the day.

2427. How long is that since? I think about twenty years. I was one of the members elected to the first City Council, and next sessions I was appointed alderman, and then placed in the Commission of the Peace; in Governor Gipps' time.

2428. Have you attended to your duties as a Magistrate during the past two years? Yes, during the last two years I have been on the roster on alternate Wednesdays at the Central Police Office and the Water Police Office—one Wednesday at one and another at the other; I have seldom omitted attending on my roster days, and I have attended very often on other days during the week as well.

2429. Can you state to the Committee how the business of the Police Court has been conducted for the last two years? Speaking from my own experience, I do not think it has been satisfactory.

2430. In what way? Some of the officers of the Court have not been at all qualified. Some portion have been well qualified and others have not been qualified. I am speaking now of the deposition clerks, and those employed in drawing up informations and such things, some of which have been defective, and persons applying for them have not been treated with civility, in my opinion. Things have been put into the informations sometimes that were never stated by the persons applying for them, and when the information has been read in Court the person who has been the complainant has been quite surprised to hear what was in it, and has said, "I never made that statement at the time I applied for the summons or warrant."

2431. Has that statement been made by suitors when their cases were called in Court? Yes, when the information has been read before the Bench.

2432. Has that led to any irregularity or delay? It has led to this, that the information has perhaps been dismissed on some ground, and the complainant has had to apply for another, for which he has had to pay a second fee.

2433. Causing additional expense and loss of time? Yes, on both sides.

2434. Not only to the parties, but to their witnesses? Yes, and great extra trouble to the clerks of the department.

2435. Are these cases rare or of frequent occurrence? They happen very often. I mean that very often, when an information is read, the complainant has said, "That is not what I stated;" and informations are almost weekly dismissed on grounds that the clerk ought not to have introduced—making two charges in one information; for instance, if an applicant says, "I want to charge So-and-so for assault and robbery," the clerk ought, in my opinion, to separate the charges and draw two informations.

2436. Is it not pretty well known that an information should contain but one charge? It is pretty well known by the profession, but not always by the Bench; and if the objection be not taken by the profession the case may go on.

2437. You spoke just now of the inefficiency of the deposition clerks? We have had some very good deposition clerks—two of them equal to any I have seen—Mr. Smithers, and Mr. Crane, who is now at the Water Police Office.

2438.

- G. Hill, Esq.,
J.P.
27 Aug., 1862.
2438. They are two most efficient clerks, are they not? Yes; I cannot speak too highly of both; Mr. Crane, in particular, was an excellent deposition clerk. There is a young man lately appointed, Mr. Felton, who will, I think, with a little practice, make a very good deposition clerk; another, also, Mr. Hales, will be a very efficient man after a little practice. We cannot expect them to be equal to Mr. Smithers or Mr. Crane yet.
2439. Have not Mr. Smithers and Mr. Crane, whilst acting as deposition clerks, rendered very great assistance to the Magistrates themselves? No doubt they have on all occasions where a Magistrate has not been up to his work.
2440. Both of these gentlemen were, in your opinion, competent to afford such assistance? Yes; on no occasion did I ever find Mr. Smithers or Mr. Crane mislead the Bench.
2441. Mr. Smithers has been in the office some years? Yes, a long time.
2442. And always very attentive to his duties? Yes.
2443. Civil and obliging to suitors and others having business at the Police Office? Yes, I always found him so. I have heard some slight complaints against Mr. Smithers, but I never had an opportunity of knowing anything about them myself.
2444. As far as you are aware, they were without foundation? I cannot say; I am only speaking of what I have heard.
2445. You cannot state whether they were well founded or not? No. I never received anything but the greatest civility from Mr. Smithers, and he never misled me on any occasion.
2446. You said something as to the incivility of clerks at the Police Office? I do not know whether it is advisable to speak of a man who has been dismissed for drunkenness, but Mr. Davidson, who was a well qualified clerk, used to be, for the last twelve months or more, very insolent to persons making application for informations and summonses.
2447. He was the clerk usually employed in preparing informations? Yes. While speaking of Mr. Davidson, I may as well say, that some two months or ten weeks ago, I found I had been omitted being summoned on my usual Wednesday at the Police Office. At first I thought that some mistake might have arisen from my servants not giving me the notice, but when it happened again on the following Wednesday I made inquiry, and found it had never reached my house; I then went to the Police Office and saw the clerk who fills up the notices for the attendance of Magistrates, and he said he sent them out according to the roster; I asked him who had the roster, and he said the Police Magistrate; I went to the Police Magistrate and found that before he left, Mr. Davidson had made out a roster of his own, and omitted two or three names.
2448. Have you heard any complaints from the public as to the incivility of the clerks? Yes, on many occasions.
2449. Did you ascertain the names of any of the clerks? Persons have come to me and said, "Here, Mr. Hill, I have been waiting three or four hours; I wish you would just step in and get Mr. Davidson to fill up this information; he has told me to sit down till he is "ready;" and I have gone in and spoken to Mr. Davidson about it, and he has done it.
2450. Did you ever report such a case to the chief clerk? No, I never reported anything to the chief clerk. I have reported to Captain Scott about Mr. Davidson.
2451. Is the case of Mr. Davidson the only instance in which you have heard complaints of incivility on the part of the clerks? I do not think I have heard them of any other officer. I have heard complaints of Mr. Connell's office, but it would not do for me to say anything I have heard from reports.
2452. You have heard complaints — ? I have heard several complaints of Mr. Connell.
2453. From suitors? From persons who have gone in to pay fines in charge of a constable, and have been obliged to come out again and be kept in custody, because the depositions had not been sent to Mr. Connell. Of course Mr. Connell could not take the money, because the depositions were not sent in to him. Persons fined in this way think they ought to be allowed to pay their money at once and go away; but instead of that, they are kept in custody an hour or more before they can do so.
2454. Is it not the practice to wait till the information has been initialled and marked by the Magistrates before receiving payment of the fine? Yes, it has been the practice, because there is no guide for Mr. Connell but that and the depositions.
2455. Do you not think it would be more convenient to allow the fine to be paid immediately? Yes; my opinion is, that whenever a person is fined he should be allowed to put the money on the table at once and walk out of the office; I do not see why he should be kept in custody if he is ready to pay his fine.
2456. Then parties have been occasionally — ? Every day people are kept in custody because they are not allowed to pay their money at once. When the case is decided and the man fined, the police catch hold of him by the arm and walk him out, and he is kept in custody for half an hour or twenty minutes, or longer.
2457. Have you not known cases where a defendant has been detained in custody even after the fine has been paid, waiting for an order from the chief clerk to discharge him? Yes, there was one occasion where a man was kept in custody two or three hours after the fine was paid by some one for him.
2458. Was that a person employed by Mr. Wilkie? Yes, I think it was one of Mr. Wilkie's men. The fine was paid by Mr. Wilkie's foreman for him, but when the chief clerk was asked about him, he said he did not know where the man was. I believe he was in the watch-house all the time.
2459. And the man was detained in custody for some hours? Yes; but I believe a mistake slipped in there somehow.
2460. But cases very frequently occur where parties are detained in custody for an hour?
Yes.

Yes. That might be regulated by the rules of the office very easily, without keeping these people in custody. G. Hill, Esq.
J.P.

2461. You stated just now something as to the informality of the informations—did you find them so in Mr. Davidson's time? Yes, it was Mr. Davidson I complained of; he used to drink a good deal; I believe; in fact, I have seen him drunk at the Police Office, and I suppose it was owing to that that he made mistakes; but he was well qualified in his sober moments. 27 Aug. 1862.

2462. An exceedingly good clerk, was he not? Yes, very good.

2463. Do you consider the establishment now in good working order? Well, I do not know; it is always in a state of confusion; I cannot tell from what cause. The chief clerk seems to be wrangling with the other clerks, and the seniors among the other clerks seem to wrangle with the juniors; they do not seem to assist one another in their duties. I never ascertained the cause, but I know the chief clerk is not on very good terms with the others, and the seniors are not on good terms with the juniors.

2464. *By Mr. Cowper:* You say the business at the Central Police Office has not been conducted satisfactorily during the last two years—do you mean to say that it has been less so than during previous years? No, I do not; I do not think it has at any time been satisfactory; there has always been some defect in one office or the other.

2465. Is there not generally a mass of business—people coming rushing in, each to have his own business done first? Yes, no doubt. There are a great many orders for informations in trifling cases which ought to have been first investigated by the Magistrate applied to; they ought not to grant a summons where they find that when the case comes before the Bench it cannot be dealt with. I suppose that is for the purpose of increasing the revenue.

2466. Where does that fault rest? With those who give the order.

2467. Who generally gives the order? Generally the Police Magistrate.

2468. You say the informations are often defective—what clerk prepares them? Mr. Davidson used to do so. The Magistrate applied to for a summons gives a memorandum in writing for a summons for assault, or whatever the case may be; that was carried to Mr. Davidson, and the person wishing to take out the summons stated his case to him, and he filled it up in the information. The information is then taken to the Magistrate, and the question is asked, when it is signed by the Magistrate—"Has this been read over to you?" and if the party says no, of course the Magistrate then reads it to him before he is sworn to it.

2469. Then Mr. Davidson, who was the clerk who filled up the informations, and has only recently left the office, must have been the party who filled up improperly the informations you have spoken of? Yes.

2470. Is not that inconsistent with your statement that he was a very efficient clerk? I said that latterly he had been drinking; before he took to that he was a good clerk.

2471. You are aware that Mr. Crane was promoted to the Water Police Office in consequence of the high character he bore? I am not aware he was promoted.

2472. Did he not get a better salary? That I do not know.

2473. Was he not most anxious to get that appointment? He was. He was very anxious to get away from the Central Police Office.

2474. On what ground was he anxious to get away? I do not know; it did not become my duty to make that inquiry. I believe I recommended Mr. Smithers also for removal to the interior, if anything could be found to suit him, because he was dissatisfied with the office; he and Mr. Connell could not agree together.

2475. Have you never heard complaints of Mr. Smithers for irregularity of attendance? No; I have heard, on two or three occasions, that he has been away through sickness.

2476. Do you or do you not consider that the changes that have taken place in the clerical staff of the Central Police Office during the last two years have improved the efficiency of the department? Of course I cannot speak for the whole of them; I have not had an opportunity of overlooking them at all.

2477. You admit that Mr. Martin was too old to be efficient? Yes, he was too old to be efficient; he was a little deaf; but there are some there not equal to him now.

2478. You admit that Mr. Davidson latterly was inefficient from drunkenness? Yes, and insolence too.

2479. You speak highly of Mr. Hales and Mr. Felton? Yes, they promise to be very good clerks, and they treat everybody with civility at present; I do not know if they will get a little proud by and by.

2480. What is your opinion of Mr. Armstrong as a clerk? Well, he is not a bad clerk; I hardly know what term to apply to Mr. Armstrong; but I do not like those flying, bustling sort of men; I like a man who is steady in his way of going to his work, and knows what he has to do.

2481. Is he the clerk who prepares informations and summonses? No; Mr. Davidson used to do it; I do not know who has got Mr. Davidson's place; but I think Mr. Hales does Mr. Davidson's duty now, and Mr. Felton the summons bench duty, as deposition clerk.

2482. You say the chief clerk is not on good terms with the others? I do not say that from my own knowledge, only from what I have heard in the office; I never had an opportunity of seeing it.

2483. I suppose Mr. Smithers felt rather sore that he was not made chief clerk? I never heard him speak of that.

2484. Why is it that one does not choose to act under the other? I cannot give an opinion on that point, but there is something wrong between them.

2485. Is it your opinion that Mr. Connell is an attentive clerk? Perhaps if I were to say yes, I should not be saying what was correct; he is often absent for instance, he was absent

G. Hill, Esq.,
J.P.
27 Aug., 1862.

absent part of Friday and Saturday last, because I was there and wanted to see him. My reason for not making a note of these little things is, that I think it is the duty of the Police Magistrate to look into the department to see that every man is at his work. When I had charge of a department I used to have a book, and every man used to write down the time when he came in.

2486. Is not such a book kept at the Police Office now? I cannot say. I know Mr. Connell is not always there exactly at ten o'clock, and I dare say some of the others are not, but I always find the deposition clerks there.

2487. At what hour do you attend on your roster day? At ten o'clock exactly.

2488. Do not the clerks go there before ten? Some do.

2489. Is the office not open at nine every morning? Yes, but the clerks are not in attendance perhaps until a quarter to ten, or one or two of them perhaps at half-past nine.

2490. With regard to delay in receiving fines, was it not open to you, as a Magistrate, in any case of the kind that came under your notice, to desire the clerk to receive the money? No, I have not got the control of a common constable; I cannot order him to take a man over to the watch-house if Capt. M'Lerie had ordered him not to do it. And supposing a man was confined in the watch-house on a charge that I, as an unpaid Magistrate, thought ought to be bailed out, and I gave an order to that effect, that order would not be obeyed.

2491. What order would be obeyed? None but Captain M'Lerie's. I dare say they would pay attention to the Police Magistrate, but no other. However, I think Captain M'Lerie is perfectly right there; I think some evidence ought to be given before the Magistrate before a prisoner is allowed bail; he ought to be brought over to the Police Office and have it taken. There is another distinction made which I think is very improper:—I find there has been an order made—I do not know whether it is still in existence, or whether it has been discontinued—that if a person be confined for drunkenness, and happens to be a respectable man, who would be disgraced by being brought up in the Police Court, he may pay the maximum penalty of 40s. and go away. Now I say there should be no such distinction, but that every person should be dealt with alike.

2492. Is not bail taken from everybody that chooses to offer it? No.

2493. With reference to the payment of fines, you think no confusion would arise from an order being given to enable the clerk to receive a fine directly it was ordered to be paid—might not some confusion arise in the accounts? No, because the money and the depositions in each case would be forwarded to the proper officer.

2494. Would you suggest, then, that the deposition clerk in the Court should have a cash box to receive this money at once, and put it into account with the chief clerk afterwards? Yes, when the depositions were handed over to him. The fines are not so very great in amount that there ought to be much confusion.

2495. Can you suggest, from your experience of the Police Court, any modifications of the existing system which would put an end to delay, and cause a regular performance of the the duty? Delay in what?

2496. Generally, if there is delay to be complained of? Well, there is a good attendance of Magistrates generally. Often when I drop in I find so many Magistrates present that I walk out again. On almost every occasion I find a good number of Magistrates. The professional gentlemen take up a good deal of time at the Police Office, and you cannot stop them.

2497. *By Mr. Hoskins*: Why cannot you? You can refuse to hear them, if you like, of course, but would it be right not to hear them?—I see the Supreme Court and all other Courts give great latitude, and they say the Bench cannot be wrong in following the Supreme Court. They will bring a hand-barrow load of books, in a trumpery case, and quote as many Acts of Council or Acts of Parliament, some of them in existence for 250 years. Then there is an argument on a point of law, and after that you have to hear the gentleman on the other side, in reply. A good deal of time is occupied in this way. But taking the business of the Police Office generally, I think it is done in reasonable time. Some days it is over by eleven or twelve o'clock.

2498. *By Mr. Cowper*: Is the business generally cleared off? On the majority of days it is. Cases are sometimes postponed when the parties are not in attendance, or because professional gentlemen who have been employed are not in attendance. The defendant will generally comply with a request to postpone a case. There is sometimes an accumulation of cases in that way, but generally the business is cleared off.

2499. *By Mr. Hoskins*: Do you know from whom the order emanated to release persons in custody of the police on charges of drunkenness, on payment of the 40s. fine, without bringing them before the Magistrates? I think it was in the time of Captain Scott, the present Police Magistrate.

2500. *By Mr. Cowper*: And not before? It may have been in existence before, but it was renewed in his time, I am certain. But do not let me saddle Captain Scott with what he ought not to be saddled with. I am not sure whether he made the order or whether Captain M'Lerie made it; but the order was renewed in Captain Scott's time.

2501. *By Mr. Hoskins*: If such an order had been in existence previous to Captain Scott's appointment, it had fallen into disuse? I do not recollect it before. The persons I speak of are allowed to pay the fine of 40s., and the case is not entered on the sheet, or if on the sheet it is marked paid, and the name is not called.

2502. You never knew cases of this kind to occur previous to Captain Scott's appointment? No cases of money being paid in the watch-house.

2503. Have such cases frequently occurred within your own knowledge? Not frequently; I have seen several cases; perhaps ten or a dozen during the last two years.

2504. Were the persons charged with drunkenness and incarcerated, and afterwards released
in

in this way, persons whose social position was above the common? They were persons who would have been disgraced if called before the Bench and fined. G. Hill, Esq.,
-J.P.

2505. Do you, as a Magistrate, approve of such a procedure? No, I think if a person makes a blackguard of himself, that he should be subjected to the same incarceration and treatment as a poor man. I do not say that any man going drunk through the streets should be shoved into the watch-house without he makes a disturbance. 27 Aug., 1862.

2506. Have you heard of such a practice having existed in the Water Police Office or any other Police Court in the Colony? No.

2507. Then you, who have been a Magistrate for twenty years, consider this practice peculiar to Captain Scott's administration as Police Magistrate? I do not recollect it before.

2508. And you also consider, I infer from what you have stated, that the business of the Police Office is conducted in a very unsatisfactory manner? I do not think I said very unsatisfactory; I think my answer was that it was not satisfactory.

2509. What do you consider the primary causes of complaint—the laxity of attendance on the part of the clerks? Mr. Davidson used to keep people waiting for informations while he was talking to some one else, and paid no attention to the persons who were there until it pleased him to do so. I think the supervision of the office has not been sufficiently carried out to see that the clerks were at their work.

2510. There is not a proper state of discipline, in fact? No. I think it is the duty of the Police Magistrate to see that every man is doing his work, and doing it efficiently.

2511. Do you know, as a matter of fact, whether he does or does not do so? I do not know, but if he does why are complaints made.

2512. Do you happen to know whether any of these complaints are made to Captain Scott? No, I do not.

2513. Have you ever made any complaint to him yourself? I think I have spoken to him of Mr. Davidson's conduct.

2514. Did Captain Scott make any reply? He has gone over himself immediately to see about it. Captain Scott is a very obliging, gentlemanly man himself.

2515. Have these abuses been rectified? They have been rectified one day, but have happened again the next—fine one day and foul the next.

2516. Are we to infer that Captain Scott wants decision of character? Yes, firmness; and I think the chief clerk is a man who wrangles a good deal with the other officers of the department; he seems to be snappish and churlish, and wants to ride the high horse. There is one suggestion I would make, if it can be carried out:—There seems to be great delay in getting the summonses signed by the Magistrates. I have them coming to my house at eight or nine o'clock at night to be signed. I do not know whether an arrangement could be made that when the information is prepared the summons should also be filled up, so that the information could be sworn and the summons signed at the same time by the Magistrate. The summonses have to be sent about the country now for the Magistrates to sign them. It would save a great deal of trouble and a great deal of labour for Captain M'Lerie's men, if both were prepared and completed at the same time; and I think, if the matter was fairly looked into it could be done, and very easy too. There has been a good deal of talk about the appointment of a second Police Magistrate, but I do not think that is required.

2517. Which do you consider the most important duties of the Police Magistrate—the clerical duties, or attending on the bench? The clerical duties are of great importance, I think. I think that before any order for a summons or warrant is given, inquiry ought to be made by the Magistrate to know whether it was a proper case for a summons or warrant to issue.

2518. Do you know whether sufficient inquiry is made? I am not prepared to say, as a general rule; I know a great many trumpery cases come there.

2519. Are you frequently in the habit of issuing warrants? No; and when I do I am very careful what I issue them for.

2520. Do you ever after issuing a warrant cancel it, without having the person against whom it is issued apprehended and brought before you? No.

2521. Did you ever hear of such a case—do you know of such a case? No, I do not. I hear a good many things about people, but I do not believe half I hear.

2522. Do you think you would be acting illegally under such circumstances? I think so, without there was something to justify me in ordering a warrant not to issue.

2523. Has Captain Scott been on the bench every day when you have been present in Court? No, but he is very often on the bench with me.

2524. Can you say of your own knowledge whether he is in the habit of sitting on the bench adjudicating cases every day? I think almost every day he opens the Court for the drunkards. The summons Court is opened by the roster Magistrates if they attend, and if they do not, some Magistrates generally attend and take the cases.

2525. How many hours a day, on the average, do you suppose Captain Scott is sitting on the bench? His duties, it appears, call him elsewhere. This morning, for instance, he had to go to Cockatoo. Generally, as soon as other Magistrates come he leaves the bench.

2526. Where does he go? I am not in a position to say; I cannot say what instructions he has.

2527. In point of fact, is he very frequently absent from the Police Office? He is absent, but I cannot say whether it is on public duty. He has often said to me,—I wish you would come down and open the Court to-morrow, I want to go to Cockatoo, or to the Gaol, or other places.

2528. *By Mr. Cowper*: You do not know whether he is in his office or not, when he is not on the bench? I often find him in his office, and I often find him away.

2529. *By Mr. Hoskins*: You complained, in one part of your evidence, of the long speeches
of

G. Hill, Esq., of attorneys;—do you think that evil prevails to a greater extent than it did when Mr. Dowling was Police Magistrate? No, I think there was as great latitude allowed when

Mr. Dowling and Mr. Forbes were in office as there is now.

2530. Do you think cases are proceeded with now as expeditiously as previously to Captain Scott's appointment? Yes, I think so; I do not see any difference in the mode of conducting business.

2531. Do you consider that the attorneys practising at the Central Police Office have generally comported themselves as they should do to the Magistrates on the bench? They are a little bit knotty sometimes, but some Magistrates are so thin in the skin that they get insulted about nothing.

2532. Have you ever heard an attorney threaten personal violence to a Magistrate on the bench? No, never. I have sometimes heard Mr. Moffat make use of some very outrageous language to the Magistrates.

2533. Has the Police Magistrate compelled the attorneys to be respectful to him? I think he has refused to hear Mr. Moffat.

2534. Has he ever threatened to commit any attorney for contempt of Court? Not in my presence.

2535. Are you in the habit of allowing attorneys or counsel to address you, as a Magistrate, on behalf of persons charged with criminal offences, in mitigation of punishment? In criminal cases, when a Magistrate thinks a *prima facie* case is made out for committal, of course he may refuse to hear the attorney.

2536. Do you do so? I very often refuse to hear him. If I saw a case made out I should say the Bench had made up their mind, and refuse to hear anything further; but the Judges of the Supreme Court differ from that view; they say we ought to take all the evidence in a case, for and against.

2537. I suppose you are frequently in the habit of preventing counsel addressing you on behalf of persons charged with criminal offences? Not frequently. I have done so on some occasions. If there is a doubt on my mind, and I think they may be able to rebut the evidence for the prosecution by good witnesses, then I think it is the duty of the Bench to go into the inquiry, not only for the sake of the prisoner, but by way of saving the country the unnecessary expense of a trial; but if I see that all the evidence they can give ought not to prevent the Bench from sending the case to another tribunal, then I send it.

2538. Do you think an amendment of the law which would admit the right of a prisoner charged before a Bench of Magistrates with a criminal offence to be heard by counsel would be a very proper amendment—just to the party charged, and also perhaps beneficial to the country, in the saving of expense? In that case the hearing of a charge might come on before a Magistrate not able to interpret the law, and by the exertions of a professional man a guilty party might get off perhaps in a case of some importance, because some professional men would talk some of the Magistrates blind almost, and entangle them so that they would not know whether to convict or discharge the prisoner. I think it is well enough as it is, and if it goes beyond that, men better skilled in the law ought to be the judges.

2539. Do you not think your objection would be obviated by having persons skilled in the law to dispense justice as Magistrates? I will tell you what I think;—It would be a great advantage to the Police Office if there was some professional man appointed to the Police Office, to advise the Magistrates on points of law. I do not mean to say the Police Magistrate should be a professional man, but I would have no objection to that if he was a good one.

2540. Are there a sufficient number of policemen in Court generally to preserve order? Not always. I will instance a case, to satisfy you as to the defective working of the Police Office in that respect:—In a case that was being heard before me, while the case was going on, a man named William Windred jumped up in the Court and told the man that was being examined not to do so and so; he was half drunk at the time. I said to him, "Windred, you must leave the Court, if you do not I shall be obliged to put you in the "watch-house;" "I will leave the Court when I like, sir," said he; and I looked round for a policeman to take him over to the watch-house, and there was not a single constable there; and the man persisted and kept at the table till Mr. Roberts, who was conducting the case, persuaded him to go outside, but he did not stay five minutes till he came back with the same insolence. I could not help it, because there was no constable there.

2541. Have you ever represented to the police authorities the paucity of constables in attendance at the Police Office? I represented it to Mr. Higgins when he was inspector there, and he said he was bound to pay attention to the instructions of Captain M'Lerie. Of course I never gave any orders to the constables, because I knew it was not a matter of right; I knew it was a matter of courtesy if they thought proper to obey me. The Inspector of Police on one occasion told me he could not do it, when I gave him an order.

2542. Then I should infer from what you say, that the police and the Magistrates do not work in harmony? Yes, they do, but I have heard of some irregularities. I have heard them reply in this way—It is Captain M'Lerie's orders.

2543. Do I understand you that the Magistrates always find a difficulty in getting policemen to carry out the duties of the Court in maintaining order? No; on the occasion I have spoken of, the police had gone away somewhere to be sworn in. Generally there is an attendance of police to swear the witnesses and take charge of the Court; but the orders they receive from Captain M'Lerie may differ from those of the Magistrates, and then they will not do what the Magistrates require them.

2544. You are aware that some months ago a Bill was passed for reorganizing the police force? Yes.

2545. Previous to that were the police more obedient to the Magistrates? I think they were

were; they are more independent now; they say Captain M'Lerie gives us our orders, and we cannot do anything without his instructions. I think there ought to be an inspector and a certain number of constables under the complete control of the Bench, while the Court is sitting.

G. Hill, Esq.,
J.P.
27 Aug., 1862.

2546. *By Mr. Forster*: Is there no enactment which enables Magistrates on the bench to punish constables for disobeying their lawful orders? I do not know of any; but if there were you would have to go through a process of law to decide whether the orders were lawful orders or not.

2547. Would it not be within the power of the Magistrates to make some arrangement with Captain M'Lerie by which some particular constable or constables would be responsible each day for the order kept in the Court? I am not finding fault with the order in the Court.

2548. Would you suggest any alteration in the law, in respect to the control of the police in these matters? Without reading it I could not suggest in what part it ought to be altered. The Police Act gives Captain M'Lerie the final control of the police; but I should say it should be, with the exception that when on duty in the Police Office, they should be under the final control of the Bench then sitting.

2549. Does not the Police Act give the Colonial Secretary the final control of the police? No doubt.

2550. Does it follow that because the police are under the control of a superior officer, that they are not to obey the lawful orders of Magistrates on the bench? How is it to be ascertained what are lawful orders?

2551. Would you go the length of recommending the repeal of the Police Act of last Session? No, I would not do anything of the kind. I do not find any fault with the law. I only say that whatever constables are allotted for the day's duty in the Court should be under the control of the Bench.

2552. You would suggest that the law should be put into that state, if it is not so already? I think so.

2553. Do you think the business of the Police Office has seriously deteriorated of late years, since the time before Responsible Government? In what way?

2554. The efficient conduct of business in the Court? No; I think the inefficient conduct in the Police Office, years and years before Responsible Government, was in a worse state than it is now.

2555. Then you think it has improved? I do.

2556. You have sat, I suppose, with Mr. Forbes and Mr. Dowling, when they were Police Magistrates? Yes; with all the Police Magistrates from Mr. Windeyer's time.

2557. Do you think the presence of a Police Magistrate of use? I think there ought to be a Police Magistrate. If there was not, many a day the Court would not be opened till eleven o'clock, and many an application would not be attended to.

2558. Do you not think that the more regular his attendance on the bench the better? I should say all the time he could spare he should be on the bench.

2559. Do you not think his chief business should be on the bench? From ten o'clock till four in the afternoon he should never be away from the Police Office. I do not think the Police Magistrate should have any other Government appointment to attend to.

2560. You have said Captain Scott has not been regular in his attendance on the bench? No.

2561. Do you think his non-attendance, whether blamable or not, has in any way affected the conduct of business in the Court? I have often gone into the passage that leads into the George-street Summons Court, and have seen females and men standing there, who have been waiting a long time to see the Police Magistrate.

2562. I am speaking of the efficient conduct of the business in the Court;—do you think it is any worse, as compared with what it was in the time of Mr. Dowling and Mr. Forbes? I think that Mr. Windeyer, Mr. Dowling, and Mr. Forbes, were most efficient men.

2563. There was a time when there was no Police Magistrate at all? Yes.

2564. Do you think matters were worse then than they are at the present time—are they better now under Captain Scott than when there was no Police Magistrate? Yes, I am sure they are better. There is a better attendance of Magistrates.

2565. You would not say the business is as well conducted as in the time of Mr. Dowling and Mr. Forbes? No, they were two very good men.

2566. Is it a common thing now for attorneys to insult the Bench? No, it is not a common thing; sometimes the Bench bring it on themselves; there is a little latitude on both sides.

2567. Do you think that is an excuse for an attorney—that the Bench bring it on themselves? If a man on the bench makes an improper remark I think it is likely something should follow.

2568. Then I suppose you have no complaint of that kind to make personally? Not the slightest. I receive the greatest respect from the whole of the profession.

2569. I presume, then, you think the fault is as much with the Magistrates as with the attorneys? Sometimes the attorneys get a little warm, and say a good deal they are not justified in saying.

2570. *By the Chairman*: You say Captain Scott is frequently absent from the Police Office? Yes, I often find that he is not there.

2571. And I think I understood you to say that the chief clerk was often wrangling with the other clerks? That is only from information.

2572. You have heard so from Magistrates or the clerks employed there? Principally from the clerks. I have heard them say, Mr. Council is getting the place into a state of confusion.

- G. Hill, Esq., J.P. 2573. You say that during the time Mr. Forbes was Police Magistrate matters were conducted very well there? I never heard any complaints, neither when Mr. Forbes was there nor Mr. Dowling.
- 27 Aug., 1862. 2574. *By Mr. Hoskins*: Mr. Forster asked you if you thought the Police Act now in force should be repealed, and you did not give a decided answer—have you ever read that Act? I have read portions of it.
2575. Do you approve of it? What I read I did not disapprove of; but it has not been a matter of serious consideration with me whether it requires amendment or not. But there is one Act I think requires an alteration, and that is the Act with reference to light weights, which requires that there shall be two Police Magistrates to adjudicate in cases under it. I cannot see myself why a Police Magistrate is superior to any other Magistrate. I know cases have gone over from day to day because they could not get the attendance of Mr. Allen. When there was no Police Magistrate at the Central Police Office, Mr. North and Mr. Allen were the only two Police Magistrates who could act in such cases.
2576. *By the Chairman*: Do you not know that there are other Acts so loosely framed and drawn that it is almost impossible to proceed under them? Yes, the Building Act in particular, and the Alignment Act, are so defective that they cannot be worked satisfactorily; and so is the Sewerage Act.

Robert Rathbone called in and examined:—

- R. Rathbone. 2577. *By the Chairman*: You are messenger at the Central Police Office? Yes.
- 27 Aug., 1862. 2578. Do you know the object of this Committee? Yes, I believe it is to investigate the working of the Central Police Office.
2579. Are you desirous of giving any evidence before the Committee? I will give what evidence I can.
2580. Have you been spoken to by any person with respect to your evidence? Captain Scott merely told me I would have to give my evidence—not of what nature it might be.
2581. What evidence can you give? Any questions you ask me I am prepared to answer, as far as lies in my power.
2582. How long have you been messenger at the Police Office? Since 22nd January of the present year.
2583. Were you employed in the office at all before that time? Never.
2584. And you know nothing of the working of the office before that time? No.

FRIDAY, 29 AUGUST, 1862.

Present:—

| | | |
|---------------|--|--------------|
| MR. CALDWELL, | \| | MR. FORSTER, |
| MR. COWPER, | \| | MR. HAY, |
| MR. HOSKINS. | | |

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Mr. Richard Stubbs called in and examined:—

- Mr. R. Stubbs. 2585. *By the Chairman*: You are Inspector of Licensed Vehicles, appointed by the Municipal Council of Sydney? Yes.
- 29 Aug., 1862. 2586. As such Inspector, is it your duty to prosecute cases for breaches of the Hackney Carriage By-laws at the Police Office? As often as they occur.
2587. How long have you been so acting? Ever since the first formation of the City Council, in 1842.
2588. How often during that period have you been compelled to attend at the Police Office in the prosecution of your duties? Always once a week, and it has been more than that.
2589. What is the number of cases, on the average, in the week? Lately they have been from ten to twenty; there were eighteen yesterday—one withdrawn.
2590. Who prepares the informations and summonses in these cases? I do. I submit them always to the City Solicitor, for his approval.
2591. Then the whole of the clerical work necessary for the filing of informations and issuing of summonses is performed by yourself? Entirely; seeking for information, witnesses, and all that.
2592. The issue of subpoenas to compel the attendance of witnesses? Yes, the whole matter of it.
2593. What fee is usually paid by yourself on exhibiting an information? None.
2594. On issuing a summons? None.
2595. Then, in point of fact, you pay no fees at all to the Police Office? None to the Police Office fund.
2596. Have you not had considerable experience of the management and working of the Police Office? I may say ever since Colonel Wilson's time up to Captain Scott's, under all the Police Magistrates.
2597. Do you know the object of this Committee? To inquire into the working of the office, I believe.

2598. Do you think the Police Office has been for the last twelve months in perfect working order? No; but certainly there has been considerable alteration within the last three or six months. Mr. R. Stubbs.
29 Aug., 1862.
2599. Alteration or improvement? Improvement, I will say that if you please.
2600. In what respect? My business is to attend the Court at ten, and when I have gone there I may have found a Magistrate but no Clerk, and considerable delay has ensued in consequence, considering that I have generally from ten to twenty witnesses there.
2601. Has that irregularity been remedied? It has lately.
2602. Within what time? I should say since poor Mr. Martin's death.
2603. Within the last three months? Yes.
2604. Certainly within the last three months? Oh, certainly; more particularly within this month or six weeks, I will say. There is more regularity generally in the office altogether with regard to getting papers.
2605. Who generally makes out the orders upon convictions obtained by yourself? The Police Constable.
2606. Who generally issues them? I issue them at the office. They send them to me, under cover, at the Town Hall, and I deliver them to the constable, and tell him to serve them immediately.
2607. You generally take your cases before the Court on Thursday? I do.
2608. And have done so the last two years? Yes, there is a special day set apart for that purpose, to save time.
2609. Have you been compelled to wait any time for an order from the Court? Indeed I have.
2610. What time? Suppose I begin a case at ten o'clock, there comes in a second Magistrate, and all the double cases are taken before me —
2611. You misunderstand my question;—after obtaining a conviction at the Police Office, how long have you been compelled to wait before obtaining the necessary order to enforce the conviction? Formerly I used to wait sometimes a week or a fortnight; now they issue them immediately.
2612. You say you have frequently been compelled to wait a week or a fortnight before obtaining these orders? Formerly.
2613. Now you obtain them almost immediately? Yes.
2614. Within a day or two? Certainly.
2615. Have not the parties against whom the order has been made frequently absconded whilst you were waiting for an order? Yes.
2616. Frequently? Formerly; I do not say it is so now.
2617. Within what time has this alteration taken place? About the same time; within the last six months there has been a considerable alteration altogether.
2618. Has there not been a considerable alteration within the last six weeks? Yes; but you cannot help these people absconding; the moment they hear a summons is out against them, they bolt; it is impossible to catch these men. It has been much better certainly within the last month.
2619. It has been stated to this Committee that Captain Scott has frequently taken cases for you in his private room? He took them before the end of June; they ceased after the 30th of June last; he has not taken any since.*
2620. By whom were those cases conducted? By you, as City Solicitor.†
2621. As late as the 30th June? The last he took, I think, was the 30th June; he took only four or five cases.
2622. In his room?—think for a moment who conducted them? You did. You must excuse me, I remember your acting as clerk there, and taking depositions. I can correct myself afterwards if I look to my books.
2623. Who generally acted as deposition clerk on these occasions? He did himself.
2624. *By Mr. Cowper*: Captain Scott? Yes; it was only on three or four occasions.
2625. *By the Chairman*: Did any other person? You did yourself on one occasion.
2626. How were those cases conducted? Very well.
2627. I mean by the Police Magistrate? The same as they generally are.
2628. Do you not know that complaints were made at the time as to the manner in which they were disposed of? No, I never heard of that.
2629. By any person? No.
2630. You say within the last month or six weeks a very great improvement has taken place in the whole department? Yes, it has indeed. Yesterday I got through all the cases in an hour or so; a year or a year and a half ago they might have been two days in hand, in consequence of postponements and all sorts of things.
2631. That might possibly have been owing to the Justices who presided? I cannot complain of the Justices at all.
2632. *By Mr. Hoskins*: What is the nature of this improvement in the office—are the clerks more attentive to their duties? Certainly.
2633. You say there has been a marked improvement in the last month? I have found it so; I have not much to do with them, but when I go there once a week, I get everything I want with civility and attention.
2634. There has been a marked difference in the treatment you have received recently? In civility and attention, I would say; if I go and inquire about any particular case I am in doubt

* NOTE (on revision):—I find Captain Scott took three cases, 6th, 13th, and 20th March last; and again, one, 30th June, in the afternoon.

† NOTE (on revision):—I cannot charge my memory that the City Solicitor took every one of these cases. I remember one case in particular, when, to save time, he took the depositions.

- Mr. R. Stubbs. doubt about, and want to refer to it, I make the inquiry and refer to the book immediately, and the book is always kept right.
- 29 Aug., 1862. 2635. Previously you had some difficulty in this respect? Anciently it was very bad; I do not think they posted up the conviction book for a year.
2636. Are you in the habit of going to the Police Court frequently—daily? No, only to file informations and to attend the Court.
2637. How often is that? It will take half an hour to file an information, and I attend at the Court on a particular day once a week, except in special cases—once a week certain, and generally of a day to see if any licensed man under the Municipal By-laws has been committed for any other offence under any other law.
2638. You are not in the habit of attending the Police Court more than once a week? No, I have not any summons cases there more than that.
2639. Have you generally seen Captain Scott on the Bench when you have had business at the Police Court—adjudicating cases? I have often seen him.
2640. Is he to be found there generally every day dispensing justice? I do not say that.*
2641. Is he more frequently absent from the Bench than on the Bench? I do not know; I am not there every day, only calling there; not there all day, except Thursdays. He is engaged in his chamber duty a great deal.
2642. Do you know, from your own observation, that Captain Scott is more frequently to be found in his office than on the Bench? I never go there but I can find him.
2643. Where? He signs my informations, sometimes, by a quarter past nine in the morning.
2644. You are never there in the middle of the day—at twelve, one, or two o'clock? Unless I may have some particular thing to inquire after—a person, or a summons, or anything of that sort.
2645. Did you ever hear that a practice was in existence at the Police Court, to give fees to any of the clerks to have business expedited? There was a report of the kind some years ago.
2646. You have not known any cases yourself? I never gave any.
2647. *By Mr. Hay*: You say improvements have taken place recently—within what time have you noticed those improvements? I say within six months, but particularly within the last month or six weeks, I have found it so most certainly; the clerks are earlier at their duty.
2648. *By Mr. Caldwell*: Has Captain Scott been in the habit of taking the cases you have brought into Court in his private room? He has taken some in his private room.
2649. Has this been a convenience to the public? It has to me.
2650. Has Captain Scott been in the habit of hearing cases with closed doors? No, never; I should not, as public prosecutor, have allowed such a thing myself.
2651. Who has taken the depositions? Captain Scott has sometimes done so.
2652. *By Mr. Cowper*: Has anyone ever objected to the Police Magistrate for taking depositions? Not that I have heard. It has been done to expedite the business.
2653. *By Mr. Caldwell*: You have had great experience in the Police Office? Yes.
2654. Do you consider Captain Scott an efficient Police Magistrate? I do; a Justice of the Peace on the part of the Crown, and a Magistrate on the part of the people.
2655. Have you found Captain Scott attentive to his duties? He is to me; he is always ready to give me a warrant at any time.
2656. You have frequently business at the office;—do you find the clerks civil and attentive? Yes, they are always attentive to me; but the regularity of the whole department has been considerably improved within the last month or two months, unquestionably.
2657. *By Mr. Cowper*: Do you consider that the mode of conducting the business of the Police Office has been improved, or otherwise, since Captain Scott became Police Magistrate? Yes, I should suppose these alterations and improvements have been under his orders.
2658. You have said that since Mr. Martin's death you have found the business better done than previously? Yes.
2659. Do you consider the clerks who have been appointed during the last twelve or eighteen months more efficient than those who were there formerly? They are as attentive, but perhaps not as experienced; they require to learn something yet. I think the great improvement has arisen from pulling together, if I may use the term.
2660. The clerks do now pull together better than they did? Yes.
2661. Are the clerks there now before ten o'clock? Generally; it depends, I suppose, upon the business they have before them.
2662. *By the Chairman*: You state that the proceedings have never been conducted with closed doors? No.
2663. How many persons have been admitted? The room would not hold half a dozen altogether.
2664. How many persons were necessarily present? Generally about four or five.
2665. Then there was no room for the public at all? I do not know; they might have come in if they could.
2666. Do you know that witnesses and parties interested have been compelled to remain outside the door? As I have said, it would not hold above half a dozen; but the doors were open, and they could hear outside.
2667. There must of necessity have been four present? Yes; the constable, myself, two witnesses, and the defendant.
2668. Then there was no room for the public at all? I do not know that they required it.
2669. How often has Captain Scott signed summonses for you within the last twelve months? I suppose a great many, a score at a time.

2670.

* NOTE (on revision):—Except Cockatoo and Darlinghurst days.

2670. Are your informations and summonses not usually signed by Magistrates away from the Police Office? I have had them done so. Mr. R. Stubbs.
2671. Very frequently? Yes. 29 Aug., 1862.
2672. In nine cases out of ten? Yes, excepting at the Town Hall.
2673. I am referring to the Town Hall? Oh, certainly, at the Town Hall they are.
2674. In nine cases out of ten they are signed away from the Police Office? I think they are in many cases.
2675. Can you state how often Captain Scott manages to get through the business before half-past eleven? He has not had above three or four of my hearings.
2676. How often has he taken them in his private room? I think about three or four times.
2677. Can you state that, upon any one of those occasions, he has disposed of them before one o'clock? Yes, always, except 30th June. I think there was one adjourned case with reference to the Domain, in March.
2678. How many cases had he on those occasions? From ten to twenty, I suppose.
2679. On each occasion? On each occasion; about the usual number.
2680. And he got rid of them before one o'clock? I can send you a list to-morrow; I have got them all.
2681. You state that Captain Scott makes a very good Police Magistrate? Perhaps I am not competent to judge.
2682. Will you say in what respects? By doing his duty; by being always there; by hearing the evidence patiently; and, I believe, from never having any prohibitions against him.
2683. You say he is always there? Generally, I think.
2684. How often are you there? I am always there once a week; sometimes I have to go in occasionally besides.
2685. You always find him there? I do not say I always find him.
2686. Do you usually find him upon the bench, or in his private room? I think he used generally to be in his room; latterly he has been upon the bench.
2687. How long does he remain on the bench? Until some other gentleman comes in to help him.
2688. He then adjourns to his private room? Yes, I suppose so.
2689. Does he, as a general rule, do more than dispose of the drunkards and charge sheet? Yes; I have seen him lately in the other room.
2690. Only lately? Yes.
2691. It is not usual for drunkards or persons on a criminal charge to apply for a prohibition? No.
2692. Did you ever know such a case? No.
2693. So that the fact of no prohibition having been applied for against Captain Scott is no evidence of his efficiency as a Police Magistrate? He has had other decisions.
2694. How many? It is impossible that I can have a record of them. I go to the Police Office only occasionally, but I speak from my general knowledge of Captain Scott, and from my belief.
2695. You say that lately Captain Scott has sat upon the bench more than he did formerly? Yes.
2696. How long has he taken to that? Not long; within the last month. I think he took some cases of mine a fortnight or three weeks ago*—the whole of them—upon the bench.
2697. Within the last fortnight or three weeks? Yes, I think so.
2698. Have you any doubt of it? If I can correct my evidence afterwards I shall be happy to give the information.
2699. I wish to call your attention to this, for it is rather particular? I think it was the third Thursday ago.†
2700. At what time did he take his seat on the Bench on that occasion? He was there at ten.
2701. At what time did he commence your cases? Not till a second Magistrate came in.
2702. Is it not the fact, that Captain Scott walked on to the Bench, sat down, and the moment after the case was commenced rose and left the bench? He might have done so.
2703. Is it not the fact? Not to my knowledge.
2704. Did not the City Solicitor call your attention to it at the time? The City Solicitor told me he did not want him there at all.
2705. And that it was a good job he was gone? I believe that was it.‡
2706. He did leave, did he not? I dare say he did. I did not expect to be asked these questions.
2707. You are quite wrong in stating that he remained there during the hearing of the whole of the cases? If you were there, I must ask to apologize, if I have made a mistake.
2708. Is it possible that you may have made a mistake with reference to the evidence you have given as to Captain Scott's conduct of business in his small private room? That is impossible, for it is a small room.
2709. As to your getting away at a certain time? Yes.
2710. Have you not heard Magistrates frequently insulted on the bench? Indeed I have.
2711. By whom? Professional gentlemen.
- 2712.

* NOTE (on revision):—On reference, I am in error; not since 30th June.

† Revised:—I find 30th June.

‡ NOTE (on revision):—This is a very coarse expression, I must confess; and I hope, in courtesy, I may be allowed to withdraw it.

Mr. R. Stubbs. 2712. Has any notice been taken of these insults? Yes, I believe the parties have been reprimanded.

29 Aug., 1862. 2713. By whom? The Bench; and I believe one has been suspended for a month, or something of that.

2714. During your experience, have you not known many cases where the Bench have been called upon to decide very difficult questions? Indeed I have known very many difficult questions.

2715. Have you not heard many strange decisions given there? I have known an instance of a man being fined £10 for running over a man's foot; and I have known another, of a 'busman being fined 5s. for knocking down a man in the street, where two omnibuses were racing.

2716. Did Captain Scott sit on the bench when the fine of £10 was imposed? I do not know; £9 it was, it could not be £10.

2717. Was not that fine imposed by the Police Magistrate within the last six months? Yes.*

2718. About how many attorneys are in the habit of practising in the Police Office? Four or five.

2719. Do you think they occupy more of the time than is absolutely necessary? I think half the time they occupy is a great nuisance, both to the public and to the Bench.

2720. Do the Bench attempt to check it, or interfere with them in any way? They cannot check it; they cannot stop their talk. One speaks, another answers; then one says, "I reply to that"; the other, "I demur to that"; "I have a right of reply to that"; till neither knows what the other is talking about, and all about an old washing tub, perhaps.

2721. No steps have been taken by the Bench to put a stop to this irregularity and delay? No. I would send them over the way.†

2722. By "over the way," do you mean the station-house? Yes, and there I would keep them till the Court rose. Nothing else will stop it.

2723. The attorneys you refer to are those who practice there daily? Not all of them; those who seek notoriety, and who give something for their money, as they call it.

2724. They attend daily, do they not? Yes.

2725. By Mr. Hoskins: You do not include the City Solicitor among the number of those who are so troublesome? He can meet the objection and take up the time of the Court as well as others, to get rid of a quibble raised before the Bench. I refer particularly to one person, who regularly indulges in taking up the time of the Court, by an ingenious art of "objecting to everything."

2726. By the Chairman: The City Solicitor does it merely in reply? He cannot help it.

2727. By Mr. Hoskins: Does this habit of extreme loquacity among attorneys prevail to a greater degree now than it did previous to the appointment of Captain Scott? It is as bad as ever.

2728. Is it worse? No; there is just the same style, the same manner, the same fashion of getting up to answer one another, the same wrangling going on, taking up the time of the Court; all about some point in dispute not in the issue at all.

2729. You do not understand my question;—Is this abuse of the freedom of speech on the part of the attorneys worse now than it was previous to Captain Scott's appointment? No.

2730. By Mr. Cowper: Was it as bad in Mr. Dowling's or in Mr. Forbes' time? No, not in Mr. Dowling's.

2731. By Mr. Hoskins: You mean that Mr. Dowling would not allow attorneys to indulge in these mutual recriminations? He would not; that is, in a certain kind of recrimination—abusive language, in fact.

2732. Do you not think, if the Police Magistrate were more frequently on the bench these irrelevant speeches of attorneys would be checked? If he exercised the authority he has.

2733. Do you think he does exercise his proper authority? I think he is too mild.

2734. Does he exercise more authority in checking the excesses of the members of the legal profession than the ordinary Magistrates do? No; there are one or two gentlemen who will not allow it. Mr. Birrell is one, and there are two or three other gentlemen; the unpaid Magistrates.

2735. Do you think it would be an advantage in stopping this nuisance of which you complain, if the Police Magistrate were in constant attendance in the Court, sitting on the bench, and were a member of the legal profession? Certainly; that has been my judgment for years.

2736. You think it would be a great advantage if the Police Magistrate were a lawyer? I think one might be; and in my opinion, we ought to have two Police Magistrates. One an Assistant Police Magistrate, who should be resident on the spot, and then all the informations, summonses, warrants, taking bail at the watch-house, and so on, would come under him; he would have the control of the watch-house and police. He might also take drunkards' cases at nine o'clock in the morning instead of ten, and have them all sent away before ten. Mr. Dowling used to take them all at nine.

2737. Would you consider it desirable that the Police Magistrate should be sitting on the bench the whole day during the time the cases were heard? If he could stand it.

2738. If your suggestion were carried out, of having two Police Magistrates, could not one sit all day? Yes, and where the other was required, in double cases, he would be at hand.

2739. Do you consider that the business could be proceeded with with more expedition? Yes, and

* Revised:—I do not know that it was the Police Magistrate.

† NOTE (on revision):—This phrase is most exceptionable. The expression I should wish the Chairman to look at, and replace it by "committing for contempt of Court."

- W. Barker, Esq.
 10 Sept., 1862.
- of the proceedings, and it is difficult to believe that such decisions could have been given as are sometimes reported in the newspapers; they exhibit such ignorance of the law.
2758. Do cases involving complicated questions of law and fact frequently arise there? Yes, very often, cases which the Magistrates who generally preside there are altogether incompetent to deal with; and that circumstance, I believe, prevents many of the profession from attending there who would otherwise do so—I do not mean as a general practice, but who would attend more frequently than they do. I remember one occasion when I was told by two gentlemen on the bench that they had no doubt that what I said was perfectly good Supreme Court law, but that when they took their seats there, there were certain rules laid down for their guidance, and whatever the Supreme Court law might be, they would act in accordance with these rules.
2759. Did they state who told them? No, they said there were certain rules laid down for their guidance which they would follow out; and their decision in that particular case was, I believe, quite in accordance with the statements they had made.
2760. *By Mr. Forster*: Do you attribute these evils to the incompetency of the Magistrates presiding? Yes, I do.
2761. Do you think Captain Scott is incompetent? I do not think Captain Scott is as efficient as a trained lawyer would be.
2762. Does not Captain Scott generally preside on the Bench? As far as my experience enables me to speak, I think not. I have very often found him presiding in Court when I have attended in the morning, but shortly afterwards he has disappeared, I assume for the performance of some other duty, and has left the case to other Magistrates, whom I believed to be less competent than himself.
2763. If he attended on the Bench, generally, do you think matters would be better? My impression is, that he is wanting in firmness with regard to the practitioners there, and that that prevents the Court from being what it might otherwise be.
2764. Am I to understand that a professional lawyer must necessarily have the quality of firmness? I consider that any person who sits as a Judge ought not to be wanting in firmness.
2765. If a man were educated to the law, would that necessarily give him the quality of firmness? No; a professional man may also be wanting in firmness. But you will observe that in my previous answer I have not said that firmness is the most essential qualification of a Magistrate, nor have I said that a knowledge of the law is the only qualification required.
2766. Have not some of the best Police Magistrates in London been men without professional training originally? I am unable to speak of my own knowledge, but I think it is not improbable, because they may have had a very long course of training, which, in the end, has made them very efficient Magistrates.
2767. They have been trained on the bench, in fact? Yes.
2768. At the expense of the public, in the beginning? No doubt, in many cases; and there is no reason why such men should not be as efficient Magistrates as any professional lawyer.
2769. After a time? Yes.
2770. You do not deny that there may be a natural aptitude in some cases, which to some extent may supply the want of training? I do not; I believe there are many such men; and there are also men who occasionally preside at the Police Office who have had no legal training, and whose education is but limited, who nevertheless have a great deal of common sense, which they use in deciding cases brought before them, and generally do substantial justice.
2771. Is not the great evil the want of a constantly presiding head at the Police Office? That is one of the evils.
2772. As a general rule you would recommend the appointment of a professional man? I consider, having regard to the nature of the questions which often arise there, that only a lawyer—a sound lawyer—is competent to discharge the duties. To professional men it appears ridiculous to argue questions of law before Magistrates who are not able to construe a statute, nor capable of comprehending the legal arguments that are addressed to them; and that happens almost daily at the Police Office.
2773. I presume, from what you say, that you consider the appointment of a Police Magistrate necessary? I do. I consider it necessary that there should be a competent man to preside there constantly, and that in order to be competent he must be a lawyer.
2774. Would the present salary, £600, be in your opinion sufficient to secure a competent person? I do not believe you would get any competent man in either branch of the profession who would take the appointment for that salary. I do not think a competent man could be found to take it for less than £1,000 a year. No man in either branch of the profession, who has a pretty good business, would sacrifice that business for the appointment.
2775. Have you noticed any scenes implying a great want of power to keep order in the Court? I have not witnessed any of the scenes that have occasionally been reported in the newspapers; but I have remarked that there is not that decorum and propriety observed that ought to be maintained; and I think that arises chiefly from want of firmness on the part of the Magistrates.
2776. Do you think the police give the Magistrates proper assistance now, as compared with what they used to do in former days—is there any difference in their demeanor of late? I am not able to state anything in regard to the conduct of the police.
2777. Have you had any occasion to observe the operation of the New Police Act? No.
2778. Have you ever contrasted or compared the conduct of the Police Office business under former Police Magistrates with what prevails at present? My experience at the Police Office is but very limited; I certainly do not go there more than half a dozen times in the course of the year.

W. Barker,
Esq.

10 Sept., 1862.

2779 *By Mr. Hoskins*: In reply to a question of Mr. Forster's, you alluded to the Police Magistrates in London;—did you ever hear, within the last twenty years, of a person having been appointed to the situation of Police Magistrate in any of the suburban Courts in London—that is, not including the Police Courts at the Guildhall, or the Mansion House, in the City of London—who was not an attorney or barrister? I think you have misapprehended my answer. I made no allusion whatever to the Police Magistrates in London. On the contrary, I stated that I had no experience with regard to the Courts in London.

2780. Mr. Forster asked you, did you not happen to know that persons who had not been lawyers had been appointed? And my answer was, that I did not know, but I thought it not improbable.

2781. You never heard of a case where a person who was not a lawyer was appointed? No.

2782. *By Mr. Cowper*: He might have been without your knowing it? Of course. A gentleman may qualify himself for the performance of the duties; but generally I think a man who has not been trained as a lawyer cannot discharge the duties efficiently; and I believe that many practising lawyers would be altogether incompetent for the office.

2783. You said you thought Captain Scott wanted firmness, and that you considered firmness and decision of character a primary qualification, combined with a knowledge of the law? I said I considered firmness to be one of the necessary qualifications.

2784. You consider an acquaintance with the law to be a primary qualification? I consider it indispensable, if the law is to be administered in that Court at all.

2785. Did you ever hear that persons had been in the habit of paying fees to clerks in the Police Office for the purpose of getting their business expedited? No, I never did; I have had no experience with regard to the conduct of the officers connected with the Police Office; I know nothing of the working of the offices connected with the Court; when I have had business of any kind there I have always had the office part of it transacted by others, and have myself only attended the Court.

2786. Did you ever hear of warrants being cancelled without the persons against whom they were issued being brought before the Magistrates? I do not know of such a case of my own knowledge; I know it only as a rumour, or from statements that have appeared in the newspapers.

2787. Do you think such a practice would be legal, or in contravention of the law? If the warrant were properly issued at first, I should consider it to be in the highest degree improper to cancel it, unless the party against whom it issued had otherwise been brought before the Court.

2788. And therefore, of course, if such a practice had existed at the Central Police Court, you consider it deserving of the severest reprehension? I should consider that if such a thing were done, except under the circumstances I have mentioned, it would be suspicious, but I know of no such case. It is quite possible, however, that it might be done properly enough under particular circumstances. I apprehend that if a Magistrate had issued his warrant, and before it had been acted upon he found that he had made a mistake, or been deceived, or had too hastily granted the warrant, it would be quite competent for him to cancel it, and I should consider it a duty for him to do so.

2789. Do you think a person ought to be continued in the Commission of the Peace who lightly grants warrants? I do not; but if you were to dismiss all Magistrates who commit blunders of such a nature, you would have to remove a good many of them from the Commission of the Peace.

2790. Do you think a Magistrate ought to be continued in the Commission of the Peace who commits blunders that seriously interfere with the liberty of the subject? I do not; but I believe there are many persons in the Commission of the Peace who never ought to have been.

2791. I believe by the law as it at present exists, prisoners can only be heard by their counsel in the Police Court through the grace and favour of the Magistrates;—do you think that right, or do you think there ought not to be an alteration of the law, by which prisoners could insist on their right to be heard through counsel? I have never considered the matter; my impression is, that a prisoner should have the right to be heard by counsel in the first instance; but it is a question I have never had occasion to consider, because, as a rule, I decline to have anything to do with criminal cases.

2792. *By Mr. Cowper*: Supposing application were made for a warrant, and it was found, after it was granted, that a summons would bring the party named to the Court—do you think there would be anything wrong in withdrawing the warrant? Certainly not. I consider that if the Magistrate to whom the application had been made were of opinion that he had been deceived, or that it was a case in which he ought not to have granted a warrant, it would be his duty to cancel it.

2793. *By the Chairman*: A warrant having been granted on a charge of bigamy, do you think it would be proper there to order its cancellation? I think that if a Magistrate were satisfied, in such a case, that he ought to issue his warrant at all, he ought not to cancel it.

2794. *By Mr. Hoskins*: Do you not think that if such a practice was followed it might lead to the compounding of felony? It might lead to that, but I certainly believe that it would tend to defeat the ends of justice. You are quite aware that of myself I know of no such instance of misconduct; and as I have been asked some questions respecting the Police Magistrate, perhaps I may state that, with regard to his conduct and demeanor on the bench generally, I have never seen the slightest occasion to complain.

2795. *By the Chairman*: You are there, you say, very seldom? Very seldom.

2796. *By Mr. Cowper*: Your impression is that a lawyer ought to be there always? My impression is that a lawyer should always preside. When I say lawyer, I mean not simply

W. Barker, Esq.
 10 Sept., 1862.

a man that happens to be a member of either branch of the profession, but one well qualified by his knowledge of the law, experience, and character. I should consider that the appointment of a young man just called to the Bar, or of an attorney with very little practice, would be a much greater evil than to have some of the gentlemen who now preside there. The fact of his being a professional man would not be sufficient.

2797. *By the Chairman*: Unless he were competent? Competent, and a man of experience.

Robert Henry Mariner Forster, Esq., M.P., examined:—

R. H. M. Forster, Esq., M.P.
 10 Sept., 1862.

2798. *By the Chairman*: I believe you are desirous of offering some evidence before this Committee? No; I was asked if I would give evidence, and I said I would do so, so far as I knew anything of the matter, but I have no particular desire.

2799. Have you been practising recently at the Central Police Office as an attorney? A little.

2800. Within what time? Within the last three months.

2801. *By Mr. Cowper*: You have been familiar with Courts of Petty Sessions throughout the Colony for years past? Yes, for a number of years, both on the Southern and Northern side.

2802. Can you make any suggestions to the Committee, as the result of your experience, that would tend to put the Central Police Office in better working order than at present, if you think it is in any respect inefficient? I think I might offer some suggestions; I think it would be advisable there should be a professional man as a Police Magistrate in Sydney.

2803. Do you think one Police Magistrate sufficient, or do you think two are requisite, at the Central Police Office? Having been told that it is intended to divide the city more equally between the two Police Offices, I think that would do away with the necessity for two Police Magistrates at the Central Office; but if the quantity of business that heretofore has been done at the Central Police Office were to be continued there, then I think it would be advisable to have two Police Magistrates there. I think one of the advantages of having a professional gentleman on the bench would be this—that knowing the way business should be conducted in a Court of law, he would prevent a great deal of the waste of time that is committed now by professional gentlemen, and also a great deal of the waste of time occasioned by some of the unpaid Magistrates; besides that, I consider he would prevent the unpleasant style of addressing the Court, because he would know the proper bounds and extent to which a professional gentleman should be allowed to proceed.

2804. Were you, many years ago, in the habit of attending the Sydney Police Office, or has your practice there been confined to the last three months? I visited it frequently, but I have only practised there for the last three or four months.

2805. You are not aware whether, when a professional man did preside over the proceedings at the Police Office, he did not find very great difficulty in restraining the irregular proceedings of attorneys? I am not aware of that.

2806. Great latitude is allowed in all Courts to counsel? Yes, so long as they confine themselves to the points at issue; but if they wander from the question, then it would be the duty of the Police Magistrate, if he understood his business properly, to check it immediately. If he is a man of firmness he can do that many times where it is not done now. It appears to me to require a man of firmness and decision of character. I would give the Police Magistrate the entire control of the department. The unpaid Magistrates should not in any way interfere with the management of the office, either in the clerical work or in any other way. I should hold the Police Magistrate, if I had anything to do with it, responsible for the efficient performance of the duty by every person in the department.

2807. Would not that give great dissatisfaction to the unpaid Magistrates? I do not see what right they have to expect to interfere with the management of the office; it appears to me that all they have to do is to assist in the administration of justice on the bench.

2808. Do you consider the business, on the whole, fairly managed? I do; much better than I expected, from what I had heard. There is one very good deposition clerk—Mr. Smithers—who has had a good deal of experience in that particular duty; but others are not so efficient.

2809. Do you know a younger clerk, of the name of Hales? Yes; he will become, I think, a very expert writer; I fancy he has improved since I came to Sydney—since I first saw him practising there. I think there ought to be at least three deposition clerks at the office. The other day, for want of a third clerk, one Court was at a stand-still, Mr. Hales being employed in one Court, and Mr. Smithers being unwell. There ought to be an additional deposition clerk, who could be occupied, when not in Court, in filling up informations and so on; and he might be of great use in that way, if he was a competent man and had a knowledge of his business. I do not think there is any necessity at all for a chief clerk if you have a Police Magistrate who understands his duty. The chief clerk might be called first clerk, but I would have him to do a particular branch of duty—as accountant, or something of that kind. It appears to me, that to have a chief clerk who seemingly has nothing to do but to supervise the duties of others is a perfect waste of money. Every man in the department, from the Police Magistrate downwards, should be a working man, and should be able to take depositions if necessary. I recollect, that when I was Clerk of a Bench, I had a Police Magistrate over me who was one of the best deposition writers in the Colony—Mr. Bowen. The great drawback in having an inefficient deposition clerk is, that a question may be put of very great importance, and an answer may be given that ought to be taken down word for word, but through his inefficiency it is blundered, and in trying to
 bring

bring it to rights, some other matter may be imported into it that gives it a different complexion from what it originally had.

R. H. M.
Forster, Esq.,
M.P.

10 Sept., 1862.

2810. Cannot the presiding Magistrate supervise the taking of the evidence, and keep the deposition clerk right? When I was Clerk of a Court, the course I adopted was to read out, as I took it down, the statement of the witness, so that the witness, the Magistrates, and the whole Court knew what was taken down. It was an index to the witness of what would next have to be stated, and saved a great deal of time.

2811. *By Mr. Hoskins*: How often have you been in the habit of attending the Police Office since you have been in Sydney this last time—daily? No, I went for some time daily, and then I left off for some time again. I have only been once for the the last week or fortnight, but for the first two months I went daily.

2812. You have been very frequently in attendance? Yes, whether engaged in business or not.

2813. Have you generally seen the Police Magistrate on the bench? I have seen him there at the opening of the Court, but not regularly afterwards; but I have seen him almost every time I have been at the Police Office, either on the bench or in his room.

2814. Have you remarked whether he is more frequently in his room or on the bench? I think he is more frequently in his room than on the bench.

2815. Do you know how he was engaged in his room? As I understood, from something I have seen, in receiving informations and complaints from parties, and giving instructions to have them prepared.

2816. Which do you consider the most important of a Police Magistrate's duty—attendance on the bench, or receiving informations in his office? I think attendance on the bench, decidedly. The final decision of cases is the more important to the public.

2817. Do you not think the daily attendance of the Police Magistrate on the Bench, desirable, both for expediting the business of the Court and advising or giving information to the unpaid Magistrates on points of law? I think the Police Magistrate ought to be a lawyer. If you want a professional man for drawing informations, the chief clerk might do that; but if you want a man to assist his brother Magistrates generally, then he ought to be constantly on the bench. It would be folly to have only the chief clerk a professional man, unless he was a deposition clerk, so as to be always in Court, that he might understand the matter on which his advice was sought, and the bearing of the evidence. I think it highly important that the Police Magistrate should be on the bench every day. I would have the Police Office open at nine o'clock, and dispose of all the watch-house cases before anything else was done. It is a disgrace to the city to see, at almost mid-day, those destitute wretches coming across the yard one after the other, in Indian file, with constables marching them before the people, in sight of the main thoroughfare in George-street.

2818. Drunkards' cases you mean? Drunkards, whores, thieves, and vagabonds. I would have them disposed of, if possible, before nine o'clock, and send them off. All this business could be done before the ordinary hours of business, and then the other Magistrates could assist in disposing of the other cases. It occurred to me at first that it would be necessary to have two Police Magistrates at the Central Police Office, because it would come very hard on one to sit all day in the Court room inhaling the foul air that always attends a crowded Court; but if the city is to be divided at King-street, as I understand is the case, the work will be greatly reduced, and one Police Magistrate will be quite sufficient for the Central Police Office, and one for the Water Police Office.

2819. Do you not think the business would be expedited by having a Police Magistrate on the bench who would check the attorneys making long harangues? Certainly. I have heard attorneys address the Bench on matters having nothing at all to do with the case, and the Magistrates patiently listening to him; and I have heard attorneys address the Bench very improperly too, and then, if an unpaid Magistrate takes offence, he gets a very sharp answer, and does not know what to say in return.

2820. Do you consider the attorneys generally respectful in their bearing to the Magistrates? Generally I think they are; but I have seen occasions when they were anything but respectful. At times some of the Magistrates provoke the attorneys to use hard language; for instance, I had occasion when Mr. Murphy was presiding with Mr. Hargraves, the gold discoverer, to take some objections, and Mr. Hargraves made some very impertinent remarks to me for taking these objections—"most ridiculous," "silly," "absurd," and that kind of thing, in a blustering style. When he had done, I addressed him to the following effect:—"Your worship, I request you will treat me with that degree of courtesy with which I treat the Bench. I expect to be treated as a gentleman; if I did not think the objections were proper ones to take, I would not take them"; and he went on in the same style again. I then said, "It is useless to argue the question with you, but I shall take steps for my protection elsewhere; attorneys are entitled to be treated with respect just in the same way as they are bound to treat the Bench with respect."

2821. Do these recriminations take place when the Police Magistrate is on the bench? I have heard that such a thing has taken place when the Police Magistrate was on the bench, but I have never witnessed it.

2822. You have seen it when he has been absent from the bench? Yes; I have seen Mr. Moffat jump up, and say to Mr. Murphy, "Every word you are saying is untrue, and that is tolerably plain speaking." I should add, that Mr. Murphy had just before flatly contradicted Mr. Moffat.

2823. The presence of a competent Police Magistrate on the bench all day would check these excesses? Yes. A Magistrate who understood his duty would give an attorney into custody if he were insolent or insulting to the Bench. A great amount of waste of time is occasioned by attorneys in this way:—They take fees in cases, perhaps two or three guineas, and let the parties go to the Clerk at the Court, who is not a professional man, to get an information

R. H. M.
Forster, Esq.,
M.P.

10 Sept., 1862.

information drawn up that requires some degree of legal knowledge, so as to avoid objections that might be taken when the case comes into Court. If the attorney on the other side discover these defects he argues them, and then the attorney who ought to have provided against them in the first instance, wastes time by trying to bolster up his bad case, the thing being patent on the face of it.

2824. Have you ever seen a Police Court where a lawyer presided in which these evils did not exist? No, I have not.

2825. You have been in the habit of attending other Police Courts, and you think the evils here greater in degree than what you have seen in other Courts? Yes, certainly.

2826. Did you ever hear, yourself, or did you ever hear of an attorney, threatening personal violence to a Magistrate on the bench? I never heard it myself; I have been told of it as a matter of report.

2827. Have you generally found the clerks in the office civil and attentive to their duties? Yes, invariably.

2828. Do you think there is any disorganization or want of subordination and discipline in the office? I am inclined to think there is not that kindly feeling that ought to exist; but towards me, and, so far as my observation enables me to judge, towards all strangers, they are courteous and respectful. I have never seen any of them behave otherwise.

2829. Do you think the public business suffers from that want of good feeling existing among the clerks? I think it must. There seems not to be a properly organized system; there does not seem to be a proper division of labour. I think matters might be greatly simplified if a man with a knowledge of the work of the office were to systematize the whole. I think there is a great deal of waste time—that clerks are doing nothing when they ought to be at work, and when perhaps others are overworked.

2830. *By Mr. Couper*: Does that arise from different clerks being deputed to different duties? It seems to proceed from want of system; a clerk is stuck at a particular table, and he does not move from it, no matter what may be required to be done. The clerks that have to go and take depositions have an immense amount of work to do; but the other clerks in the office are not able to assist them, from want of practice. It is not necessary to take down everything a witness says, and a clerk with a knowledge of the duty can pick out the substantial parts of his statement, and so save time.

2831. Does not the presiding Magistrate suggest to the clerk as he goes on? The presiding Magistrate, generally speaking, knows no more about it than the clerk.

2832. *By Mr. Hoskins*: Do you not think the want of organization among the clerks might be remedied if there were effective supervision by some person? As I said before, I would make the Police Magistrate responsible that everything was carried out with efficiency; and I think if you had an efficient professional man, with a knowledge of the business, he would in a very short time so arrange the various duties that everything would work harmoniously.

2833. Do you happen to know whether cases have been frequently adjourned from day to day in consequence of dilatoriness on the part of the clerks, or through the paucity of attendance of Magistrates—whether, in fact, there has been delay in the prosecution of business at the Police Office? I have no doubt that cases have been adjourned through the attorneys. There is a monopoly of the business in the hands of two or three men—Brown is on one side and Jones on the other in the Court, and they get information that a case is going to be called on in the other Court; one tells his client that he must get it put off; the client applies to the Bench to postpone the case in consequence of the absence of the attorney, and they manage in this way to get cases postponed, and to keep them in their own hands. I pointed that out as being improper and unjust, not only to other professional men, but to the parties concerned, because they may have witnesses in attendance whose expenses they are bound to pay, besides perhaps fresh fees to their attorneys. I mentioned the matter to a number of the Magistrates several times, as having the effect of giving a monopoly of the business to a few men. I said there was a very simple remedy, and that was, that if a professional man did not appear when the case was called on they should go on without him, and let the party who had employed him engage another if he chose to do so.

2834. Did you ever complain of this to the Police Magistrate? I do not know whether I ever complained to the Police Magistrate, but I have spoken of it to the Mayor and several others.

2835. Do you not consider that an efficient Police Magistrate would interpose, and prevent these delays and loss to suitors? The Police Magistrate could not well, unless it was brought before him. He simply goes on the bench to try the cases that are put before him. The attorney for the defendant says he is not ready, and the attorney for the plaintiff says he has no objection to the postponement; and it would seem rather a harsh thing for the Police Magistrate then to say that the case must go on. But he might call the plaintiff and defendant into Court, and ask them if they were ready to go on with the case—if they had their witnesses; and if they said yes, then he might go on with the matter whether the professional men were there or not. If he were a professional man himself he could take care that justice was done. In fact, I think the appointment of a professional man to the Bench would do away with the employment of attorneys in one-half the cases in which they are employed now.

2836. Did you ever hear of attorneys having altered the charge sheet so as to give their own cases precedence? I have heard of it.

2837. Has it been a common topic of conversation? Yes. I think it a most extraordinary thing for an attorney to be permitted to do.

2838. Do you know whether any complaint was ever made to Captain Scott about such a practice? I do not know.

2839. Have you ever made any complaint to Captain Scott of things of that kind? No.

2840. Do you happen to know whether persons have paid fees to clerks in the Police Office for

for the purpose of getting their clerical business expedited? I have heard a great many rumours, but I know nothing of the kind of my own knowledge.

2841. Did you ever hear of Magistrates, after having issued warrants, cancelling those warrants without having the persons named in them brought before them? I never heard of such a thing being done.

2842. Do you consider such a practice to be legal or proper? Circumstances may arise that would justify a Magistrate in not carrying out the law to the letter. I cannot call to mind a very pertinent case on the spur of the moment; but imagine that I apply for sureties for the peace against you, on some statement that has been made to me, something having occurred between us that leads me to believe that you intend to do me some serious injury; a warrant is issued, but in the interim some communication may be made to me that shows me my impression was wrong. If I went to the Magistrate who had granted the warrant and told him this, I do not think it would be right for him to insist on the warrant being persisted in. I do not say that any Magistrate has the power of cancelling a warrant.

2843. Have you heard of such cases in Sydney or other parts of the Colony? I only heard of one case where a warrant, issued by the gentleman I mentioned before, was suspended—that is, he gave directions not to put it in force if the party came to the Court without. It was the case of a party who was summoned as a witness in the celebrated case of Lynch, for murder, and did not attend. There was an affidavit of the service of the summons, and a warrant was issued to compel his attendance, but a letter was sent at the same time, to the effect that if he obeyed the order of the Court the warrant was not to be put in force.

2844. I suppose you would not justify the frequent occurrence of the cancellation of warrants? No; I do not think a Magistrate ought hastily to issue a warrant; it seems to me that the cases should be very few in number where such a thing should occur, if a Magistrate takes pains to inquire into cases.

2845. By the present law, I believe, prisoners under examination before the Magistrates can only be heard by counsel by the grace and favour of the Magistrates, and in some cases Magistrates refuse? I know one case in which I was myself ordered into custody for attempting to speak on behalf of a man.

2846. Do you think an alteration of the law in that respect should be made? I think it very necessary; in fact I made it my business to call upon the Attorney General and invite his attention to the matter. I myself was inclined to bring in a short Bill on the subject, but I did not wish to move in it if I thought I should be opposed by the Government, and so I let the matter drop.

ADDENDUM.

NOTE.—To illustrate the advantage of having a professional man as Police Magistrate, I may state that it was the practice of the City Solicitor to prosecute "minors," who are employed as conductors (or some such title) to omnibuses, for breaches of the City By-laws, and on conviction, and in default of payment of fines, &c., these lads have been sent by the J.P.s to gaol; thus imprisoning minors for fines which ought properly to be levied on the employers.

Again: frequently, in cases in which attorneys are employed, the unpaid Magistrates consult with the deposition clerk; and I have noticed, in many cases, that they have been influenced by his (the clerk's) opinion. It is needless to point to the impropriety of this practice.

In explanation of my statement, that I considered that there did not exist that kindly feeling amongst the clerks which there ought to be in all departments, I would add, that I believe much of this arises from the fact that the present chief clerk was appointed to his present office from another department, over the heads of those in the department who had a right to expect promotion. There is no doubt but that the chief clerk is an efficient public officer; but if the clerks find that their services are ignored by the Government, it appears to me impossible to expect them to perform their duties with that zeal which they otherwise would.

I would not only hold out assurances of promotion in the department to the efficient officers, but I would make the Police Office the nursery, as it were, for the office of Police Magistrates throughout the Colony.

ROBT. FORSTER.

WEDNESDAY, 8 OCTOBER, 1862.

Present:—

| | | |
|-----------------|--|--------------|
| MR. COWPER, | \| | MR. HOSKINS, |
| MR. W. FORSTER, | \| | MR. WILSON. |

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Mr. William Crane called in and examined:—

2847. *By the Chairman:* You are Clerk of Petty Sessions at the Water Police Court? I am. Mr. W. Crane.

2848. You were formerly a clerk in the Central Police Office? Yes.

2849. When were you first appointed? In January, 1854.

8 Oct., 1862.

2850. How long did you remain there? About seven and a half years.

2851. You left there to go to the Water Police Office? I did.

2852. What were your duties at the Central Police Office? Sometimes preparing summonses, bail bonds, and subpoenas; but my duties were chiefly preparing warrants and acting as record clerk.

2853. Did you occasionally act as deposition clerk? Yes; I may say that I frequently did so.

- Mr. W. Crane. 2854. I understand you to say, then, that you were frequently employed in the work of almost every branch of the office? Yes.
- 8 Oct., 1862. 2855. Had you opportunities of observing the working of the office during that time? I had.
2856. Do you recollect Captain Scott being appointed Police Magistrate? I do.
2857. Were you in the office at that time? I was.
2858. In what condition was the office, in so far as you had an opportunity of judging, at the time of his appointment? I believe that everything was in proper order at that time. I heard no complaints against it.
2859. Was Mr. Connell appointed Clerk of Petty Sessions at the Central Police Office before you left? He was.
2860. And were things in the same state in the office upon Mr. Connell's appointment as they were before? At the time of his appointment everything was in proper order. I allude to the general working of the office.
2861. Was it possible to find records of old cases at that time? I had been acting as record clerk for several years, and can therefore speak on that point; and I believe that the records could not have been kept better. If they were continued in the same state as that in which I left them, I would in ten minutes find any case of even five or six years old. I bestowed a large amount of time and trouble on these records.
2862. Were there any changes made in the department by Captain Scott or Mr. Connell after their appointments? In what respect?
2863. As to the work of the office—the general establishment? I cannot call to mind any changes, except taking me from the duties I had previously fulfilled, and appointing me deposition clerk in the second Court.
2864. Had you acted as deposition clerk before the appointment of these gentlemen? Occasionally.
2865. How long did you remain in the office with Captain Scott and Mr. Connell? Perhaps about twelve months.
2866. How was the business of the office conducted during that period? I speak more particularly with reference to my own portion of the business, and that was conducted as usual.
2867. That is, in regard to the mere taking of depositions in Court? Yes.
2868. Have you heard complaints made, or do you know that complaints were made, by the public, at the general mismanagement of the office? I cannot call to mind any distinct complaints.
2869. Before Mr. Connell's appointment, how did the clerks in the office work together? Well, I never saw a more united body of men in any branch of the public service than there was in that.
2870. Did this continue after Mr. Connell's appointment? I am sorry to say that they were not so united at the time of my leaving the office.
2871. Can you state what had been the cause of this alteration? I cannot.
2872. Can you give the Committee no information at all on the point? I cannot, of course, say what influenced the minds of some of the gentlemen in our office; I can only state as a fact, that there was a great difference in the unanimity of feeling between the time I left the office and previously.
2873. You cannot state what brought about this state of things? I do not know what cause operated amongst the clerks themselves.
2874. Who was chief clerk of the office before Mr. Connell? Mr. Warburton.
2875. During the time you were there, how often did Captain Scott take part in the proceedings of the Bench? He was on the bench, as far as I recollect, every day.
2876. How long did he remain there, as a general rule? For some time after he was first appointed he remained longer on the bench than he did afterwards; and just before I left he was accustomed to open the Court, and on some other Magistrates coming in, to leave it, to attend to the chamber business.
2877. Did he at any time take cases that were likely to be long ones? At times.
2878. How many hours a day did he devote to his Bench duties? More or less according to the cases dealt with. Possibly he might be in a long case, which he could not leave; and when that case was ended, he would go to his room to attend to the chamber business.
2879. Used he to take long cases? Yes, occasionally.
2880. Is it not a fact that he frequently shirked them? I cannot say that.
2881. Can you state what Mr. Connell's duties were when you left, or rather what he did? He received all the moneys for fees, fines, and other matters connected with the police; his duty was monthly to account for them to the Auditor General. Besides this, he exercised a general supervision over the department.
2882. Can you state whether the accounts were made up on Mr. Connell's taking charge of the office? I do not know of my own knowledge whether they were or not; but I have heard the money accounts were not made up.
2883. Were the records in a state of perfect regularity? They were.
2884. Then it is not true that, on Mr. Connell's coming to the office, everything in connection with the office was in the worst state of irregularity? It is not correct.
2885. Do you know if any of the books were indexed at that time? They were, but I think the general index was behind hand.
2886. Is it true that none of the books were indexed when Mr. Connell took charge of the office? The offences were indexed, and had been so for years.
2887. Do you know how the letter books were then kept? All the letters written by me were entered in the letter book, but I do not think it was indexed at the time.
2888. Were they in the most irregular state? I think not; so far as I know, they were not.
- 2889.

2889. Is it true that, at the time of Mr. Connell's appointment, the amounts received for fines and fees were taken upon sheets of paper, instead of being entered in the day book? At times they might have been, but this was very seldom.

Mr. W. Crane.
8 Oct., 1862.

2890. Would it have been very difficult to find any record at all of any case that was dealt with previous to his appointment? No, on the contrary, it would have been perfectly easy.

2891. It is then untrue that it was a marked piece of luck to find any papers, letters, depositions, or, in fact, anything connected with the department? It is incorrect.

2892. At the time of Mr. Connell's appointment were the clerks in the office told off to different classes of duty? They were.

2893. Did you find that system work well? Yes, very well.

2894. Did you inform Mr. Connell, or was Mr. Connell informed, shortly after his appointment, that you had to look after the records—that you had, in fact, been the record clerk for some years past? I cannot call to mind that I ever informed him, but he was aware of it, because he would apply to me for papers whenever he required them. If my memory serves me, he had an account furnished him of the duties performed by every clerk in the office.

2895. Was there a day book in which was kept an account of all moneys received? Yes; and perhaps I may be here permitted to mention, that the reason why the moneys received were sometimes entered on sheets of paper instead of in the day book was, that the accountant would occasionally find it necessary to have the day book, in order to post up his journal from it. During the time he was so using it, moneys would be received in the office, and an account of them would sometimes be kept on a sheet of paper until they could be entered in the day book when the accountant had done with it.

2896. What became of these sheets of paper? The amount would be entered in the day book.

2897. Had many of them been entered at the time of Mr. Connell's appointment? Yes, all of them, as far as I know.

2898. Was the office in a most disorganized state at the time of his appointment? No, quite the contrary.

2899. Was there any book called the licensing book kept at that time, or was the licensing business entered in any book, or any record whatever of it kept? I believe there was. I never had anything to do with the licensing business, but I believe the way it was done was that the licenses were all regularly sorted and taken into Court, and a list of them made and laid before the Bench; and then, as each was disposed of, the Magistrate would mark on it granted or otherwise, as the case might be, and this list was used as a kind of record.

2900. Was there more than one list kept? I cannot say.

2901. Who was the accountant at the time you were there? Mr. Ormiston.

2902. What sort of an accountant is he? He is a very competent person for the office.

2903. He has been a great many years in the establishment? Yes.

2904. And you consider him to be a most efficient clerk? I do; his books would do credit to any office.

2905. Had you an opportunity of seeing his accounts shortly before Mr. Connell's appointment? Yes, I have observed them many times.

2906. Were they in a confused state, or did they appear to you to have been regularly brought up? They always appeared to me to be properly brought up; but, speaking generally, it was necessary that they should be so; he could not let his accounts go back, because if there was any delay in furnishing them after the first of the month, he would receive a letter from the Auditor General, requiring to know the cause of delay.

2907. Do you consider it necessary or advisable that the Police Magistrate should attend regularly in Court? I think it would be advisable that he should do so.

2908. After Mr. Connell's appointment were there complaints made by suitors of the delays that occurred in obtaining informations and warrants? Yes; but I may also say that similar complaints were made previously. Complainants come occasionally nearly all at one time, and it is impossible to serve all at once.

2909. Were complaints of delay frequent, or were they of rare occurrence? Not so very frequent.

2910. Can you account for the delays that occurred in the general business of the office after Mr. Connell's appointment? In no other way than this, that the clerks were taken from their legitimate duties, to which they had been accustomed, and were expected to perform other duties with which they were not so well acquainted. That is the only way in which I can account for it.

2911. Have you ever known a Magistrate to issue a warrant, and, after placing it in the hands of the police for execution, to order its cancellation? I do not remember such a case.

2912. Do you think such a practice at all proper? Perhaps in some cases a Magistrate might be allowed to exercise a discretion. In trifling cases, such as assaults, for instance, he might do so; but as a general rule, when once a warrant has been granted it is better that it should go through the regular course, and that the matter should come before the Court, even though the party has to be discharged immediately the case is called on.

2913. Do you consider a charge of bigamy a trifling case? No, it is a charge of great importance, and if a warrant were placed in the hands of the police the party ought to be apprehended.

2914. You say that it was your duty, occasionally, to fill up summonses and to draw up informations? Yes.

2915. Would not these duties be better discharged by one clerk who could prepare informations and fill up the summonses at the same time? I think not; because there may be six or eight persons waiting to have informations prepared, and the summonses take five or six times as long as some of the informations to draw up. This would cause unnecessary delay

to

Mr. W. Crane. to applicants, and therefore I think it would be much better to have the duties performed separately by different clerks.

8 Oct., 1862.

2916. Did Mr. Connell, soon after his appointment, ever apply to you for documents? Yes, for the depositions frequently.

2917. But I mean old cases? I cannot remember any particular case in which he did so; but any matter that he might require, whether it were a few days or whether it were years old, he could have by applying to me.

2918. Before you left that department did you hear frequent inquiries from attorneys for papers of an old date, that could not be found? I did not.

2919. If such inquiries had been made would they have reached your ears? Very probably they would; but I was then acting as deposition clerk, and was not in the office. Still, we generally heard from each other all that transpired in the office in the course of the day.

2920. Were the records in a very satisfactory state when you left? I think so, very.

2921. Were the jury list and the electoral list made out at the Police Office, or copied there, before Mr. Connell's appointment? Parties out of the office were paid for making out the electoral list. The jury list was also prepared out of the office. I speak of this from my own knowledge, because once I prepared it myself, previous to going into the office.

2922. Since Mr. Connell's appointment, do you know how or by whom these lists have been copied? I believe that a young man named Day has been engaged to do that work.

2923. Has the business at the Central Police Office increased since Mr. Connell's appointment? At the time of my leaving the office I should say it had not.

2924. Do you recollect receiving a letter from Mr. Smithers, on any occasion, just before you left the office? I have received several letters from him.

2925. Do you remember having a conversation with Mr. Connell in reference to one letter you had received from Mr. Smithers? I do. Mr. Smithers had had a fit, and was ill, and he wrote requesting me to mention the matter to Mr. Connell.

2926. Did you tell Mr. Connell that Mr. Smithers had had a fit, and could not attend? I did, and I also read a part of the letter to him.

2927. Are you certain about that? I am. Quite certain.

2928. Did Mr. Connell demand to see the letter? Mr. Connell wished to retain it. I read a portion of it to him, and know that he had it in his hands; but whether he took it from me or I gave it to him I do not know. He wished to retain it, but as it was a private letter to myself, I refused to let him do so.

2929. You are quite convinced that he had it in his hands? Yes, quite.

2930. And that he read it? I cannot say that he read it, but I read a portion of it to him.

2931. And he wished to retain it? Yes; and I said that as it was a private letter, and my own personal property, I could not think of allowing him to do so.

2932. Did he not threaten to report you if you did not give him the letter? No; I think he stated that he should take no notice whatever of the letter, in regard to Mr. Smithers' absence—that he should not consider it as a sufficient excuse, because it came through me.

2933. Do you remember having a conversation with Mr. Connell shortly before you left? What particular conversation do you allude to?

2934. With regard to his giving you some assistance in respect to the performance of your duties at the Water Police Court? No; while there he never gave me any assistance, nor did I require any.

2935. Had you a conversation with him as to his treatment of the clerks in his office? Yes, I remember speaking to him on the subject.

2936. Will you tell the Committee what you said to him? I remember particularly speaking to him about Mr. Smithers as one of the most efficient clerks in the office; and I stated to Mr. Connell, I thought if Mr. Smithers were treated properly, he would find him willing to oblige in all matters; and further stated to him, I thought if he were not so dictatorial in his style matters would go on much better in the office.

2937. Anything further? The chief part of the conversation was with respect to Mr. Connell's manner, and I thought it my duty to advise him to alter it before I left the department.

2938. I believe that you were anxious to leave the office? I was, very anxious.

2939. And that was in a great measure caused by Mr. Connell's mode of conducting the business of the office? Matters were not certainly so comfortable with me as they had been formerly, and I therefore preferred leaving.

2940. Will you look over these summonses and informations, marked B, B 2, C, C 2, C 3, and C 4? Yes, I have done so.

2941. Are these fair specimens of the summonses and informations daily prepared in the Central Police Office? They are not, with the exception of one information "for general purposes," marked B 2.

2942. Why are they not fair samples? The first is a case of Inspector Mitchelson's, and we have them very seldom.

2943. Do they not contain more writing than the general run of informations and summonses prepared in that office? They are properly prepared, but we seldom have to use them.

2944. What I mean is, is there not more writing in these forms than in the forms more generally required? Yes.

2945. *By Mr. Wilson*: And of course take a longer time to prepare? Yes.

2946. *By Mr. Hoskins*: Was Mr. Connell generally respectful in his bearing towards the Police Magistrate? I know of no instance in which he showed any disrespect.

2947. Did the Police Magistrate show by his manner towards Mr. Connell, that he required him as a subordinate under him? He did not.

2948. From what you say, it would seem that the Police Magistrate allowed Mr. Connell to control the whole of the clerical establishment? The whole of it. Mr. W. Crane.
2949. And some of the clerks were seniors in the service to Mr. Connell? Not his seniors in the service. Mr. Connell has been many years in the Government service, but they were his seniors in that department. 8 Oct., 1862.
2950. Was there a feeling of dissatisfaction in the department on hearing of his appointment? There was.
2951. Was there a willingness shown by the clerks in the department to obey Mr. Connell's orders? I know of no instance to the contrary. Wherever he desired information, it was of course given to him.
2952. In the event of any of the clerks considering he was not well or fairly treated by Mr. Connell—suppose, for instance, that Mr. Connell should give him orders that he could not reasonably obey—was there any appeal from Mr. Connell to the Police Magistrate? None that I am aware of.
2953. Did Captain Scott frequently or generally direct or supervise the clerical staff of the Police Office? He did not.
2954. Previously to his appointment, did the Police Magistrate take a lively interest in the clerical business of the office? Yes; Mr. Dowling especially did so.
2955. He acted in a very different way from what Captain Scott has done? Yes, he did. At times when I least expected such a thing, Mr. Dowling would call upon me for my books, in order to see that they were properly kept up.
2956. You have not heard of Captain Scott having done so? No; the whole management of the office, up to the time of my leaving, had devolved upon Mr. Connell.
2957. When Mr. Dowling was Police Magistrate did you consider yourself to be immediately responsible to him? I did.
2958. But after Mr. Connell's appointment you inferred, from appearances, that Captain Scott had delegated the management of the office to Mr. Connell? I did.
2959. Was the effect of this alteration to conduce to the efficiency of the department, or did it, on the contrary, tend to render it inefficient? I could not answer that question, because I consider the chief clerk should exercise a certain control over the subordinates in the office. No doubt it would be as well that the Police Magistrate should himself look at times into matters, but the control over the clerical staff should be with the chief clerk.

Mr. Charles Smithers called in and examined :—

2960. *By the Chairman*: You are a clerk in the Central Police Office? I am.
2961. How long have you been employed there? Nearly fourteen years.
2962. What are you there? Deposition Clerk.
2963. How long have you acted in that capacity? About twelve years.
2964. Have you had frequent opportunities of judging of the mode of conducting the business of that office, under the different Police Magistrates? I have. Mr. C. Smithers.
2965. Do you recollect Captain Scott being appointed Police Magistrate? I do. 8 Oct., 1862.
2966. Was Mr. Connell appointed as Clerk of Petty Sessions at the same time? Shortly afterwards, I think.
2967. Can you describe the state of the office when Mr. Connell took charge of it? In what way?
2968. In regard to its general efficiency—was it in fair working order? I fancy it was.
2969. Were the books regularly kept? Yes, I think so, up to that time; but I was in Court so much that I cannot speak positively, but I believe they were.
2970. Do you know many hours, on a daily average, or how often Captain Scott has sat in Court since his appointment? Recently, since the meeting of Magistrates that was called some time back, he has not sat so much in Court as he did before.
2971. Did he ever sit much in Court? On some occasions he has been there some two or three hours, perhaps.
2972. Does he usually take cases of a complicated nature, or does he more generally proceed with the charge sheet? He takes the charge sheet—light cases.
2973. Have you heard frequent complaints from the general public since his appointment, as to the mode in which the business was conducted? I have.
2974. Were they complaints of delay, or of what nature? Complaints of delay. I have heard such complaints made.
2975. How were the clerks in the office working together at the time of Mr. Connell's appointment? Very well indeed.
2976. Did that state of things continue after his appointment? No.
2977. Was there not a complete change in the whole establishment? There was.
2978. Do you know how this change was caused? Mr. Connell's manner was rather objectionable.
- His bearing towards the clerks there, or towards some of them, was not such as it should have been.
2979. Do you not consider it necessary that the Police Magistrate should attend the business of the Court as much as possible? I think so, provided we have some one to attend to the chamber duty.
2980. Do not causes of great importance frequently come before the Police Court? Yes.
2981. Cases involving complicated questions of mingled law and fact? Yes.
2982. Then, do you consider that the Police Magistrate should sit in Court, and that the Clerk

Mr. C.
Smithers.

8 Oct., 1862.

Clerk of Petty Sessions should be appointed a Magistrate, for the performance of chamber duties? No, I do not.

2983. You think that a second Magistrate should be appointed? Yes, for the chamber business.

2984. Do you think it could be managed by means of telling off the unpaid Magistrates for chamber business, in the same way as is now done for the Court? I think it might; but I would prefer that a second Magistrate should be appointed for the purpose, in the same way as in Mr. Dowling's time.

2985. Who attended to the chamber business then? Captain M'Levie.

2986. Was not Mr. Warburton appointed in the same way, and for the same purpose? He was.

2987. But he was occasionally in Court? Yes, he was.

2988. Was he compelled to go into Court? He was, and I was the first who asked him to do so. It was one afternoon that I found it necessary to request him to sit.

2989. Will you state the circumstances under which this occurred? There were several persons remanded from the morning, and in the afternoon there was no Magistrate in attendance. Rather than see men locked up for the night, I thought it my duty to ask Mr. Warburton to go into Court and dispose of the cases.

2990. That was the reason why he went into Court in the first instance? Yes. He told me that it was expected that he should not go into Court, but merely attend to the chamber business; but finding we could get no other Magistrate, I pressed upon him, for the sake of the prisoners, to go in and deal with the cases. Some of the solicitors also asked him to do so, and at last he consented.

2991. Was everything in the Central Police Office in the worst state of irregularity on Mr. Connell's taking charge of it? Not that I am aware of.

2992. Who was the record clerk? Mr. Crane.

2993. Have you heard frequent complaints from attorneys and others, at the time Mr. Crane was record clerk, at the non-production of papers? I cannot say that I have.

2994. Was it at the time of Mr. Connell's appointment a mere piece of luck to find a record, or a deposition, or anything else in the office? Mr. Crane, as record clerk, had charge of these documents at that time, and he was always exceedingly careful.

2995. Was Mr. Ormiston a clerk in the office at that time? He was.

2996. Was he an efficient clerk? He was; both as an accountant and in the general knowledge of the business of the office.

2997. Has the office during the last two years been properly managed? In what way?

2998. By the head of the establishment? No; there have been many complaints made.

2999. By whom? Both the professional men and the general public have complained.

3000. Of what? That they cannot get their business attended to so quickly as they did before; the attorneys state that obstructions have been thrown in their way.

3001. By whom? By Mr. Connell.

3002. In what way? In reference to his not allowing them to see depositions that they required to make use of.

3003. What does Mr. Connell really do—how does he employ himself during the day? I cannot say; I am in Court so much that I have no opportunity of knowing.

3004. When you are in Court do you frequently see him there? Yes, frequently.

3005. Does his business lead him there? Not at all, but he comes in and out very frequently.

3006. Do you know who performs the duties in Mr. Connell's room? Mr. Delohery assists him a good deal, and so does Mr. Ormiston.

3007. Have you heard complaints made by suitors in the Court, as well as by professional gentlemen, that they had been treated with incivility by Mr. Connell? Yes, I have; but there are always complaints being made there of one kind or another; they are always complaining, not only of him, but of the whole establishment.

3008. Are these complaints well or ill founded? I cannot say in regard to all cases; perhaps in some instances they are well founded, and in others they are not.

3009. You stated, I think, that up to the time of Mr. Connell taking charge of the office it was in good working order, and that the clerks all worked well together? Yes, I think so.

3010. That is not the case now? Recently we have been working together better than we have done for some time previously.

3011. Recently—within what time? During the last six weeks or two months.

3012. Is Mr. Connell generally liked in the office? By whom?

3013. By the clerks in the office, or by the suitors generally? Judging from what the clerks tell me, I do not think he is liked.

3014. Is he courteous and obliging to the public? Not at all times.

3015. At what hour does the Court usually open now? Recently, since the first of the month, being the commencement of the summer season, the Court has opened at half-past nine. The office, however, opens at nine, half an hour before the Court.

3016. And do all the clerks attend in the office at nine o'clock? Yes, all, with one exception.

3017. Who is the one exception? Mr. Connell; he does not attend punctually at nine o'clock.

3018. *By Mr. Cowper:* And do all the clerks attend at nine o'clock? Yes, all, since you gave the order that they were to do so.

3019. That is not all the year through? No, only in the summer months. In the winter months the office opens at half-past nine, and the Court at ten.

3020. *By the Chairman*: What are your duties in the office? I am deposition clerk, and am in charge of the criminal business generally.

3021. And these duties render it necessary for you to remain in Court from its opening to its close? Yes.

3022. Is there any work expected from you after the Court has closed? Yes.

3023. You have other duties then? Yes, and a great deal too. I have not only my own duties to attend to, but I am expected to assist others, who may have more work than they can manage, and I frequently do so.

3024. What do you consider to be your own duties after the closing of the Court? To prepare convictions in cases disposed of by the Court—but these are really not very numerous—and to draw up orders, such as orders for maintenance under the Deserted Wives' and Children's Act.

3025. Anything further? And to assist the other clerks when I can, and as much as I can.

3026. Is Mr. Hales an efficient clerk? Yes, he is a very good clerk, in my opinion.

3027. Do you know who receives the money in the pay office? Generally, I think, Mr. Delohery.

3028. *By Mr. Cowper*: The fees received? The whole of the money paid into the Court. Nearly the whole of it is for fees or fines.

3029. *By the Chairman*: Is the amount received for fees and fines immediately entered in the proper book? That I cannot say. Being in Court, I am unable to say how they conduct this branch, but I believe it is entered in a kind of rough day book.

3030. By whom is this done? By Mr. Delohery, who receives the money. Mr. Connell afterwards enters the amounts from that in the book kept for the purpose.

3031. *By Mr. Cowper*: But Mr. Ormiston is the accountant of the office? He is.

3032. What is his duty? He prepares the accounts and keeps the ledger.

3033. He does not touch the cash? No, except when Mr. Connell happens to be out.

3034. *By the Chairman*: Have you within the last week or so heard complaints made by the Magistrates at the way in which the office was managed? Yes, I have heard a complaint by a Magistrate—last Thursday I think.

3035. You heard complaints made of the manner in which business was carried on there? Yes, I heard complaints from Mr. Birrell in particular.

3036. Has it not been stated publicly by a Magistrate in open Court, that Captain Scott was nothing more than a tool in the hands of Mr. Connell? Yes, I have heard that said.

3037. And that he was nothing more nor less than a complete messenger in his hands? Yes, I heard a remark to that effect coming from a Magistrate on the bench, on Thursday last.

3038. Has the business of the office increased since Mr. Connell's appointment? No, there is not so much business now as there was in Mr. Dowling's time, or even in Mr. Warburton's time.

3039. And I think you said that you considered it necessary that the Police Magistrate should sit in Court as much as possible? Yes, provided we have some one appointed to attend to the chamber business.

3040. Do you think it requires a professional man to fill the situation of Police Magistrate? Certainly I do.

3041. During your long experience in that Court, have you not heard cases in which very strange decisions have been given? I have.

3042. Decisions that have been utterly opposed to every principle of law, as well as to the facts of the case? Yes.

3043. Have you heard it stated that certain Magistrates attended the Central Police Court to hear and dispose of certain cases? Yes, I have heard it so said.

3044. Has that rumour been confirmed by the attendance of those Magistrates? I have heard these remarks made after the cases have been disposed of.

3045. In your opinion was there any foundation for these remarks? I do not know. I had my own duties to attend to at the time, and do not pretend to form any opinion.

3046. Did Mr. Connell, after his appointment to the Central Police Office, repeatedly ask you for papers and documents that could not be found? No, not repeatedly.

3047. Did he ever, on any occasion, ask you for papers that could not be found? He has asked me for papers, but when he has done so I have always referred him to the persons who had the custody of them, and who ought therefore to know where to find them.

3048. You have referred him to the record clerk? Yes.

3049. Do you consider the clerical establishment of the Central Police Office to be in perfect working order at the present time? In what way?

3050. Do you consider the system of working it just now to be perfect? It is certainly not so perfect as it might be.

3051. Is it as perfect as it was during Mr. Dowling's time, for instance? Not by any means.

3052. Mr. Dowling managed to get through the business of the office, and yet he attended to cases in Court? He did; but he was a most excellent Magistrate—very attentive to business, and very exact.

3053. Is Captain Scott frequently absent from the office? He is out sometimes, but I cannot say what causes his absence, as I am busy in Court and cannot know where he is.

3054. He is frequently off the bench? Yes, but he comes into Court occasionally during the day.

3055. Without taking part in the proceedings? Sometimes he does, but not when we have other Magistrates to go on with the business: The Court opens in summer at half-past nine o'clock. Captain Scott generally comes in and opens the Court, and goes on with the business

Mr. C.
Smithers.

8 Oct., 1862.

Mr. C.
Smithers.

8 Oct., 1862.

business until some other Magistrate arrives. He then leaves the business to be proceeded with by the other Magistrate. If there are cases requiring two Magistrates he is sent for, and comes in and takes a part in them.

3056. How often does he remain in Court all day? He never remains in Court all day; there is no necessity for his doing so, as there are always other Magistrates in attendance.

3057. Has he been frequently on the bench all day long? In what time?

3058. At any time since his appointment? Yes, he has—several times.

3059. Does he remain on the bench more than an hour a day—taking the average of his daily attendances? Until lately, before the meeting of Magistrates was held, he generally sat throughout the whole of the morning; but since then he does not remain for any length of time in Court.

3060. Will you just look through these forms, marked in the Appendix B, B 2, C, C 2, C 3, and C 4? Yes, I have looked at them.

3061. You see what they are? Yes, informations and summonses.

3062. Are they fair samples of those in daily use at the Police Office? This information marked C 2 is, but not the rest. This one under the Deserted Wives' and Children's Act is not the usual style of information.

3063. Are they a fair sample, as regards length, of those in daily use in your office? No, they are not.

3064. Do they not contain more words, and consequently more writing, than those in daily use? Yes, with the exception of the one I have mentioned.

3065. And they would consequently occupy a longer time in preparation than those usually prepared? Yes. As regards the summonses, they are most unusual forms.

3066. Then, if these have been produced to the Committee as fair samples of those which have to be daily prepared in the Police Office, they are not correct? No, certainly not.

3067. Do you know by whom these forms were prepared? Yes; the informations were prepared by Mr. Fraser, at my request. It was done in this way: Mr. Connell came into the office after he had left this Committee, at which he had been examined, and he said that the Committee required to be furnished with some few forms of informations and summonses. He said he had asked Mr. Armstrong to look out for some of the longest forms of summons he had in the office, and he then asked me if I would pick out a few of the longest forms of informations and prepare them to be sent to this Committee. I pointed out two or three of the longest informations we used, to Mr. Fraser, and he prepared them.

3068. Are you desirous of offering any suggestion, or of making any statement to the Committee, relative to the subject matter of their inquiry? I would wish to state to the Committee, that my duty in the Court is not simply to take the depositions, but to examine the witnesses in every case in which an attorney is not concerned for the prosecution; and that I have frequently to advise the Bench.

3069. And has your opinion been frequently asked by the unpaid Magistrates? Yes, very often.

3070. And you frequently instruct them as to their duties in difficult cases? I do; and I have frequently been snubbed by the Magistrates for offering my advice.

3071. Did you ever know, during the time that Mr. Dowling was Police Magistrate, of a warrant being cancelled after it had been placed in the hands of the police for execution? I never heard of such a thing being done.

3072. Do you not think that such a thing as cancelling a warrant under such circumstances is highly improper? I do not think that such a thing is correct, though I lately heard that some were cancelled by Mr. Dowling when he was there.

WEDNESDAY, 15 OCTOBER, 1862.

Present:—

MR. COWPER,

MR. HOSKINS.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

John Birrell, Esq., J.P., called in and examined:—

J. Birrell,
Esq., J.P.

15 Oct., 1862.

3073. *By the Chairman:* Have you, during the last six months, taken part in the duties of the Bench at the Police Office in George-street? I have.

3074. A frequent part? I am generally there once every week, and frequently twice.

3075. Do you consider that establishment in perfect working order? No, I do not.

3076. Have you had reason to find fault with the clerical department? I have had reason to complain of a want of deposition clerks.

3077. Have you had any other cause of complaint? No, I have none. I know nothing at all about the internal arrangements or working of the office; I simply go there to do the duties as a Magistrate, and on some occasions we have not been able to open a second Court at all for want of a deposition clerk.

3078. That is within the last six months? Within the last six months.

3079. Do you recollect, about last Thursday week, being present with Mr. Alderman Speers and Mr. Alderman Smithers? I do.

3080. Do you recollect on that occasion anything being said about a deposition clerk? I remember that I went there at ten o'clock and opened the Court, and remained till twenty-five minutes past ten without a deposition clerk coming in. I sent the officer of the Court

Court once or twice to make inquiries why no deposition clerk was coming, and he returned saying, "He will be here in a moment, sir," each time.

3081. Do you recollect having any conversation with Captain Scott on that day? I did. Perhaps about half an hour afterwards, I gave up the Court to some other Magistrates, to take an adjourned case, and went into another room to open the third Court. The order of the Government was that the office should close at twelve o'clock that day, on account of the rifle match. I met Captain Scott in the Magistrates' room, and I complained to him of the Court having been kept waiting twenty-five minutes, leaving only an hour and a half to get through the whole of the business.

3082. The consequence was that the Court was closed, notwithstanding the desire of the Magistrates to proceed with the business? The Court was closed at twelve o'clock; that was an order of the Government.

3083. *By Mr. Cowper*: Did any business remain over? Yes; on that day we opened three Courts.

3084. *By the Chairman*: But you say you have frequently felt the want of a second deposition clerk during the last six months? Yes; I have gone there when there was only one deposition clerk, and only one Court could be opened.

3085. *By Mr. Cowper*: Are you aware whether the deposition clerks were summoned to any other Courts, to produce papers? I cannot say.

3086. You know nothing of the office arrangements? I do not.

3087. *By the Chairman*: You say you repeatedly sent in, on the morning you allude to, for a deposition clerk, and were kept waiting nearly half an hour? Yes, perhaps I sent in three times during the twenty-five minutes, perhaps more.

3088. Do you know whether any deposition clerk was in attendance that morning? I do not know. There was one came in at the end of that time. I do not know, of my own knowledge, whether there was one in the office before then, except from the answer Captain Scott made to me when I spoke to him about it.

3089. What answer did he make? When I complained to him, he informed me that Mr. Connell had the management of the department, and that he (Captain Scott) had instructed a clerk of, I think, the name of Delohery, to come in at ten o'clock, but that Mr. Connell would not allow him, but would insist on Mr. Ormiston coming in. This is what Captain Scott said in answer to Mr. Speers, Mr. Smithers, and myself.

3090. Was any reply made to that? I asked Captain Scott, then, who had the management of the department—who were the Magistrates to look to as the head of the department? and he stated that Mr. Connell had been the head of the clerical department. I then told him that I myself should never think of going to Mr. Connell, it was to himself (Captain Scott) that we looked as Police Magistrate, and I said that I thought it was his duty to take the management and responsibility of the office.

3091. Did anything further take place? He then stated that he would do so from the following week, and he went then and sent Mr. Delohery, and we opened the third Court.

3092. Do you recollect any remark being made by one of the Justices, that Captain Scott appeared to be the messenger in Mr. Connell's hands? Well, I cannot positively say anything about that. I remember some remarks were made by Alderman Smithers and Alderman Speers,—something meaning that Captain Scott was under Mr. Connell, but I cannot remember positively what words were made use of.

WEDNESDAY, 22 OCTOBER, 1862.

Present:—

MR. COWPER,

MR. HOSKINS.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

Captain D. C. F. Scott, Police Magistrate, called in and examined:—

3093. *By the Chairman*: You have been already examined as a witness before this Committee? Yes. Capt. D. C. F. Scott, P.M.

3094. Do you produce some papers that have been called for, in the cases of Constables Gaskin and Mein against Nicholas Ward, and also in the case of Constable Mein against James Sullivan? I have them all here. (*Papers produced.*) 22 Oct., 1862.

3095. When were these cases tried? On the 3rd of September, 1862.

3096. Before whom? The first two cases, against Nicholas Ward, before me, and the other case before Mr. Armitage.

3097. What was the charge? For assaulting a constable—knocking him down insensible.

3098. Did you make any order? I sent him to gaol for fourteen days in each case.

3099. Did you sign the warrant of commitment? I did.*

3100. In the usual form? In the usual form.

3101. In pursuance of that order, what became of the man? He was taken to gaol.

3102. How long did he remain there? Until the afternoon.

3103. What then became of him? Mr. Cory, his solicitor, came to me and informed me that a telegram had been received from Melbourne, stating that the man's wife was dying and wished to see him; I then altered the fine to £5 in each case, in default fourteen days.

3104.

* NOTE (*on revision*):—I find I committed, but Mr. Peden signed the warrant.

- Capt. D. C. F. Scott, P.M. 3104. That was after — ? When he was in the gaol.
 3105. Without any re-hearing ? Simply upon that one reason.
 3106. What became of the warrant of commitment ? I do not know whether I have got it, or whether it is in the gaol.
 3107. Is it not the fact that you received the warrant of commitment from Mr. Read, and ordered the man's discharge from custody ? I ordered his discharge undoubtedly.
 3108. Did you go to the gaol yourself ? Yes.
 3109. When ? That very evening.
 3110. Or the following day ? No, that very evening.
 3111. At all events, you made an order sentencing the man to fourteen days' imprisonment, which you altered after the man had been sent to gaol ? Yes.
 3112. What became of the case tried before Mr. Armitage ? A fine of 20s. was imposed, in default, levy and distress.* I believe it is not unusual for Judges to sentence, and then alter the sentence.
 3113. You do not happen to be a Judge of the Supreme Court ? I know two cases in which it was done—one by Sir John Dickinson, and the other by Sir Alfred Stephen. In the case of Abraham Polack the sentence was changed from the roads to the gaol, and the same in the case of Battinson Kay.
 3114. James Sullivan was not sent to gaol by you ? No, I do not think so ; I might have signed the warrant, but I did not commit him.
 3115. Did he remain in gaol, or was he discharged ? I cannot tell you.
 3116. That was the case tried before Mr. Armitage ? Yes. I beg to hand in a letter from Mr. Cory relating to this case. (*Letter handed in and read. Vide Appendix.*)

APPENDIX.

209, York-street,
 Sydney, 21 October, 1862.

Sir,

Understanding that some inquiry is about to be made respecting a person named Nicholas Ward, who was brought before you at the Central Police Court some time since, for an assault on two constables (Mean and another) in Pitt-street, I beg to inform you that a telegram was shown me, purporting to have come from Ward's wife at Melbourne, saying that she was in a dying state, and that she wished to see her husband as soon as possible ; and on my representing that fact to you, and your asking me whether you could inflict a fine or alter the sentence, I then informed you that at any time during the same day you were at liberty, if you thought proper, to alter any sentence ; and under that advice you acted, and which the law so allows you to act.

And this, I think, is sufficient to satisfy any person.

I have, &c.,

EDWARD J. CORY.

D. C. F. Scott, Esq., P.M.

William Elyard, Esq., called in and examined :—

- W. Elyard, Esq.
 22 Oct., 1862. 3117. *By the Chairman* : You are Under Secretary to the Government ? Yes.
 3118. Do you produce a letter, written to the Colonial Secretary by His Honor Mr. Justice Wise, with reference to the case of Rosanna O'Brien ? Yes. I have also had a copy made of it. I produce the original. (*Original produced, and copy handed in. Vide Appendix.*)
 3119. Is the copy you produce a true copy of this document ? Yes.

APPENDIX.

Supreme Court, Sydney,
 12 April, 1862.

Sir,

I think it right to draw your attention to a proceeding by Captain Scott, the Police Magistrate, which was brought under my notice at the last Criminal Sittings at Darlinghurst, in the course of the trial of Rosanna O'Brien, for murdering her infant child. The prisoner had lived as a servant in the house of Mr. Lazarus, and the child was found in the privy, to which the prisoner had shortly before gone. It lived about twelve hours after it was taken out, and on the following day, as appears by the depositions sent herewith, an inquiry was held by Captain Scott, at the residence of Mr. Lazarus, touching the death of the child. No inquest was directed to be held, or *post mortem* examination had ; but Captain Scott satisfied himself with taking the evidence of several witnesses on oath, *in the absence of Rosanna O'Brien, and without any information being laid against her.* At the conclusion of the investigation, Captain Scott wrote on the proceedings :—

" I find that death resulted from the shock to the system by the child being precipitated into the water-closet, and I hereby commit Rosanna O'Brien to take her trial at the next Criminal Court, for concealing the birth of the child.—Signed W. C. F. Scott, P.M."

Thereupon the warrant of committal sent herewith was drawn up, alleging on the face of it that Rosanna O'Brien was charged before Captain Scott with concealing the birth of a child ; and I also find one of the recognizances purports to have been taken before him, as acting Coroner. It appears to me that

* ADDED (*on revision*) :—Or twenty-four hours in gaol. The fine was paid in the morning, and he was not sent to gaol.

that the blunders made in this transaction must have arisen from some strange misconception on the part of the Police Magistrate as to his powers and duties, which, if entertained and acted upon in other cases, and by other Magistrates, may lead to serious consequences—on the one hand by exposing persons to illegal imprisonment, and on the other by facilitating the escape of the guilty, by the omission of the means provided by law for taking and preserving legal evidence.

W. Elyard,
Esq.

22 Oct., 1862.

The blunders committed on this occasion were:—

First.—The omission to direct an inquest; or, if Captain Scott intended to act as a Coroner, in assuming to do so without a jury.

Second.—The taking evidence, as upon a criminal charge, against an absent prisoner.

Third.—Committing that person for trial for an offence with which she had never been charged, and as to which she had had no opportunity of cross-examining the witnesses, and had never been called upon for her defence.

Fourth.—Stating in the warrant of committal that she had been charged with that offence before him, which was not the case.

Fifth.—In not directing an information to be laid against her on which she could have been committed after a legal investigation.

It should always be borne in mind by Justices and Coroners, that a Coroner has no power to commit for concealment of birth, but upon the verdict of a jury he may commit for murder or manslaughter. A Magistrate, on the other hand, who has made an inquiry, and believes that there is ground of suspicion against any person, cannot commit at all, but should direct an information to be laid in due form against the suspected person, and then, after public inquiry, a committal or discharge may take place.

When the witnesses are examined in a legal manner, the depositions of any witness, duly taken under Sir John Jervis's Act, may be read in evidence at the trial, in case of the death of any witness or absence from illness. In like manner, by 14 Vict., No. 43, s. 16, the deposition of any witness called by the prisoner may be read at the trial, in case of the death of the witness. None of these statutes apply to magisterial inquiries, and it is doubtful even whether there is any power of compelling the attendance of witnesses at such an examination.

I have, &c.,

EDWARD WISE.

The Honorable
The Colonial Secretary,
&c., &c.

Mr. John Cecil Read called in and examined:—

3120. *By the Chairman:* You are Principal Gaoler at Darlinghurst? I am.

3121. Do you recollect, some time in the month of September last, a person named Nicholas Ward being committed to gaol for fourteen days, by order of the Police Magistrate? I have some faint recollection of it. Had I been prepared for it I could have got the particulars from the books before I left the gaol.

Mr. J. C. Read,

22 Oct., 1862.

3122. Can you state how long he remained there? If it was the man I have heard of this morning, since I have been here, he was only a few hours in the gaol; he was discharged about 8 o'clock on the night he came in; he came in between 4 and 5 o'clock, and was discharged between 8 and 9 the same evening. The man I refer to was sent in for an assault on the police. I recollect Mr. Cory, the attorney, coming there with Captain Scott, and the man was then discharged on payment of a fine of £10.

3123. What became of the warrant of commitment? It is in the gaol now.*

3124. The man was committed for fourteen days? Yes, without fine in the first instance.

3125. Did you ever hear of any other Magistrate acting in a similar way? I cannot recollect any instance.

3126. Have you had occasion to complain about the warrants of commitment not being sent up to your department in proper time? No; I merely requested that they would send the prisoners up earlier. The warrants come in with the prisoners.

3127. At what time are the prisoners usually sent to you from the Central Police Office? Between 4 and 5 o'clock. I merely requested that they should be sent up as early as possible, so that I could have them washed before they went to bed; if they go to bed without being washed they dirt their clothes.

3128. To whom did you make that request? I think I made it to the Sheriff and to the Police Magistrate.

3129. Has that request been attended to? They come a little earlier since.

3130. *By Mr. Hoskins:* I believe you were for some time in the Metropolitan Police in London? I was—for fifteen years.

3131. During that time did you ever hear of cases in which warrants were issued by Magistrates for the apprehension of persons, and afterwards cancelled by those Magistrates, without the persons for whose apprehension the warrants were issued being brought before them? Not of my own knowledge, but I have heard of it—warrants have been handed in where parties had left the country or could not be found, and cases of that kind. I have known some of these warrants to stand over for years.

3132. Have you ever known, in your experience as a police officer, warrants to be issued and not executed, but the parties brought before the Magistrates by summons? No, I never knew such a case as that; because all warrants and summonses, except for some particular reason, are applied for in open Court in London, before any other business is gone into.

3133. Are they applied for here in open Court? No, they are applied for in the office. In London that is the first business before the Magistrate opens the Court for general business.

3134. And in every case, I suppose, a person applying for a warrant for the apprehension of another makes an affidavit before the Magistrate? He does; and after the Magistrate grants warrant or summons the applicant for it is shown into the clerk's office, where it is made out, and then he comes into Court and swears to it, in the presence of the Magistrate.

3135.

* NOTE (on revision):—I stated before the Committee that the warrants of Nicholas Ward were at the gaol, which is not correct, as I sent them to the Police Office, with the fines, next morning, and they have not since been returned. There are more warrants issued in Sydney than in London.

- Mr. J. C. Read. 3135. Are the stipendiary Magistrates in the habit of sitting on the Bench during the whole day? They sit from ten o'clock in the morning till five in the afternoon. Each
 22 Oct., 1862. Magistrate only sits three days in the week in London.
3136. Are they all barristers? I believe there are only two stipendiary Magistrates in London who have not been members of the legal profession—Mr. Hall, of Bow-street, who is, I believe, a medical man, and Mr. Broughton.* I understand they are obliged now to have had seven years practice at the Bar.
3137. I presume the two gentlemen to whom you have referred were appointed some years ago? They were, long before my time.
3138. Do you think it is an advantage to have lawyers as Magistrates dispensing justice? Decidedly it is.
3139. Do not the decisions of the Police Magistrates of the various Courts around the suburbs of London give general satisfaction? Where a Police Magistrate sits they do; but in the country districts I have heard great complaints of the unpaid Magistrates. I think generally the stipendiary Magistrates give the greatest satisfaction about London, and are even preferred to the Aldermen of the City, who sit at the Guildhall and the Mansion House.
3140. Have not those aldermen always an adviser who is a lawyer, in the Clerk of the Court? They have, and so have the stipendiary Magistrates.
3141. Do you consider that it would be an advantage in the Central Police Court, where a great deal of business is transacted, to have the stipendiary Magistrate a lawyer? I do.
3142. Which do you consider the most important part of the Police Magistrate's duty—sitting on the Bench dispensing justice, or attending to what is called chamber business in his office? I never heard of chamber business in London; everything is done in open Court.
3143. *By Mr. Cowper*: Granting summonses and informations? Yes, even the summonses issued for the police are applied for again in open Court, even after they are signed by the Police Commissioner, Sir Richard Mayne.
3144. *By Mr. Hoskins*: Are there always representatives of the press present? Always. I do not know that I have ever known any of the Courts open without one being there; the *Times* reporter is always there.
3145. Then I infer that, in your opinion, it is desirable that at the Central Police Office in Sydney, where the principal police business is transacted, there should always be a stipendiary Magistrate on the Bench? Decidedly. I have never known another Magistrate interfere in London; when he has sat on the Bench, it has been by the courtesy of the Police Magistrate.
3146. You also think it desirable he should be a lawyer? I do, decidedly; but if I may be pardoned for making the observation, I do not think you will get a competent lawyer for the pay allowed here.
3147. Do you think the fact of the Police Magistrate being a lawyer would tend to facilitate the despatch of business in the Police Office? They get through more business at the London Police Offices.
3148. Are not the stipendiary Magistrates in London very curt and peremptory in their manner towards the legal gentlemen practising in the Police Courts—do they not refuse to let them waste time by long speeches? I do not know that I have ever known them to allow any man to occupy their time more than fifteen or twenty minutes, with the exception of Mr. Clarkson on one occasion.
3149. You have often attended the Police Court here? Yes.
3150. Do you not think there is a great deal of time wasted by long-winded speeches? I think there is.
3151. Would it not, therefore, be desirable to have a lawyer on the Bench who would prevent irrelevant speeches and arguments being used? Certainly.

Robert Scott Ross, Esq., called in and examined:—

- R. S. Ross, Esq.
 22 Oct., 1862. 3152. *By the Chairman*: You are a Justice of the Peace, and have been so for some years? About ten years.
3153. Have you devoted any portion of your time to the duties of a Justice at the Central Police Office? I have, a great deal of time.
3154. Can you state the mode in which business has been conducted at that office during the past two years? I think till within the last six months it has been unsatisfactory.
3155. Has any improvement taken place within the last six months? I think a great improvement has taken place in the clerical department during the last six months.
3156. In what respect? I think the clerks have attended to their duties better, and are more efficient than they were; and I have not the slightest doubt that it is in consequence of this inquiry.
3157. Do you consider the establishment in perfect working order? I do. If you were to go there as I have done during the last two months, and look at the books, see the way in which

* NOTE (on revision):—Both Mr. Hall and Mr. Broughton are members of the legal profession, and are eligible to practice for some years past, having since qualified themselves.

which the moneys are accounted for, and the style in which the books are kept, you would say they are kept in a very creditable business-like manner. R. S. Ross, Esq.

3158. By whom are the books you speak of kept? Principally by Mr. Connell and the next clerk to him, Mr. Delohery. I think Mr. Ormiston is one of the most efficient men at a ledger that I have ever known. 22 Oct., 1862.

3159. Mr. Ormiston has been in the office some years? He has.

3160. And is a most efficient clerk? I have always had a high opinion of him.

3161. Do you not consider Mr. Smithers a most efficient deposition clerk? I do, an excellent deposition clerk.

3162. And Mr. Crane also, who is now at the Water Police Office? Yes; I was very sorry to find Mr. Crane removed from the Central Police Office. With Mr. Crane and Mr. Smithers the office would be in first-rate working order. In fact, we could not do without Mr. Smithers, or a man like him.

3163. These gentlemen have been in the office some years? Yes, ever since I knew the office—ten or eleven years.

3164. Have you, during your experience, at any time cancelled a warrant issued for the apprehension of any person? Never.

3165. Do you consider it legal that a warrant should be cancelled after having been placed in the hands of the police for execution? Most certainly not.

3166. Are you desirous of making any statement to this Committee, by way of suggestion, with reference to the working of the Central Police Office? I have for many years been of opinion, in consequence of the numbers of persons that attend there daily requiring summonses, that it is quite impossible for one man to attend to all of them, and at the same time give that attention to the Bench duties which they require.

3167. Do you consider it absolutely necessary that the Police Magistrate should always attend in Court, or as often as possible? I think the Police Magistrate ought to be in Court from 10 a.m. till the business is disposed of. You see in the daily prints the attendance of the Mayor, the Police Magistrate, and six or seven names. Now, I know that were it not for the attendance of a few gentlemen I could name, the office would be at a standstill four days out of the six, and the business of the Court could not be got through.

3168. For want of Magistrates to open a second Court? Not so much for want of Magistrates to open a second Court, for it is generally open, but to remain in Court till the business is over. Magistrates will come, sit for half an hour or an hour; but if one o'clock comes before the business of the Court is finished, it is the most difficult thing possible to get them to come after two o'clock. It was most difficult in the time of Mr. Dowling and Mr. Forbes, and in that respect matters are not a whit better now. No man could work harder than Mr. Dowling did; but if it had not been for a few Magistrates, who do not go there now—for what reason I do not know—he would not have got through the business. And in fact now, if it were not for the Magistrates appointed within the last two or three years, the business would not be got through. I refer more particularly to the Aldermen of the City and some half dozen other gentlemen.

3169. Have you heard complaints made by the public of the delays that take place in the Police Court? Constantly. I have been at the Police Office this morning to settle a matter, and I suppose there were twenty men and women standing round Captain Scott's door, and nobody to attend to them, Captain Scott being here. If the Police Magistrate does not go back, those people will wait probably till one or two o'clock, and then have to come again to-morrow.

3170. *By Mr. Hoskins*: I should infer that the Police Magistrate is not on the Bench all day? He is not; he cannot be.

3171. *By the Chairman*: How often does the Police Magistrate attend in Court? When he finds efficient Magistrates there he invariably leaves the Court, to attend to the chamber business in his room.

3172. *By Mr. Hoskins*: Do you think it desirable that the Police Magistrate should be always presiding in Court? I do.

3173. Do you think it would be an advantage if he were a member of the legal profession? No; I think the qualifications necessary for a Police Magistrate are, that he should be a man of mature age, say forty years or upwards, a man who knows the world, with good common sense and good average abilities. Nothing more is required.

3174. Do you know whether cases are often remanded in the Police Court in consequence of their occupying so much time in the hearing—or is it the fact that cases are frequently remanded from day to day? It has not been so much the case within the last six months as before that. At one time it was a crying evil—some twelve or eighteen months ago.

3175. Do you think much delay arises there from the wrangling or squabbling between the lawyers, and their long-winded speeches? There is a good deal of time consumed there, the same as in the Supreme Court. I have seen more time wasted in the Supreme Court amongst the lawyers than I have in the Police Office.

3176. It has been given in evidence here, that a good deal of time is wasted at the Police Office in this way? It is really not so much the case generally. It all depends upon the Magistrates who are sitting. There are Magistrates who never permit it, but there are others that they always take advantage of. I refer to those Magistrates who are not in the habit of attending regularly.

3177. By indulging in irrelevant arguments? Yes.

3178. Do you not think it would be a great advantage to have a lawyer constantly presiding who would not permit professional men to waste time? No, I do not think a legal man is required at all. I do not think a legal mind is the proper mind for the Police Office; it is not so much law as good common sense which is required.

3179. Are you frequently in the habit of sitting on the Bench? I am, constantly.

3180.

R. S. Ross, Esq. 3180. Is there frequently confusion in the Court, from want of sufficient police to preserve order? The same remark will apply to this question as to a former one. If the Magistrates are not up to their work, a constable very often is not there; but Magistrates in the habit of attending there regularly have policemen in the Court, to keep order and prevent confusion there.

22 Oct., 1862.

TUESDAY, 28 OCTOBER, 1862.

Present:—

MR. COWPER,
MR. LUCAS,

MR. HOSKINS,
MR. CALDWELL.

RICHARD DRIVER, JUNR., ESQ., IN THE CHAIR.

His Honor Mr. Justice Wise examined:—

His Honor Mr. Justice Wise. 3181. *By the Chairman:* You are one of the Judges of the Supreme Court? I am, and previously I was Attorney General for four months.

3182. Do you recollect a case coming before you some short time since in which Rosanna O'Brien was the prisoner? Yes.

3183. Did the depositions in that case come before you? Yes, I make it an almost invariable practice to read the depositions in every case that comes before me, finding it essential—although I know there are differences of opinion upon the point—that the Judge should see the depositions in some stage of the case.

3184. By whom had this prisoner been committed to take her trial? My impression is that she was committed on a warrant by Captain Scott. The depositions would show for themselves whether they were taken at the Police Office, but my impression is that they were not.

3185. Do you recollect addressing a letter to the Colonial Secretary upon the subject? Yes; there were some matters connected with the case which I thought it necessary to commit to paper and forward to the Colonial Secretary. I have with me no copy of that letter, but it would contain a statement of all the particulars that it then seemed to me to be necessary to refer to, in order to draw attention to what appeared to be a current mistake with reference to the powers of Magistrates—an error into which the Police Magistrate had fallen, and one calculated to be of very serious consequence in other cases. I thought it so important a matter, that the Government ought to be acquainted with it, to prevent any such mistake occurring again. My attention was more especially drawn to the matter, having previously learnt, on circuit, that coroners' inquests were being given up; and, entertaining a strong opinion that it is of essential importance that there should be inquiries into the causes of the deaths of persons whose deaths cannot be obviously accounted for, this certainly alarmed me; and when I found that in this particular instance a magisterial inquiry had been substituted, and that powers had been attempted to be used which had no legal existence, I supposed it must arise from some widely pervading mistake in the community, with reference to the powers of Magistrates in such cases. In this particular instance it was the more striking, because it did so happen that no other depositions had been taken—no actual depositions at the Police Office—and consequently, if any of the witnesses had died, their evidence would not have been used against the prisoner, because the evidence taken before Captain Scott was legally no evidence at all. For the details I should prefer referring the Committee to my letter to the Colonial Secretary.

3186. Did it not appear in that case that the evidence had been taken behind the back of the prisoner? I think so. My letter would give all the details connected with the case, but I have not read it since, and do not clearly remember them.

3187. Those details are correctly set out in your letter? Yes.

3188. Do you consider it legal for a Magistrate to order the cancellation of a warrant after it has been placed in the hands of the police for execution? I think I must be allowed to decline answering that question. I think hypothetical opinions on law, given by a Judge, are very undesirable.

3189. An information having been exhibited, charging a person with having committed bigamy, and a warrant directed to issue against him, would you consider it proper to order the cancellation of the warrant after it had been placed in the hands of the police for execution? Of course I have every desire to give the Committee what information I can, but it seems to me, on general principles, that it would be travelling out of my province as a witness here to give an opinion of that kind. I do not profess to know off-hand, all the details connected with the administration of criminal justice. There may be Police Acts—questions of Statute law—here, which it is no affectation to say Judges do not pretend to carry in their minds at all times. I should prefer not to give an opinion on an abstract question of that kind. (*Vide Appendix.*)

3190. Would you issue a warrant in a case of bigamy upon the information of the first wife? If the facts presented to a Magistrate appear to him, *primâ facie*, to justify the charge, it is in his discretion to take such steps to initiate the proceedings as he may think necessary and proper under the circumstances; but there is no absolute law that I am aware of, to compel him to adopt any particular course. The law recognizes the discretion of the Magistrate.

3191. Should a warrant be granted upon the information of any other than a competent witness? Of course the information should be given by a competent witness.

3192.

3192. Would the first wife be a competent witness in a case of bigamy? The law says not, certainly.

3193. *By Mr. Lucas:* Has it ever come to your knowledge that Magistrates sign warrants in blank, and hand them over to the police, to be filled up and used by them when they think them necessary? Never. I have heard of such things having been done in the old times of the Colony, but it has never been done to my knowledge, and it is clearly illegal.

3194. It has not come within your knowledge that it has been done within the last few months? Certainly not. If a matter of that kind had come before me judicially, I have very little doubt I should have communicated the circumstance to the Government.

3195. You think it a most dangerous practice? Highly dangerous, and utterly subversive of first principles.

3196. It would be a dangerous practice for Magistrates to sign even blank summonses or informations, much less blank warrants? Very dangerous indeed, I think.

3197. Do you think any person who forgets his duty in that way should remain in the Commission of the Peace—a Magistrate who should sign a blank warrant and give it into the hands of a policeman, to ride through the bush and fill it up when he thought proper, when he might imagine, perhaps, that some person had committed a felony? That involves the question as to the amount of legal knowledge that a Magistrate should be required to have. I intended to have made some remarks on the undesirableness of persons being entrusted with the administration of justice who have not had some degree of legal education; but that involves nearly the whole question of unpaid Magistrates.

3198. The gentlemen who commit these offences happen to be paid Magistrates? Indeed.

3199. *By Mr. Hoskins:* Without any reference to the law of the Colony—and I should be glad to get your opinion on this matter, because different opinions have been given by the legal witnesses examined before this Committee—without reference to the law of the Colony, do you consider it legal for a Magistrate to cancel a warrant issued for the apprehension of any person, unless that person be brought before him? I think the form of your question illustrates the reasons I gave just now for declining to give any opinion; the fact that a difference of opinion exists on the question is a reason in itself why I should not hastily give an off-hand opinion. It is one of those points that do not often present themselves, and it is undesirable that a Judge should give an opinion upon it, because probably more weight will be attached to it than it deserves, the argument not having been presented before him at all. However, my off-hand impression would be, that it was not right that, having issued the warrant, the Magistrate's ministerial duty had been performed, and was at an end. (*Vide Appendix A.*) But at this moment I could not say whether in Jervis's Acts there is or is not any provision for it. Without referring to Jervis's Acts I could not say that there is not.

3200. Would you consider, without reference to the Act, that such a practice might lead to great abuses? Undoubtedly.

3201. Might it not even lead to compounding felony? Undoubtedly. My personal impression would be that it would be a very dangerous thing.

3202. I apprehend you are of opinion that a Magistrate ought not lightly to grant a warrant without being assured that there were good grounds for granting it? The grounds for granting a warrant are set out in Jervis's Act. At the same time, it is impossible to give any general opinion of that kind, discretion varies so infinitely. For instance, supposing a Magistrate is informed by A, that B had actually threatened to do so and so; it may turn out to be a mistake, or a hoax even, and then one might say, judging after the event, what a silly thing it was to think of it. The Magistrate must use his discretion, and so much is left to his discretion that the Supreme Court has refused to order Magistrates to grant a warrant; they say it is a matter for their discretion—if one refuse it, another may grant it; but at the same time, the Courts have punished Magistrates, upon any proof of misconduct, as may be seen by the reports of cases in the Court of Queen's Bench.

3203. Do you know anything of the practice of the stipendiary Magistrates in and around London? I do not, except that my impression—derived not from personal attendance, but from general sources of information—is, that the stipendiary Magistrate in each Court does all the work himself.

3204. I was going to ask whether you know what is their practice with reference to the issuing of warrants? I do not.

3205. You do not happen to know whether the stipendiary Magistrates are very chary in issuing warrants? I do not. I have no knowledge of it at all.

3206. Then you cannot say whether warrants are granted by these Magistrates in open Court, or in a private room? Constantly in a private room. The very object of obtaining a warrant would be defeated if it were applied for in open Court. If you were to publish to the world that you were going to arrest A, of course A would take care to be out of the way.

3207. Is it your opinion that the presiding Magistrate required to adjudicate in the Police Court, where a great amount of business is transacted, should be a lawyer? Undoubtedly.

3208. What do you think would be the advantages to be gained by having a lawyer presiding in this Court? A Police Magistrate in a city like this, referentially to the number of persons affected by his decisions, has more in his power than any Judge of the Supreme Court. He decides and disposes of matters connected with property, with character, with the liberty of numbers of individuals, who, from their position, from their being deprived of the ordinary means of legal assistance, and their ignorance, are very much unprotected, and are also liable to suppose that they are not fairly treated. A Magistrate, by his oath, which simply states his duty, undertakes to discharge the duties of his office "according to the laws and statutes of the realm and of this Colony." (*See 20 Victoria, No. 9.*) But as the greater number of the Magistrates are necessarily engaged in business, and many of them have had

insufficient

His Honor
Mr.
Justice Wise.

28 Oct., 1862.

His Honor
Mr.
Justice Wise.
28 Oct., 1862.

insufficient education, it follows, that though they have raised themselves in society and have been appointed Magistrates, they are not fully qualified to fulfil those judicial duties that devolve on them day by day. A lawyer, however, has been educated in a special manner; and though as a paid Magistrate he may make a mistake, if he does there is direct responsibility for his blunders, and we have a right to expect from a person who is a lawyer, and paid, that he shall devote his mind and study to the subject matter. He has no excuse for ignorance, from his other occupations, or from want of education; and therefore a succession of serious blunders would amount to misconduct. With an unpaid Magistrate these blunders are not spoken of—you do not interfere with them—you do not even complain of them. I never heard of an unpaid Magistrate being removed because he had made a mistake or blunder, or avowed himself ignorant of the law. The only thing he is ever removed for, if at all, would be for actual corruption, or actual misconduct. And further, I think a lawyer, from the very nature of his education, has a certain amount of professional pride, over and above the desire of each man to do his duty. That applies, I believe, in every profession. He would, therefore, other things being equal, show a greater eagerness, zeal, and desire to ascertain what the law was, and to administer it properly. I should also add, that with a lawyer as a paid Magistrate, you have a continuity of character; you have no vacillation beyond the ordinary vacillation that every person is liable to, of taking different views at different times. But with different Magistrates, varying from day to day, there is absolutely no basis of certainty whatsoever; justice is administered without the slightest regard to what has been decided previously. No one Magistrate thinks himself bound by another Magistrate's decision. You get a much greater security for uniformity in dealing with offences if you have a paid and legal Magistrate attending regularly on the Bench, than when you have unpaid Magistrates, without legal knowledge, attending at uncertain times. In the management of the office, also, there is direct responsibility, and punctuality, which is of the greatest importance, can be enforced, which cannot be the case when the Magistrates are bound by no absolute duty to attend; you do not know against whom to complain, practically, if delays occur. And then, with reference to knowledge of the law, it is quite a misapprehension for persons to suppose they can become qualified to administer justice, "according to the law and statutes," by instinct. The experience of all countries is, that as population increases they must have paid Magistrates. It is found to be so throughout England, in all the towns of any importance. No doubt there are reasons, in other states of society, to show that country Justices are a very useful institution; but these reasons fail when you come to administer justice to a population centred together in numbers, where the personal influence of the Magistrate has ceased, and where you have to provide for what is not the rare cases here and there, but the continual daily administration of justice throughout the community. It is of the greatest importance in another way. It may be thought sometimes that rough justice is done, and that the rest is of no consequence. It is very possible it may be so; but there is great evil attending it. If mistakes are made, the poor man suffers, the rich man does not; he can appeal—he can get it rectified; the poor man, practically, cannot; and the result is, that a species of despotic power is necessarily exercised—under no responsibility—really greater as to its consequences, as I said before, relatively to the numbers of persons affected, than that of a Judge of the Supreme Court. The influence, I mean to say relatively upon the litigants may be of more lasting importance. There is another reason, perhaps, that fairly comes in. My attention was immediately drawn to it by a matter that arose before me at Darlington, the circumstances of which are detailed in the first number of the Supreme Court Law Reports, page 51. There seemed to be some personal feeling in this particular matter, and the question arose whether a witness had asked a particular Magistrate to sit in the case at the Police Office. It was objected that he could not be asked the question. I ruled that he could, on the ground that it was an attempt improperly to interfere with the administration of justice; and the question was answered in the negative. He was then asked this question, whether he had not heard a previous witness ask the Magistrate to sit in the case. He denied it. It was then proposed to contradict him. This was objected to. But after hearing argument, I ruled that he could be contradicted. I said,—“It appears to me that the object of asking a particular Magistrate to sit must be to secure the presence of a person who will not act impartially. I am aware that the evidence may relate to the character of another person, but the misconduct is not the misconduct of the Magistrate, who is merely asked to sit, but of the person who thus attempts to pack the Bench, and thereby interfere with the administration of justice.” It turned out that the evidence did not show what was expected, but it confirmed what I had previously heard to the same effect, that this practice of packing the Bench was frequent. I can only speak of common rumour, and I am quite aware that slander may be directed against Magistrates sitting at a Police Court, as well as against Judges, and therefore, whether it is true or not I cannot tell; but the existence of a system by which a number of Magistrates attend at uncertain intervals, and irregularly, gives an opportunity for persons to say that they come there for a particular reason.

3209. It has been stated, in evidence, before this Committee? If the fact be so, I can imagine no greater curse to the community than that there should be a widespread feeling that justice is not administered in the Police Court fairly, or, according to the oath taken by Magistrates, “without fear, favour, or affection.” If a man goes deliberately to sit in a particular case because his friend is concerned in it, the parties against whom his decision was given could not feel that it was given uninfluenced by fear, favour, or affection. If a paid Magistrate is there regularly doing his work, that evil cannot exist, or the suspicion cannot exist, and it is very important to the administration of justice that it should be so regulated, if possible, as to prevent the suspicion of unfairness, even though things may be perfectly fair. On that particular ground, it seems to me, of the
greatest

greatest importance to the community that the administration of justice should bear a uniform and continuous character; and this can only be the case when the bench is occupied regularly by a person whose habits, train of thought, and education, would make him familiar with the principle, amongst others, that no person who sits to decide a case of any kind shall be interested in the matter in any way. There is, I believe, considerable misapprehension in the community with reference to people being interested in matters connected with the administration of justice; I do not think the question is understood in the way it should be; and my reasons are these: I believe it is a matter of fact—certainly I have been told by individuals themselves of high personal character—that when appointed as arbitrators, each party appointing one, the arbitrators look upon themselves as the partisans of the persons appointing them, not being in the least aware that an arbitrator is placed precisely in the position of a Judge, and that his decisions are received implicitly, on matters of evidence or fact, because he is a Judge, and has acted impartially; and therefore, for any person to suppose that as an arbitrator, he is to be guided by any feeling of interest, is quite contrary to the first principles that should regulate the administration of justice. Another fact will show the grounds of my opinion:—It once happened to me that, in a case in which I appeared as an appellant, one of the gentlemen sitting to decide the appeal was a person avowedly largely interested in the rates against which I was appealing; but it had never occurred to anyone up to that moment that it was wrong that he should be sitting in these cases. I thought it right, on public grounds, to make the objection; and the reason given for his being there was, “Oh! he knows all about it.” I said that was just the reason why he should not sit. But it evidently had not occurred to anyone, that every one of their decisions could have been, and would have been upset, if a reference had been made to the Supreme Court, and it could be shown that a person had taken part in them who was interested. I have here an extract from a decision of the House of Lords, laying down the principles that bear upon this question, which, if the Committee think it worth while to insert it in the evidence, is at their service. It was a case in which the Lord Chancellor had heard a cause in which he was remotely interested. He had one share in the Canal Company, against whom the suit was brought, and the House of Lords reversed his judgment, Lord Campbell making these remarks:—“No one can suppose that Lord Cottenham could be, in the remotest degree, influenced by the interest that he had in this concern; but, my Lords, it is of the last importance that the maxim that no man is to be a judge in his own cause should be held sacred; and that is not to be confined to a cause in which he is a party, but applies to a cause in which he has an interest. Since I have had the honor to be Chief Justice of the Courts of Queen’s Bench, we have again and again set aside proceedings in inferior tribunals, because an individual who had an interest in a cause took a part in the decision; and it will have a most salutary influence on these tribunals, when it is known that this high Court of last resort, in a case in which the Lord Chancellor of England had an interest, considered that his decree was, on that account, a decree not according to law, and was set aside. This will be a lesson to all inferior tribunals to take care, not only that in their decrees they are not influenced by their personal interest, but to avoid the appearance of labouring under such an influence.” (*Dimes v. Grand Junction Canal Company*. 3 *House of Lords Cases*.) The principles here laid down seemed to me so valuable that I have made this extract for the use of the Committee. In a community like this, however, Magistrates must be left in a great degree to their own good sense, whether they do sit or do not sit in cases in which they are interested; for there are many cases in which, though parties directly interested are prohibited by statute from sitting in certain cases, yet the prohibition does not go to the full extent. The Publicans’ Act, for instance, prohibits any person being a spirit dealer or proprietor of a public-house from sitting at licensing meetings; but there is nothing to prohibit him from sitting in a case in which his tenant or customer is defendant. The Magistrate may be furnishing goods to the very individual who is charged. It may be a baker brought up for a breach of the Bread Act, and the Magistrate may be supplying him with flour; or he may be a grocer or spirit dealer supplied by the Magistrate on the bench with the commodities in which he deals. Under a system by which justice is administered by unpaid Magistrates you cannot avoid the liability to such things as these; and if you have a suspicious community, the persons liable to the jurisdiction of a Bench so constituted very naturally say that they have not had justice, because Mr. So-and-so was on the bench. I think that the effect is almost as bad, whether the suspicion be true or false, and on that ground my own private opinion is very strong indeed that we should avoid the administration of criminal justice in that mode. Then there is another point which is worth referring to. I believe attorneys practising in the Police Courts have greater opportunities of doing injury to their clients, and oppressing them, than they have before any other tribunal, because of the ignorance of many of the persons who are suitors or defendants there. In the judgment of the Supreme Court, delivered in the case of Moffat against White, page 141 of the Supreme Court Reports, I thus expressed myself with reference to the general question of attorney and client:—“The Legislature looks upon laymen as requiring protection, and it would be most grievous if that protection were not to be extended to a class of persons whose position and circumstances at all times cause them to be most strongly influenced by the passions of hope and fear; and who, when under criminal charges especially, would seem to require all the protection which the law endeavours to afford against oppression and extortion.” I think that a Police Magistrate, a lawyer, sitting in the Court daily, would be better able than unpaid Justices to watch that the proceedings of the Court were not turned into the means of oppression or extortion in any way. He would, for example, be more alive to the evils arising from continual adjournments.

3210. Have you not heard that there are frequent complaints on that ground? I only speak

His Honor
Mr.
Justice Wise.
28 Oct., 1862.

His Honor
Mr.
Justice Wise.
28 Oct., 1862.

speaking from rumours, which may or may not be true, that adjournments are exceedingly common. I know perfectly well, from experience in my own Court, that these things have to be constantly watched over, and that they do require the interposition of the Court, not only here but elsewhere. I recollect the Courts of Westminster making a rule that no case should be adjourned from one term to another without a motion in open Court consented to. That is a matter which can be better guarded against by a person continually there than by Justices attending irregularly. Another reason for having the duty done by permanent Magistrates would be, that their moral influence would be much greater. Advocates who practise before a Court of a fixed nature learn that a good deal may depend upon the opinion which the Court entertains of them; and if the Court is of a fixed and continuous nature, its moral weight must be stronger than that of a judicature changing from day to day. There is a marked illustration of what I have been saying as to the uncertainty incident to the system, if the report be true that I have seen in the paper this morning, of an application having been made at the Police Court yesterday, by Mr. Moffat, to be allowed to practise there as an agent, notwithstanding his having been struck off the Rolls, when he stated that he should apply to every Bench of Magistrates, because no Bench is bound by what the others say. That is a practical illustration of the desirability of having a continuity in the judicial administration. With reference also to professional advice in the Police Court, I cannot help thinking that there has been great ignorance in the public mind as to the law with reference to the employment of professional men. We had to decide, in the case of Moffat against White, that an attorney cannot recover in respect of services as an attorney, without delivering his bill; that is to say, he is in precisely the same position in the Police Court as everywhere else. Matters of that kind would be more likely to present themselves to a lawyer than they would to a Magistrate who was not a lawyer. Before that decision the impression seemed to be, that any body at the Police Office was entitled to get anything he could for his services, and that his bill could not be taxed; but the law is not so. It is also to be remembered, that a Magistrate whose duty is continuous, is more likely to be interested in the character of his Court, and to endeavour to fit himself for the position. No Justices sitting irregularly can, in the nature of things, as it seems to me, feel that so strongly. I think also that advocates and attorneys practising before a Court of continuous character would soon know how far they could go, and how far they could not go; whereas, with Magistrates shifting from day to day, they would, in common parlance, try it on.

3211. Have you ever heard that a great deal of time is wasted in the Police Court by irrelevant argument? I should judge that that must be so; but charges of the same kind are often made against every Court.

3212. I think I understood you to say that you had heard that a great many cases were adjourned? I have heard statements of that kind repeatedly, and that these adjournments do work very serious injury to the suitors. Of course adjournments cannot be altogether prevented, but still they should be as infrequent as possible.

3213. Do you not consider that business would be expedited by having a lawyer on the bench who would prevent any irrelevant argument? He would be more able to do it, but there is always a difficulty. It happens in every Court that arguments are addressed to the Bench which are clearly against law; but if the Judge knows that a point has been decided, of course it is no use for the advocate to argue it any more; and it is much more likely that a person qualified to fill the post would step in, in such a manner as that, than that persons not educated to it would do so. When I was Attorney General, one of the things I did was, to send a circular to all the Benches throughout the country, to ascertain in what way they were furnished with books for their guidance; because I felt in my own mind that, not being educated to a knowledge of the law, they should at any rate have it to refer to; and the answers I received displayed at that time (I believe it has been remedied since in some degree) the most lamentable absence of everything that could give them any information whatever. My intention at the time was to have endeavoured to supply them with necessary books of reference, and that has been done, I believe, to some extent since. As an illustration of the assistance that might be given in this way, I have before me Reports of Cases decided in the Supreme Court, now being published by Messrs. Wilkinson and Owen, involving a considerable number of cases on Magistrates' law. If the Police Courts were supplied with these they would be able to refer to decisions of the Supreme Court, in many cases similar to those that come before them—as for instance, under the Impounding Act, the Publicans' Act, and others; and their course would be plain, and many mistakes might be avoided.

3214. Can you say whether there are fewer convictions in the Supreme Court here, in proportion to the number of committals, than in the Criminal Courts in England—in London especially? I could not give an answer to that question. But there is one matter in connection with the subject which I am glad to have an opportunity of bringing before the notice of the Committee. I had intended to bring it under the notice of the Attorney General, but perhaps if I state it here it will reach him. Since I have been on the bench, I have never tried a single case in which a man has been indicted as having committed an offence after a former conviction. The law, however, specially provides for that, with the express object of heavier punishment being given to twice or thrice convicted offenders than to persons committing a first offence. I have never tried a single case in which that has been done; and yet one knows, as a matter of fact, that a great number of persons who make their appearance in the Criminal Courts have been tried and convicted for different offences at former periods. It seems to me that the law should be followed up in that respect, and that twice, or thrice, or oftener convicted offenders, should be tried as such, when their former convictions have taken place within the Colony—for of course we have nothing to do

with

with offences out of the Colony. How the present practice has arisen I do not know, but I suppose the difficulty of communication between different parts of the country in former times had something to do with it, but now that communication between the principal towns is becoming so easy, there would be little difficulty in many instances, and not much additional expense, in having that additional evidence. It is very material, I think, when we have such a class of crimes as have lately been prevalent.

His Honor
Mr.
Justice Wise.
28 Oct., 1862.

3215. Do you know whether the convictions are very numerous, and, in fact, acquittals very rare, in cases of committals from the Police Courts in and around London to the Central Criminal Court? No, I have not studied the statistics at all. The impression on my mind is, that the effect of the numerous small Criminal Courts in this country of late years has been to diminish the number of convictions.

3216. Do you happen to know whether the Police Magistrates who preside in the various Police Courts in and around London are barristers or lawyers? Nearly every one, I think; I do not at this moment recollect one that is not.

3217. Is it not a fact that their decisions, and the manner in which the business of their Courts is conducted, have met with the general approval of the public, and also of the profession? I believe so.

3218. Are you aware whether it is the fact, that the Grand Juries at the Central Criminal Court have on several occasions passed resolutions, which they have transmitted to the Secretary of State for the Home Department, asking that Grand Juries might be dispensed with, in consequence of the decisions of the Police Magistrates being so very correct, and their labours therefore unnecessary? Yes; and a Bill was brought into the House of Commons to dispense with Grand Juries in the County of Middlesex, in consequence of the abuse to which they were exposed on the one hand, and their non-necessity on the other.

3219. In consequence of the legal attainments of the persons presiding in the Police Courts? Yes; and the whole system of Grand Juries being in fact suited to another state of society.

3220. *By the Chairman:* Have you any other suggestions to make to the Committee? I would make one general remark, that even the progress and material wealth of the country will depend upon, or be intimately connected with, the administration of justice with certainty and purity. If you can by that means gradually permeate the minds of the community at large with a sense of justice, it will influence them indirectly even beyond the actual result of the immediate decision; and therefore, I think, the subject of your inquiry of vast importance.

3221. *By Mr. Hoskins:* Would you recommend that the Police Magistrate presiding at the Central Police Court should be a member of the legal profession of some position and standing? He should. I would also add, that it is of very great importance that the persons employed as clerks should be persons of competent attainments; I do not mean to say they should be lawyers; but a great deal does depend upon the clerks in the Police Courts; their position is one of great importance, and they have a very great deal in their power indirectly. I speak without reference to any individual personally, for I know nothing of any of them. Especially in what is called taking depositions, I have daily opportunity of seeing the necessity for accuracy and care. Very much may depend upon that, because by law, in all criminal cases, if a witness is unable to attend at a trial, from death or illness, the depositions are made evidence without the personal appearance of the witness, and they may weigh most strongly against the prisoner, or, on the other hand, in his favour, if they have not been taken down properly. Care and accuracy in taking depositions is even more necessary now than before, because, in consequence of a recent change in the law, parties are entitled to cross-examine witnesses as to former statements without putting them in evidence, and time is frequently taken up with very lengthy examinations as to what was said at the Police Office or what was omitted from the depositions. It is therefore very necessary to the proper working of the machinery of criminal justice, that the clerks should be competent and intelligent, and for that reason that they should have adequate salaries.

3222. Have you been frequently in the habit of perusing depositions taken at the Central Police Court? Yes.

3223. Are they generally taken correctly? Some of them are taken very well; but I had in my mind more particularly some depositions taken in the country. There were some that came before me from one of the country police offices, when I was last at Bathurst on circuit, that were exceedingly bad; in fact, I drew the attention of the Crown Prosecutor to them.

3224. *By the Chairman:* You say some of the depositions from the Central Police Office are taken very well? Yes, there is evidently a difference between them.

3225. Do you consider that a Police Magistrate should devote as much of his time as possible to Bench duties? Yes, they should be exclusively his duties, I think. That reminds me of another advantage of having a paid Magistrate, that he would know the characters of particular individuals who come before him—persons who may be receivers of stolen goods, or persons of notoriously bad character, who might make successfully a particular defence before a Magistrate before whom they appeared for the first time, but unavailingly if the same defence had been brought up twenty times previously before a Police Magistrate who would know what the value of it was. With reference to what I have just said respecting clerks, I might add, that I think a practice might be adopted with benefit, as regards clerks at the Police Office, similar to that pursued when a recent appointment was made in the Supreme Court. There might be a species of competitive examination. A certain knowledge should be required. In that particular instance Mr. Cowper requested two or three gentlemen to inquire into the capacity of the candidates, and report. Then, with reference to what I have called “packing the Bench.” If there is only one Police Magistrate, and two Courts are open, the responsibility and duty should entirely devolve upon him of settling what cases should be taken before him, so that it should

His Honor
Mr.
Justice Wise.
28 Oct., 1862.

should not be in the power of any Magistrates to say, we will take this case or that case. What we may call making out the list should devolve solely upon the Police Magistrate.
3226. *By Mr. Hoskins*: Which do you consider the most important duty appertaining to the office of Police Magistrate—issuing summonses, granting warrants, and hearing informations, or dispensing justice on the bench? Dispensing justice on the bench, certainly.
3227. And therefore I infer, you consider the Police Magistrate should be on the bench all day? Yes.

APPENDIX.

In Barrons v. Luscombe, 3 Adolphus and Ellis. This question arose as to a warrant of distress under a statute for a balance of account, but it was not decided. Lord Denman, C.J., said, "After that settlement the Magistrates had no right to rescind their decision." Littledale, J., says, "They had no right to suspend on account of a supposed mistake. If it had appeared that they had made a wrong inference as to the fact of a refusal to pay, I will not say whether they might or might not have countermanded their warrant." Patterson, J., says, "The doubt all along on my mind has been as to the general question, whether the warrant could, in any case, be revoked, upon its being discovered that it had issued improperly. I do not say whether it could, or could not; no authority goes the length of determining this point, and if it were now necessary to enter into the general question, I should wish for more time to consider it." Williams, J., says, "I need not give any opinion how far, upon the discovery of a mistake in matter of fact, the Justices would have power to withdraw their warrant."

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE MAGISTRATE FOR GUNNEDAH.
(INHABITANTS.)

Received by the Legislative Assembly, 26 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of Gunnedah and the immediate neighbourhood,—

HUMBLY SHEWETH:—

1. That Gunnedah is the medium of traffic on the great highway to that large tract of pastoral territory lying north-west of Liverpool Plains, in continuation of the line of road from Maitland, the head of the navigation, and has sprung into importance chiefly within the last three or four years, lands having been since then freely bought up and built upon, and in many instances a very considerable outlay has been made in improvements.

2. That the Town of Gunnedah and neighbourhood now number some five hundred inhabitants, and contain two hundred tenements, dwelling-houses, and places of business of various trades and callings, and bids fair to preserve a steady and continued progression.

3. At present Gunnedah is included in the District of Tamworth, distant fifty miles, having no interests in common with that town, and consequently deprived of the advantages accruing from the establishment of District Courts, and are unable to avail themselves of the objects for which these were constituted, namely, the bringing cheap and speedy justice within the reach of all.

4. This Township of Gunnedah is the great centre of a large and rich tract of populous country, and being so distant from Tamworth, and also seventy miles from Murrurundi, at both of which places District Courts are held, and at the former also a Court of General Sessions, the separation of this place and establishment of these desiderata, would be a boon of incalculable benefit to persons within a circuit of nearly one hundred miles.

5. Your Petitioners would urge upon your Honorable House the absolute necessity which exists for the appointment of a Stipendiary or Police Magistrate, a functionary which cannot longer be dispensed with, unless to the imminent peril of the public weal, and of the speedy punishment of crime, there being only two local Magistrates, both residing at a distance from the Town, and on the opposite side of the Namoi River, which at times, not unfrequently, is so swollen as to prevent their crossing to the Court House.

6. The major part of the magisterial duty is and has been performed by our respected fellow-townsmen and Clerk of Petty Sessions, Mr. Thomas Forster, who fortunately is in the Commission of the Peace, and has efficiently and impartially performed his duties, so far as he has been able, but not being a Police Magistrate, it has frequently occurred that cases requiring the presence of a second Magistrate could not be gone into, because of the impossibility to command one;—thus are the ends of justice in danger of being frustrated, and crime unpunished.

In conclusion, your Petitioners therefore humbly pray that your Honorable House will be graciously pleased to take the premises into your favourable consideration, with a view to the obtaining of the advantages sought and so long needed and agitated in this community.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 26 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

POLICE REGULATIONS.

(PETITION OF WILLIAM PALMER MOFFAT.)

Received by the Legislative Assembly, 25 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Members of the Legislative Assembly of New South Wales, in Parliament at Sydney assembled.

The Petition of William Palmer Moffat, of Sydney, Attorney and Solicitor of the Supreme Court of New South Wales,—

RESPECTFULLY SHEWETH:—

1st. That during this present month he was retained to, and did defend, one William Ford, at the Central Police Court, Sydney, charged with attempting to pick a man's pocket of a knife, upon the Randwick Racecourse.

2nd. That no other property of any kind was alleged to have been missed from the pocket but the knife; and upon the arrest of the said William Ford on that charge, nine pounds in money, a watch, a glazier's diamond, and other property in no way connected with the offence, were taken from him by the Police, and produced in Court when examined before the Magistrates.

3rd. The prosecutor as well as the apprehending officer stated on oath before the Magistrates, that the property mentioned (except the knife) was in no way connected with the charge, whereupon Petitioner moved the Court to order that property to be delivered up to the prisoner, as he had no other means of defending himself against the charge, but upon the application of the Police, who claimed it under the Police Rules of 1862, it was refused to be given up.

4th. That on referring to the 74th to 80th Rules inclusive, established on 1st March last, for the general management and discipline of the Members of the Police Force of the Colony, by His Excellency, with the advice of the Executive Council, and under which the Police claimed the property referred to, Petitioner discovers that the common law rights of individuals are not only abridged, but even one of these Rules enacts and declares what is to become of certain property found upon prisoners after conviction.

5th. That the power to make any such Rule to take away a prisoner's common law rights was, it is believed, not contemplated by your Honorable House, nor could it have been contemplated that any but property in some way connected with the charge, found upon a prisoner, should be taken from him and detained by the Police when power to pass these Rules was granted; nor could it have been contemplated that the prisoner should not have had the reasonable control of his property in no way connected with any charge against him for the purposes of his defence.

6th. That the 74th and 80th Rules inclusive, are calculated, unless explained and restricted, to operate most prejudicially upon parties under certain circumstances, by leaving it too much to the discretion of an apprehending constable to deprive a prisoner of all his property, and prevent him from being defended against such charge as may be brought against him.

May it therefore please your Honorable House to take the premises into consideration, and to grant such relief as may seem fit.

And your Petitioner, as in duty bound, will ever pray, &c.

W. P. MOFFAT.

370, George-street, 25th September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

P O L I C E .

(MAIL AND OTHER ROBBERIES; BUSHRANGERS; AND APPOINTMENTS UNDER THE
POLICE REGULATION ACT OF 1862;—RETURN, IN PART, RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 9 October, 1862.

RETURN (in part) to an Address of the Honorable the Legislative Assembly of New South Wales, dated 30 September, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

- “ (1.) A Return showing the number of Mail Robberies
“ committed in the Colony; the number of Robberies
“ committed on Travellers; the number of houses plundered
“ by Bushrangers, since the 1st January, 1862.
“ (2.) The number of Bushrangers who have been captured
“ by the Police alone, or Police assisted; the number of such
“ characters that have escaped from custody, and whose
“ custody; and the number of convictions.
“ (3.) The name of each Superintendent, Inspector, and
“ Sub-Inspector, appointed under the Police Regulation Act
“ of 1862; the date of his appointment, his salary, his place
“ of residence, the District to which he has been assigned,
“ and the nature of the authority confided to him.
“ (4.) The names of all persons who, having been members
“ of the Police Force prior to the passing the Police Regu-
“ lation Act of 1862, have been appointed to the office of
“ Superintendent, Inspector, or Sub-Inspector, under it.
“ (5.) The names of all Chief Constables who have resigned
“ their offices since the passing the said Act.
“ (6.) The number of Superintendents, Inspectors, Sub-
“ Inspectors, Sergeants, or other Officers and Constables in
“ each District throughout the Colony, and the number at
“ each place for the holding of Petty Sessions throughout
“ the Colony.”

(Mr. Saddleir.)

INSPECTOR GENERAL OF POLICE to THE UNDER SECRETARY.

*Inspector General's Office,
Sydney, 8 October, 1862.*

SIR,

In compliance with the instructions conveyed in your letter of the 2nd instant, I have the honor to transmit Returns containing the information required by the 3rd, 4th, 5th, and 6th paragraphs of the Address carried in the Legislative Assembly on the 30th ultimo.

2. The Criminal Statistics, called for by the 1st and 2nd paragraphs, must be collected in the country districts, through the officers in charge,—involving a probable delay of some weeks. I therefore consider it advisable to forward the information prepared at once, with the understanding that the Returns “wanting to complete” shall be sent in at the earliest possible date.

I have, &c.,
JNO. McLERIE,
Inspector General of Police.

POLICE.

RETURN shewing the name of each Superintendent, Inspector, and Sub-Inspector, appointed under the Police Regulation Act of 1862; the date of his appointment, his salary, his place of residence, the District to which he has been assigned, and the nature of the authority confided to him;—and shewing, also, the names of all persons who, having been Members of the Police Force prior to the passing of the Police Regulation Act of 1862, have been appointed to the office of Superintendent, Inspector, or Sub-Inspector, under it.

| RANK AND NAMES. | Date of Appointment. | Salary. | Place of Residence. | The District to which he has been assigned. | The nature of the authority confided in him. | The names of all persons, who, having been Members of the Police Force prior to the Act of 1862, have been appointed as Superintendents, Inspectors, or Sub-Inspectors, under it. | |
|---|----------------------|---------------------|---------------------|---|--|---|--|
| Superintendents— | 1862. | £ | | | | | |
| Henry Zouch | 1 March .. | 500 per annum .. | Goulburn | South-eastern .. | As laid down in the Book of Regulations, drawn out in accordance with the Act, and laid before Parliament. | Superintendent Zouch. Removed from office. | |
| Lawrence H. Scott | Do. | 500 per annum .. | Campbelltown .. | Eastern | | Superintendent Chatfield. | |
| William Chatfield | 1 March .. | 450 | Maitland | North-eastern .. | | Do. M'Lerie. | |
| John A. M'Lerie | Do. | 450 | Cooma | Southern | | | |
| George Markham | Do. | 450 | Deniliquin | South-western .. | | | |
| Thomas B. Carne | Do. | 450 | Bathurst | Western | | | |
| Edric N. Morriset | Do. | 400 | Tamworth | North-western .. | | | |
| James Garland | Do. | 400 | Armidale | Northern | | | |
| C. J. P. Lydiard | 1 July .. | 300 | Forbes | Western | | Inspector Pottinger. | |
| Inspectors— | | | | | | | |
| Frederick W. Pottinger | 1 March .. | 300 | Scone | North-eastern .. | | | |
| Critchett Walker | Do. | 300 | Braidwood | Southern | | | |
| Frederick R. Wilshire | Do. | 300 | Young | South-eastern .. | | Do. Battye. | |
| Edward M. Battye | Do. | 300 | Albury | South-western .. | | | |
| Henry H. Bligh | 19 March .. | 300 | Bathurst | Western | | | |
| John W. Orridge | 7 October .. | 300 | | | | | |
| Sub-Inspectors— | | | | | | | |
| William Benson | 19 March .. | 200 per annum .. | Moruya | Southern | Resigned. | | |
| William Malbon | 1 March .. | 200 | Wentworth | South-western .. | | | |
| Charles G. Perrins | Do. | 200 | Mudgee | Western | | | |
| John H. Bruyeres | Do. | 200 | Wee Waa | North-western .. | | | |
| Arthur A. Abbott | Do. | 200 | Wollongong | Eastern | | | |
| Thomas A. White | Do. | 200 | Eden | Southern | | | |
| John G. Hussey | Do. | 200 | Tenterfield | Northern | | | |
| John D. Meares | Do. | 200 | Parramatta | Eastern | Sub-Inspector Singleton. | | |
| James Singleton | Do. | 200 | Sydney | Metropolitan .. | Do. Read. | | |
| George Read | Do. | 200 | Sydney | Dépot | Do. Black. | | |
| James A. Black | Do. | 200 | Balranald | South-western .. | Do. O'Neill. | | |
| William O'Neill | Do. | 200 | Dubbo | Western | Do. Hogg. | | |
| Thomas Hogg | Do. | 250 | Sydney | The Colony | Do. Harrison. | | |
| Charles F. Harrison | Do. | | | | | | |
| Acting Sub-Inspectors (receiving Sergeant's pay)— | | | | | | | |
| Charles Sanderson | 15 August .. | 9s. 6d. per diem .. | Forbes | Western | Acting Sub-Inspector Sanderson. | | |
| J. Morrow | Do. | 9s. 6d. | Young | South-eastern .. | | | |
| Reginald Hare | 19 March .. | 9s. 6d. | Tumut | South-eastern .. | | | |
| H. C. Young | 25 June .. | 9s. 6d. | Newcastle | North-eastern .. | | | |
| A. Galbraith | 15 August .. | 9s. 6d. | Grafton | Northern | | | |
| Henry Garvin | 1 July .. | 9s. 6d. | Port Macquarie .. | Northern | | | |
| J. O. Norton | 3 June .. | 9s. 6d. | Hartley | Eastern | Do. do. Garvin. | | |
| John Wolfe | 25 June .. | 9s. 6d. | Forbes | Western | | | |

Inspector General's Office,
Sydney, 8 October, 1862.

JNO. M'LERIE,
Inspector General of Police.

POLICE.

POLICE.

3

RETURN of the Names of all Chief Constables who have resigned their Offices since the passing of the said Act.

| | | |
|---------------------------|------------------------|---------------------------------|
| Samuel Holt | Newcastle | Pension, £100 per annum. |
| Thomas Hildebrand | Wollongong | Do., £123 do. |
| George Drury | Parramatta | Do., £90 do. |
| John Davis | Molong | Do., £50 do. |
| Edward Murphy | Tumut | £103 gratuity. |
| Samuel Home | Singleton | Pension, £116 per annum. |
| John Sherman | Bathurst | Do., £126 do. |
| Thomas Finnerty | Orange | £50 gratuity. |
| Henry Smith | Deniliquin | £101 19s. do. |
| Henry F. Brown | Port Macquarie | £56 10s. do. |
| Lloyd Bradshaw | Armidale | £36 do. (2 per cent. refunded.) |
| Robt. J. Monteith | Wagga Wagga | To be Gaoler. |
| John Breen | Moulamein | } Resigned unconditionally. |
| James Martin | Eden | |
| John Havinden | Grafton | |
| Jas. Dwyer | Tamworth | |
| | | |

Inspector General's Office,
Sydney, 8 October, 1862.

JNO. McLERIE,
Inspector General of Police.

RETURN of the Number of Superintendents, Inspectors, Sub-Inspectors, Sergeants, or other Officers and Constables, in each District, throughout the Colony.

| DISTRICT. | Superintendents. | Inspectors. | Sub-Inspectors. | Acting Sub-Inspectors. | Sergeants. | Constables. | TOTAL. |
|------------------------|---------------------------|-------------|-----------------|------------------------|------------|-------------|--------|
| Eastern | 1 | ..... | 2 | ..... | 8 | 64 | |
| South-eastern | 1 | 1 | ..... | 2 | 11 | 118 | |
| North-eastern | 1 | 1 | ..... | 1 | 12 | 72 | |
| Western | 1 | 2 | 2 | 3 | 13 | 124 | |
| South-western | 1 | 1 | 2 | ..... | 7 | 40 | |
| North-western | 1 | ..... | 1 | ..... | 5 | 31 | |
| Northern | 1 | ..... | 1 | 2 | 8 | 54 | |
| Southern | 1 | 1 | 2 | ..... | 9 | 67 | |
| Metropolitan .. .. . | ..... | ..... | 1 | ..... | 30 | 157 | |
| Depôt .. .. . | ..... | ..... | 1 | ..... | 1 | 52 | |
| Detectives .. .. . | ..... | ..... | 1 | ..... | ..... | 12 | |
| Total Officers | 8 | 6 | 13 | ..... | ..... | ..... | 27 |
| | Total other Ranks | | | 8 | 104 | 791 | 903 |

Inspector General's Office,
Sydney, 8 October, 1862.

JNO. McLERIE,
Inspector General of Police.

RETURN shewing the number of Superintendents, Inspectors, Sub-Inspectors, Sergeants or other Officers and Constables, at each place for the holding of Petty Sessions throughout the Colony.

| PLACE OF PETTY SESSIONS. | Superintendent. | Inspector. | Sub-Inspector. | Acting Sub-Inspector. | Sergeants. | Constables. |
|--------------------------|-----------------|------------|----------------|-----------------------|------------|---------------|
| Albury | | 1 | ..... | ..... | 1 | 8 |
| Armidale | 1 | ..... | ..... | ..... | 3 | 6 |
| Adelong | | | | | | 3 (1 a senr.) |
| Bendemeer | | | | | | 1 senior. |
| Bathurst | 1 | 1 | ..... | ..... | 2 | 10 |
| Balranald | | | 1 | ..... | ..... | 2 |
| Berrima | | | | | 1 | 4 |
| Burrowa | | | | | 1 | 2 |
| Binalong | | | | | | 4 |
| Braidwood | | 1 | ..... | ..... | 2 | 7 |
| Bombala | | | | | 1 | 4 |
| Bega | | | | | | 3 (1 a senr.) |
| Camden | | | | | 1 | 2 |
| Campbelltown | 1 | ..... | ..... | ..... | 2 | 4 |
| Carcoar | | | | | 1 | 3 |
| Cassilis | | | | | 1 | 4 |
| Coonabarabran | | | | | | 2 |
| Condobolin | | | | | 1 | ..... |
| Casino | | | | | 1 | 2 |
| Cooma | 1 | ..... | ..... | ..... | 1 | 9 |
| Corowa | | | | | | 3 |

RETURN, &c.—Continued.

| PLACE OF PETTY SESSIONS. | Superintendent. | Inspector. | Sub-Inspector. | Acting Sub-Inspector. | Sergeants. | Constables. |
|--------------------------|-----------------|------------|----------------|-----------------------|------------|---------------|
| Deniliquin | 1 | ..... | 1 | ..... | 2 | 11 |
| Dubbo | | | 1 | ..... | ..... | 6 |
| Dungog | | | 1 | ..... | 1 | 3 |
| Eden | | 1 | ..... | 2 | 5 | 4 |
| Forbes | | | | | | 39 |
| Fort Bourke | | | | | 1 | 2 (1 a senr.) |
| Gulf Creek | | | | | 1 | 4 |
| Gosford | | | | | 3 | 3 |
| Goulburn | 1 | ..... | ..... | 1 | 2 | 16 |
| Grafton | | | | | 1 | 8 |
| Gundagai | | | | | | 6 |
| Gunnedah | | | | | 1 | 4 (1 a senr.) |
| Glen Innes | | | | 1 | ..... | 1 |
| Hartley | | | | | | 5 |
| Hay | | | | | | 5 (1 a senr.) |
| Inverell | | | | | | 1 senior. |
| Kiama | | | | | | 2 (1 a senr.) |
| Kempsey | | | | | | 3 (1 a senr.) |
| Louisa Creek | | | | | | 2 (1 a senr.) |
| Liverpool | | | | | | 3 (1 a senr.) |
| Lismore | | | 1 | ..... | 2 | 2 |
| Moruya | | | | | 3 | 3 |
| Maitland | 1 | ..... | ..... | ..... | ..... | 16 |
| Morpeth | | | | | 1 | 3 (1 a senr.) |
| Moama | | | | | 1 | 1 |
| Molong | | | | | | 2 |
| Moulamein | | | 1 | ..... | 1 | 3 (1 a senr.) |
| Mudgee | | | | | 1 | 7 |
| Murrurundi | | | | | 1 | 3 |
| Muswellbrook | | | | | | 8 |
| Nelligen | | | | | | 2 (1 a senr.) |
| Nimitabelle | | | | 1 | 1 | 2 (1 a senr.) |
| Newcastle | | | | | | 16 |
| Numba | | | | | 1 | 3 (1 a senr.) |
| Nundle | | | | | | 2 |
| Orange | | | | | | 5 (1 a senr.) |
| Picton | | | | | | 4 (1 a senr.) |
| Panbula | | | 1 | ..... | ..... | 2 (1 a senr.) |
| Parramatta | | | | | 1 | 9 |
| Paterson | | | | | 1 | 1 |
| Penrith | | | | 1 | ..... | 3 |
| Port Macquarie | | | | | | 5 |
| Queanbeyan | | | | | 1 | 5 |
| Raymond Terrace | | | | | 1 | 2 |
| Rylstone | | | | | 2 | 2 |
| Sofala | | | | | | 6 |
| Singleton | | | | | | 4 |
| Stroud | | | | | 1 | 3 (1 a senr.) |
| Scone | | 1 | 3 | ..... | 30 | 1 |
| Sydney | | | | | | 157 |
| Stony Creek | | | | | 1 | 4 (1 a senr.) |
| Tamberumba | | | | | 2 | 2 |
| Tamworth | 1 | ..... | 1 | ..... | 1 | 10 |
| Tenterfield | | | | 1 | 1 | 4 |
| Tumut | | | | | | 3 |
| Tambaroora | | | | | | 3 (1 a senr.) |
| Tuena | | | | | | 2 (1 a senr.) |
| Ulladulla | | | | | | 1 |
| Wingham | | | | | 1 | 5 (1 a senr.) |
| Wagga Wagga | | | | | 1 | 5 |
| Warialda | | | 1 | ..... | 1 | 4 |
| Wee Waa | | | | | | 4 |
| Walgett | | | | | | 2 (1 a senr.) |
| Wellington | | | | | 1 | 2 |
| Wentworth | | | 1 | ..... | 1 | 3 |
| Windsor | | | | | 1 | 5 |
| Wollongong | | | 1 | ..... | 1 | 3 |
| Wollombi | | | | | | 5 (1 a senr.) |
| Windeyer | | | | | | 3 (1 a senr.) |
| Yass | | | | 1 | 1 | 6 |
| Young | | 1 | ..... | ..... | 2 | 27 |

Inspector General's Office,
Sydney, 8 October, 1862.

JNO. McLERIE,
Inspector General of Police.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THOMAS DUKE ALLEN.

(PETITION OF.)

Received by the Legislative Assembly, 21 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of Thomas Duke Allen,—

HUMBLY SHEWETH :—

That your Petitioner held the office of Head Gaoler of Parramatta Gaol, for upwards of twenty years.

That during this period, your Petitioner performed the duties of the said office to the general satisfaction of the Government and the Public.

That in one thousand eight hundred and sixty, a Commission was appointed by the Government, at the suggestion of the then Sheriff, Mr. Brennan, to inquire into certain charges against your Petitioner, the result of which was that your Petitioner was honorably acquitted of the said charges.

That the Select Committee of your Honorable House which was, in one thousand eight hundred and sixty-one, appointed to inquire into and report upon the state and management of certain public Prisons, paid a visit of inspection to Parramatta Gaol, and subsequently reported favourably of its management under your Petitioner.

That on the twenty-fourth of June last your Petitioner was, by a letter from the present Sheriff, dismissed from the said office, on the ground of having received a fee of £3 ls. 6d. for executing a Writ of *Habeas Corpus* in the case of John Taylor.

That your Petitioner acknowledges having received the said fee in the said case; but submits, that in receiving it he acted in pursuance of a long established practice, which had prevailed with the knowledge and acquiescence of the Gaol authorities in Sydney and elsewhere.

That your Petitioner, as well as other Gaolers, have frequently received such fees in similar cases.

That in particular, your Petitioner has been credibly informed, that on or about the third of January last, the Head Gaoler of Maitland Gaol lately received a fee of Five pounds from Mr. Teal, Solicitor, for executing a Writ of *Habeas Corpus* in the case of Arthur Edwards, committed for trial by the Bench of Magistrates at Glen Innes.

That in proof of these allegations, your Petitioner can appeal to the testimony of many respectable Solicitors in Sydney and elsewhere.

That your Petitioner was never cautioned against receiving, or prohibited to receive such fees in such cases.

And your Petitioner, feeling that he has been harshly and unjustly dealt with, appeals to your Honorable House in consideration of his long services, and prays your Honorable House, upon the premises, to take such steps in your Petitioner's behalf as the justice of the case may require.

And your Petitioner, as in duty bound, will ever pray.

THOMAS DUKE ALLEN.

Parramatta, 20th August, A.D. 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. THOMAS DUKE ALLEN.

(LATE HEAD GAOLER, PARRAMATTA GAOL.)

Ordered by the Legislative Assembly to be Printed, 3 October, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 2 September, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

- “(1.) Copies of all Correspondence between the Executive Government and any person or persons, any Report from the Sheriff or other Public Officer, and any Minute or Minutes of the Executive Council, having reference to the recent suspension and dismissal of Thomas Duke Allen from his office of Head Gaoler of Parramatta Gaol.
- “(2.) Copies of all such Correspondence having reference to the resignation or removal of Mrs. Allen from her office of Matron of the said Gaol.”

*(Mr. W. Forster.)***SCHEDULE.**

| No. | PAGE. |
|--|-------|
| 1. The Sheriff to the Under Secretary, forwarding a letter from Edward Taylor representing that the Gaoler at Parramatta had improperly obtained money from him, and reporting that, after receiving Mr. Allen's explanation, he had felt it his duty to suspend him. 3 June, 1862 | 1 |
| 2. Minute of the Colonial Secretary on the subject. 4 June, 1862 | 3 |
| 3. Opinion of the Attorney General on the case. 5 June, 1862 | 3 |
| 4. Letter from the Sheriff, respecting the right of Gaolers to make the charge forming the subject of complaint. 9 June, 1862 | 3 |
| 5. Minute of Sheriff, stating that he cannot see anything in the case to justify Mr. Allen's proceeding. 13 June, 1862 | 4 |
| 6. R. Ennis to the Sheriff, on the subject of the fees charged. 12 June, 1862 | 4 |
| 7. Letter from the Sheriff, enclosing communications from Mr. Byrnes and Mr. Allen. 17 June, 1862 | 4 |
| 8. Minute of the Executive Council, advising that Mr. Allen be removed from his office. 17 June, 1862 | 5 |
| 9. Under Secretary to the Sheriff, communicating the decision of the Executive Council. 20 June, 1862 | 5 |
| 10. Letter from Mr. Hargraves, and deposition of Edward Taylor, relating to the case of Mr. Allen. 25 June, 1862 | 5 |
| 11. Mr. Allen to the Under Secretary, applying for a copy of the Report of the Sheriff under which his removal from office was directed. 11 July, 1862 | 6 |
| 12. Under Secretary to Mr. Allen, in reply, forwarding letter from Sheriff, with enclosures. 15 August, 1862 | 6 |

MR. THOMAS DUKE ALLEN.

No. 1.

SHERIFF to THE UNDER SECRETARY.

Sydney, 3 June, 1862.

SIR,

Mr. Hargrave having brought under my notice that the Gaoler at Parramatta had made a charge of three guineas for executing a writ of *habeas corpus*, granted on behalf of a prisoner in his custody, I proceeded with that gentleman to the Parramatta Gaol, and finding the matter substantiated in the presence of Mr. Allen, I deemed it my duty to suspend that officer.

2. I refrained from reporting until this evening, to allow Mr. Allen time to prepare any statement he might desire to place before the Government, relative to this very unpleasant matter.

I have, &c.,
GEO. UHR,
Sheriff.

[Enclosure 1 in No. 1.]

H. M. Gaol, Parramatta,
2 June, 1862.

Edward Taylor: On Saturday last I brought a writ of *habeas corpus* to Mr. Allen, to bring my son to Sydney; he told me he could not bring him without I gave him three guineas; I gave him £3 1s. 6d., and he (Mr. Allen) said he must have those too; I then gave him (Mr. Allen) the five pennies, in copper, making in all £3 1s. 11d.; Mr. Allen said that was always *his fee* for taking my son to Sydney; I was told that it was corruptly and fraudulently obtained from me; whereupon I have charged Mr. Allen with corruptly and fraudulently obtaining the above amount.

EDWARD TAYLOR.

[Enclosure 2 in No. 1.]

Parramatta Gaol,
3 June, 1862.

Sir,

With reference to the case of the prisoner Taylor, and my receipt from his father of a sum of £3 1s. 11d., as expenses for bringing the prisoner to Sydney, I have the honor to state that I received that sum, believing that I am entitled to my expenses by law under the Habeas Corpus Act itself. When I was served with the writ, on being asked, I mentioned the sum I always received; and when it is considered that I, being responsible for the safe custody of the prisoner, must accompany him myself, and must pay the travelling expenses of a turnkey and the prisoner, I did not think that sum too much, more particularly having always received that amount from every attorney by whom a writ of *habeas corpus* has been served on me; in proof of which I beg to enclose certificates from those gentlemen, and also a certificate signed by them, and other members of the legal profession, who have considerable practice in criminal matters, as to the custom on service of writs of *habeas*.

Having been spoken to on the subject by Mr. Roberts, the solicitor in the matter, I made no demand, and would have taken the prisoner down without receiving any money, knowing that Mr. Roberts would pay me afterwards.

The Sheriff
of New South Wales.

I have, &c.,
THOMAS ALLEN,
Gaoler.

[Sub-enclosure in Enclosure 2.]

(CERTIFICATES.)

We, the undersigned members of the legal profession, do hereby certify that we believe it to be the invariable custom to pay the Governor of the Gaol the expense of bringing out on *habeas corpus* prisoners in his custody.

| | |
|------------------|------------------|
| JOHN LAWSON. | FRED. G. CROFT. |
| R. DRIVER, JUNR. | WM. K. MACNISH. |
| ROBT. FORSTER. | EYRE G. ELLIS. |
| EDWARD J. CORY. | TEALE & GARRETT. |
| WM. ROBERTS. | |

I HEREBY certify that I have in all cases wherein I have been employed, paid Mr. Allen, of Parramatta, the sum of three guineas for bringing a prisoner to Sydney on *habeas corpus*, and I consider that amount a proper charge according to the amounts allowed on taxation for witnesses' expenses; Mr. Allen paying thereout the expenses of travelling and living of himself, the turnkey in charge, and the prisoner.

Sydney, 3 June, 1862.

JOHN LAWSON.

MR. THOMAS DUKE ALLEN.

3

I HEREBY certify that I have in all cases wherein I have been employed, paid Mr. Allen, of Parramatta, the sum of three guineas for bringing a prisoner to Sydney on *habeas corpus*, and I consider that amount a proper charge according to the amounts allowed on taxation for witnesses' expenses; Mr. Allen paying thereout the expenses of travelling and living of himself, the turnkey in charge, and the prisoner.

Sydney, 3 June, 1862.

R. DRIVER, JUNR.

I HEREBY certify that I have paid the Gaoler at Maitland the sum of ten pounds for bringing two prisoners from the Gaol to Sydney on *habeas corpus*; and I believe that I could not have compelled him to bring them without paying his expenses.

Sydney, 3 June, 1862.

R. P. ABBOTT.

I HEREBY certify that I have paid Mr. Allen, of Parramatta, the sum of three guineas for bringing a prisoner to Sydney on *habeas corpus*, and I consider that sum a proper charge according to the amounts allowed on taxation for witnesses' expenses; Mr. Allen paying thereout the expenses of travelling and living of himself, the turnkey in charge, and the prisoner.

Sydney, 3 June, 1862.

WM. K. MACNISH.

No. 2.

MINUTE OF COLONIAL SECRETARY.

THIS case is presented in rather an incomplete state; but the Sheriff has personally represented to me that he was in utter ignorance of any such charge being made by the Gaolers—that he considers it illegal and most improper

* * * * *

Before submitting the case to the Executive Council, or taking any further step, I should like to be favoured with the Attorney General's view of it. I am not disposed to consider as of any great moment the certificates of the attorneys if the course is so manifestly wrong as the Sheriff thinks. Mr. Allen's insisting upon the small balance not forthcoming is certainly discreditable in the highest degree, if true.

C. C.
4 June.

No. 3.

REPORT OF ATTORNEY GENERAL.

THE Gaoler ought to obey the writ, though his fees are not paid; but he was entitled by the 2nd section of the *Habeas Corpus Act*, 31 Car 2., c. 2, to insist on payment or tender of the charges of bringing the prisoner from the Gaol to the Court, to be ascertained by the Judge or Court that awarded the writ, and indorsed upon the said writ, not exceeding 12d. per mile; also to require security to be given by the prisoner's own bond to pay the charges of return if remanded, and that he should not escape.

I assume that the proper amount was indorsed and demanded, and that Allen did not disobey the writ under the 5th section; if he disobeyed he would lose his situation and be liable to heavy penalties.

J. F. H.,
A. G.
5/6/62.

No. 4.

SHERIFF to COLONIAL SECRETARY.

Sydney, 9 June, 1862.

SIR,

In accordance with your request, I have ascertained the opinion, which is, that Gaolers are not entitled to any fees, being salaried officers of the Government. It is further observed that in the absence of an indorsement, the Sheriff's officer obeying the writ of *habeas corpus* is only to receive the actual expense of travelling and sustenance, which, in the matter under consideration, would be 6s. 10d. A charge beyond this is extortion; the penalty for which is fine and imprisonment, and sometimes forfeiture of office.

I have, &c.,
GEO. UHR,
Sheriff.

I SHALL be glad to know whether the Sheriff recommends Mr. Allen's dismissal; if so, I shall be prepared to carry out his recommendation.

C. C.
9 June.

No. 5.

No. 5.

MINUTE OF SHERIFF.

I REGRET being obliged to say that I cannot see anything in the conduct of Mr. Allen in this case to justify my altering my views of the serious nature of the charge brought against him, and I quite concur in the opinion expressed by the Honorable the Chief Secretary, that it is a discreditable transaction.

I should feel disposed to hesitate, did the charge rest upon the mere statements of the parties, as would be the case in an ordinary official inquiry; but two persons having verified the charge upon oath before a legal tribunal, subjected to the cross-examination of an advocate, therefore, painful as it may be, I have no alternative, unless I am ready to believe that deliberate perjury has been committed, which I would not be justified in doing.

In view of the grave responsibility of my office, I cannot recommend a deviation from the course adopted on such occasions.

GEO. UHR,
Sheriff.
13/6/62.

No. 6.

MR. ENNIS to SHERIFF.

Sheriff's Office,
Sydney, 12 June, 1862.

SIR,

In accordance with your request that I would see Mr. Roberts, and ascertain from him whether he saw or had any conversation with Mr. Allen as to his fees for carrying out the writ of *habeas corpus*, I saw that gentleman, and he states that he neither saw nor spoke to Mr. Allen on the subject.

I have, &c.,
R. ENNIS.

No. 7.

SHERIFF to COLONIAL SECRETARY.

Sydney, 17 June, 1862.

SIR,

I have the honor to forward for your consideration two communications which I have received, one from Mr. James Byrnes and one from Mr. Allen.

No doubt, as Mr. Byrnes remarks, Mr. Allen has been a long time in the service; and it may be worthy of your consideration under that circumstance, and also seeing that hitherto a very lax system has prevailed, whether the Government can visit the offence with less than the extreme penalty. Although not very material to the question, I have sent to Taylor for an explanation as to the roll of notes.

I have, &c.,
GEO. UHR,
Sheriff.

[Enclosure 1 in No. 7.]

Monday Evening.

My dear Sir,

Allen called upon me this evening, and notwithstanding that he is to blame in this unfortunate affair, I think he is painted much blacker than he deserves. There is a want of candour in Allen which is rather a disadvantage to him; but I think it arises in some measure from either stupidity or gross ignorance, and therefore ought not to prejudice his case to the same extent that it would otherwise do when connected with education, or in other words, a more highly cultivated mind. With all Allen's faults, you will have some difficulty in finding a man fit to take his place; he has some claims upon the Government, which ought to weigh in his favour, and certainly one in particular which cannot be lightly considered—very long service. I told Allen that he had better see you, and tender such evidence as may be necessary to show that he did not send back the man to Sydney to borrow the three guineas, &c., and in any other way that might be necessary to enable you to look more favourably upon his case.

Yours faithfully,

JAMES BYRNES.

Geo. Uhr, Esq.

[Enclosure 2 in No. 7.]

H. M. Gaol, Parramatta,
16 June, 1862.

Sir,

I have the honor to state, in further explanation of this case—Taylor against myself—and can prove to your satisfaction that I never saw Taylor but once before he served me with a writ of *habeas corpus*, and that was about a week previous; he came to the gate and inquired for me; I went out and asked him what he wanted; he said he had a paper from Mr. Roberts, solicitor, for his son, to sign an authority from his son to employ Mr. Roberts to get him brought to Sydney to have him bailed out, and for me to witness his son's signature, which I first declined to do; he said if I did not do so he would have another journey to Sydney. I then allowed him to see his son and sign the paper, and I witnessed his signature; he then told me he was getting a *habeas corpus* to bring his son to Sydney, and asked me what my expenses would be; I told him that the solicitors usually gave me three guineas; he went away and made no reply. I happened to be in Sydney a short time afterwards, when Mr. Roberts'

Roberts' clerk—I believe his name is Mr. Smith—came to Mr. Abbott's office and left word there that Mr. Roberts would like to see me in his office before I would leave town. I went to Mr. Roberts' office, but Mr. Roberts was not there at the time. I saw Mr. Smith; he asked me what day would it be convenient for me to bring the prisoner Taylor to Sydney on a writ of *habeas corpus*. I told him if he would give me twenty-four hours notice, to make a return to the writ, and a copy of his warrant, that I did not care what day. He then asked me what my expenses would be. I told him I usually got three guineas. I heard no more of the case until the Saturday following when, in company with a Mr. Whiteside of this town, coming from my house to the Gaol, this man Taylor came up and took out a *habeas corpus* and hands it to me saying, "You will have to bring my son to Sydney." I took the writ and read it, and told him I will have him there on Tuesday. He then put his hand into his pocket and took out a roll of notes, and asked me what my expenses was. I told him I usually got three guineas. He then took three one pound notes off the roll and handed them to me. I told him then that would do. He then said, "I have change in my pocket." I told him again that would do. He then said, "I will pay you all." I felt quite sure it was Mr. Roberts or his clerk that sent me the money by Taylor, as he had been speaking to me a few days previous about it. All this happened in the presence of Mr. Whiteside, which he can prove to your satisfaction. He was present when Taylor handed me the writ, and heard what passed between he and I, and saw him take the three one pound notes off the roll of notes and hand them to me.

The Sheriff, Sydney.

I have, &c.,
THOMAS ALLEN.

No. 8.

MINUTE OF EXECUTIVE COUNCIL.

17 June, 1862.

Extract from Minute, No. 62/20. Confirmed, 24 June, 1862.

His Excellency the Governor lays before the Council a Minute Paper by the Honorable the Vice-President, submitting certain documents with reference to a charge against Mr. Allen, the Gaoler at Parramatta, in demanding a fee of three guineas for executing a writ of *habeas corpus*, granted on behalf of a prisoner named Taylor, and for which he has been suspended from office.

It appears from the statement of Mr. Taylor, the father of the prisoner, that having given Mr. Allen the sum of £3 1s. 6d., the latter required from him a further sum, when he gave him in addition five-pence in copper, which was all he had in his possession.

Mr. Allen's explanation, herewith submitted, does not, in the opinion of the Sheriff, justify his proceedings, and the Honorable the Vice-President therefore recommends that Mr. Allen's suspension be confirmed, and that he be removed from his office.

2. The Council, having carefully considered the circumstances of the case, express their opinion that the charge against the Gaoler is one of a very discreditable nature, which has not been disproved by him, although every opportunity has been afforded for that purpose, and therefore advise that the recommendation of the Honorable the Vice-President be approved and carried into effect accordingly.

CHAS. COWPER, JUNR.,
Clerk of the Council.

No. 9.

THE UNDER SECRETARY to SHERIFF.

Colonial Secretary's Office,
Sydney, 20 June, 1862.

SIR,

I am directed to inform you that your communication respecting the suspension of Mr. Allen, the Gaoler at Parramatta, for his conduct in demanding a sum of three guineas for executing a writ of *habeas corpus* granted on behalf of a prisoner in his custody, has been submitted to the Executive Council. From the representation of the father of the prisoner, it appeared that, having given the Gaoler £3 1s. 6d., the latter required from him a further small sum of five-pence in copper, which was all he had in his possession. Mr. Allen had been called upon for an explanation, but it appeared from your report that there was not anything in the case to justify his proceedings, and that it was a discreditable transaction.

2. I am further to apprise you that, under your report, His Excellency the Governor, with the advice of the Council, has been pleased to approve of Mr. Allen's suspension by you, being confirmed, and of his being removed from his office.

I have, &c.,
W. ELYARD.

No. 10.

MR. HARGRAVES to UNDER SHERIFF.

Gosford, Brisbane Water,
25 June, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of the 11th instant, with reference to Edward Taylor having had a roll of notes in his hand at the time of paying Mr. Allen the sum of £3 1s. 11d. as a fee for bringing his (Taylor's) son to Sydney under a writ of *habeas corpus*.

2. I have not seen Taylor since the day Mr. Allen was at the Police Office in Sydney; I have however sent a constable to him, requesting his attendance at my residence, when I will lose no time in forwarding the required affidavit.

3. I can however assure the Sheriff that such was not the case, and the £3 ls. 11d. was lent to Edward Taylor by me; and further, I had to pay his expenses back to this district.

I have, &c.,

E. H. HARGRAVES.

P.S.—I have known Edward Taylor for upwards of twenty years, and know his circumstances perfectly well; he was an old servant in my employ.

E. H. H.

[Enclosure in No. 10.]

New South Wales, }
to wit.

Edward Taylor, of Tumby Umby Creek, in the Police District of Brisbane Water, came before me, the undersigned, one of Her Majesty's Justices of the Peace, this thirtieth day of June, in the year of our Lord one thousand eight hundred and sixty-two, and maketh oath and saith as follows:—My son, George Taylor, was confined in the Parramatta Gaol on remand, charged with stealing a horse, the property of his aunt, Mrs. G. Taylor, and in the month of May last past I visited my said son, for the purpose of obtaining his authority for his solicitor, Mr. Roberts, to sue out a writ of *habeas corpus*, calling upon Her Majesty's Attorney General to show cause why my said son should not be admitted to bail upon giving good and sufficient security; when there I saw the Gaoler, Mr. Allen, who said to me as follows:—"You will have to give me three guineas, as a fee for taking your son to Sydney, when you bring the writ"; I asked him what the charge of £3 3s. sterling was for? Mr. Allen replied, "It is my fee for taking your son to Sydney, and I mostly get £5 5s."; I further say I was not possessed of the sum required, and went to Mr. Hargraves to borrow it, as also to pay Mr. Roberts for suing out the writ; Mr. Hargraves told me that Mr. Allen was not entitled to any fee whatever, and was bound to produce my son, in accordance with the writ, but if Mr. Allen still demanded the amount aforesaid, or any other amount, to pay it in presence of a witness; and I further say that I went to Parramatta with a writ of *habeas corpus*, signed by one of the Judges of the Supreme Court, and delivered the said writ to Mr. Allen, in my mother's presence; when Mr. Allen said, "Well, where are the three guineas?" I put my hand into my pocket and pulled out the sum of three pounds one shilling and sixpence, and five pence in copper money; I handed the three pounds and one shilling and sixpence to Mr. Allen, who then said, "What is that you have in your hand?" I said, "Only five pence, in coppers"; Mr. Allen then said, "Well, I must have them too—hand them here"; whereupon I gave the five pence to Mr. Allen aforesaid; and I further say that I had not a roll of notes in my possession at that time, and if Mr. Allen has made such a statement it is untrue, as I was obliged to borrow money the next day from Mr. Hargraves to pay my expenses home to this district.

EDWARD TAYLOR.

Sworn before me, the day and year above }
written, at Bungarees Noragh, in the }
District of Brisbane Water,—

E. H. HARGRAVES, J.P.

No. 11.

MR. ALLEN to THE UNDER SECRETARY.

Norfolk House,
Parramatta, 11 July, 1862.

SIR,

Referring to your letter to the Sheriff of the 20th ultimo, No. 251, copy of which that Office has furnished me with, I do myself the honor to request that you will be good enough to obtain the sanction of the Honorable the Principal Secretary to my being supplied with a copy of the report of the Sheriff under which His Excellency the Governor, with the advice of the Council, had been pleased to approve of my removal from the appointment of Gaoler at Parramatta.

I have, &c.,

THOMAS ALLEN.

No. 12.

THE UNDER SECRETARY to MR. ALLEN.

Colonial Secretary's Office,
Sydney, 15 August, 1862.

SIR,

In compliance with the request contained in your letter of the 11th ultimo, I am directed by the Colonial Secretary to transmit to you the copy of a letter from the Sheriff and its enclosure, under which His Excellency the Governor, with the advice of the Executive Council, directed your removal from the situation of Gaoler at Parramatta.

I have, &c.,

W. ELYARD.

[Enclosure

MR. THOMAS DUKE ALLEN.

7

[Enclosure in No. 12.]

Sheriff's Office,
Sydney, 9 August, 1862.

Sir,
I have the honor to submit a communication which I received in the early part of July from the Gaoler at Parramatta. I did not bring this matter under the notice of Government at an earlier period, expecting daily to receive the instruments mentioned in Mr. Green's letter.

The Principal Under Secretary.

I have, &c.,
GEO. UHR,
Sheriff.

[Sub-Enclosures in No. 12.]

H.M. Gaol, Parramatta,
2 July, 1862.

Sir,
I have the honor to inform you that I have been put in charge of this Gaol by the Visiting Justice this morning; and I am directed by him to apply to you for my official appointment, and also the appointment of my wife as Matron.

The Sheriff, Sydney.

I have, &c.,
JAMES GREEN,
Gaoler.

THE Visiting Justice placed Mr. Green in charge at the request of the Sheriff. With reference to the notice of the 25th of June last, the Sheriff will perhaps say what instructions are referred to, and in what communication the Gaoler's wife was recommended.

B. C. 23 August, 1862.
W. E.

THE instructions referred to were from the Honorable the Chief Secretary to myself personally that Mr. Green's name was to be submitted to succeed Mr. Allen as Parramatta Gaoler. Subsequently the Premier told me that it was undesirable that Mrs. Allen should remain as Matron, on account of her husband, and therefore it was intended to bring forward Mrs. Green's name as Matron at the first meeting of the Executive Council. Mrs. Green's name is Eliza; she commenced duty the 2nd June last.

GEO. UHR,
Sheriff.
26/8/62.

The appointment of Mr. Green has been already notified.
The appointment of Mrs. Green to be Matron should be brought forward for the Executive Council. Notice, 25 June, 1862.

C. C.

1st September, 1862.—Extract from Minute, No. 62-29. Confirmed, 9th September, 1862.

The Executive Council advise the appointment of Mrs. Eliza Green as Matron of the Parramatta Gaol, *vice* Mrs. Allen.

CHAS. COWPER, JUNR.,
Clerk of the Council.

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 2d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE

PETITION OF THOMAS DUKE ALLEN ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
19 *December*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1863.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 102. WEDNESDAY, 19 NOVEMBER, 1862.

16. Petition of Thomas Duke Allen :—Mr. R. Forster moved, pursuant to notice,—
- (1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report upon the allegations contained in the Petition of Thomas Duke Allen, late Gaoler at Parramatta, presented to this House on the 21st August, 1862.
- (2.) That such Committee consist of Mr. Cowper, Mr. W. Forster, Mr. Dangar, Mr. Sutherland, Mr. Lackey, Mr. Hoskins, Mr. Love, Mr. Morrice, Mr. Holroyd, and the Mover.
- Question put and passed.

VOTES, No. 120. FRIDAY, 19 DECEMBER, 1862.

3. Petition of Thomas Duke Allen :—Mr. R. Forster, as Chairman, brought up the Progress Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee for whose consideration and report the said Petition was referred on the 19th November last.
- Ordered to be printed.

CONTENTS.

| | PAGE. |
|---|-------|
| Extracts from the Votes and Proceedings | 2 |
| Progress Report | 3 |
| Proceedings of the Committee | 4 |
| List of Witnesses | 5 |
| List of Appendix | 6 |
| Minutes of Evidence | 1 |

1862.

PETITION OF THOMAS DUKE ALLEN.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 19th November last, "*to inquire into and report upon the allegations contained in the Petition of Thomas Duke Allen, late Gaoler at Parramatta,—with power to send for persons and papers,*" have agreed to the following Progress Report:—

Your Committee not being in a position to report finally on the subject referred to them, recommend that the enquiry should be resumed in the next Session of Parliament, and that in the meantime the Evidence taken before your Committee be printed.

ROBT. FORSTER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 18 December, 1862.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 25 NOVEMBER, 1862.

MEMBERS PRESENT :—

| | | |
|-----------------|--|--------------|
| Mr. R. Forster, | \| | Mr. Morrice, |
| Mr. Dangar, | | Mr. Love. |

Mr. R. Forster called to the Chair.

Resolution of the House, appointing the Committee, by direction of the Chairman,
read.

Printed copies of the following Papers—before the Committee.

1. Petition of Mr. Thomas Duke Allen.
2. Correspondence having reference to the suspension and dismissal of Thomas Duke Allen from the office of Head Gaoler, Parramatta Gaol,—being *Return to Address* laid upon the Table 3 October, 1862.

Committee deliberated as to their course of proceedings.

Ordered,—

1. That Mr. Elyard be summoned to attend at the next meeting, and to produce the declaration made by Mr. Whiteside with reference to the charge preferred against Thomas Duke Allen by Mr. Taylor.
2. That Mr. Thomas Duke Allen and Mr. Whiteside be also summoned.

[Adjourned to Friday next, at *Eleven o'clock.*]

FRIDAY, 28 NOVEMBER, 1862.

MEMBERS PRESENT :—

| | | |
|--------------|--|-----------------|
| Mr. Cowper, | \| | Mr. W. Forster, |
| Mr. Hoskins, | | Mr. Dangar, |
| Mr. Holroyd. | | |

In the absence of Mr. R. Forster, Chair taken by Mr. W. Forster.

Mr. W. Elyard, *Principal Under Secretary*, called in and examined.

Witness withdrew.

Here Committee adjourned for half an hour.

Committee resumed their Proceedings at *noon*.

Mr. R. Forster in the Chair.

Messrs. T. D. Allen and Thomas Whiteside examined.

[Adjourned to Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 3 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. R. Forster in the Chair.

| | | |
|-----------------|--|-----------------|
| Mr. Sutherland, | \| | Mr. Dangar, |
| Mr. Holroyd, | | Mr. Lackey, |
| Mr. Cowper, | | Mr. W. Forster. |

Mr. George Uhr, *Sheriff*, called in and examined.

Certain papers handed in. (*Vide list of Appendix.*)

In the course of examination, the Chairman objecting to a Question put to witness by
Mr. Cowper,—

Strangers requested to withdraw.

Committee deliberated, and decided that the Question be put.

Parties re-called.

Examination resumed.

[Adjourned to Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 10 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. R. Forster in the Chair.

| | | |
|-----------------|--|-------------|
| Mr. Cowper, | \| | Mr. Lackey, |
| Mr. W. Forster, | | Mr. Dangar. |

Mr. H. Hargrave, *Clerk of H. M. Gaol, Parramatta*, called in and examined.

Certain Books of the Gaol *produced*.

[Adjourned to Friday next, at *Ten o'clock.*]

FRIDAY,

FRIDAY, 12 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. R. Forster in the Chair.

| | | |
|-----------------|--|-----------------|
| Mr. Sutherland, | \| | Mr. W. Forster, |
| Mr. Morrice, | \| | Mr. Holroyd, |
| Mr. Lackey, | \| | Mr. Dangar. |

Mr. G. H. Pringle, *Visiting Surgeon to H. M. Gaol, Parramatta*, called in and examined.

Witness withdrew.

Mr. R. Greenup, *Visiting Justice to H. M. Gaol, Parramatta*, called in and examined.

Witness withdrew.

Mr. James Green, *Gaoler*, called in and examined.

Certain Books of the Gaol *produced*.

The Auditor General and the Gaoler to be summoned to attend as witnesses at the next meeting.

[Adjourned to Tuesday next, at *Ten* o'clock.]

TUESDAY, 16 DECEMBER, 1862.

MEMBERS PRESENT :—

| | | |
|-----------------|--|-------------|
| Mr. R. Forster, | \| | Mr. Lackey. |
|-----------------|--|-------------|

In the absence of a Quorum, the meeting, convened for this day, lapsed.
To be called for Thursday next, at half-past *Eleven* o'clock.

THURSDAY, 18 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. R. Forster in the Chair.

| | | |
|-----------------|--|--------------|
| Mr. W. Forster, | \| | Mr. Holroyd, |
|  | \| | Mr. Dangar. |

Chairman requested to frame Progress Report.

The same drawn up, read, and considered.

Motion made (*Mr. W. Forster*) and *Question*,—That this Report be the Progress Report of the Committee,—*agreed to*.

Chairman to report to the House.

LIST OF WITNESSES.

| | PAGE. |
|---------------------------------------|-------|
| Allen, Mr. Thomas Duke | 1 |
| Elyard, William, Esq. | 1 |
| Green, Mr. James | 45 |
| Greenup, Richard, Esq., M.D. | 41 |
| Hargrave, Mr. Henry | 25 |
| Pringle, George Hogarth, Esq. | 35 |
| Uhr, George, Esq. | 8 |
| Whiteside, Mr. Thomas | 7 |

LIST OF APPENDIX.

(To Evidence given by G. Uhr, Esq., 3 December, 1862.)

| | PAGE. |
|--|-------|
| A. | |
| Thomas Allen to the Sheriff, dated 18 June, 1862, enclosing a Declaration made by Mr. Whiteside | 19 |
| B. | |
| Accounts sent by Mr. Allen in his letter of 16 June | 19 |
| C. | |
| Copy of the first Accounts rendered, procured from the Audit Office | 20 |
| D. | |
| Copy of Memo. by the Sheriff, 17 June, 1861, to the Gaoler, Parramatta | 21 |
| E. | |
| Letter from Mr. Allen to Sheriff, 10 June, 1861, to which the above Memo. is in reply | 21 |
| F. | |
| Account for extra firewood supplied from September, 1858, to March, 1860, and amounting to £48 5s. 5d. | 22 |
| G. | |
| Account for £1 19s. 6d., afterwards reduced and certified—together with Visiting Surgeon's letter in reference thereto | 22 |
| H. | |
| Auditor General's receipt for the surcharge on the difference of the above account as sent in, and afterwards reduced; together with correspondence on the subject | 23 |
| I. | |
| W. Elyard to the Sheriff, dated 10th November, 1859 | 23 |
| K. | |
| Same to same, dated 22nd June, 1860 (with Memoranda and Letter).. .. . | 24 |
| L. | |
| Colonial Architect to Sheriff, dated 2nd April, 1861, with reference to the stabling of a horse in the Gaol | 24 |
| M. | |
| The Sheriff to the Gaoler, Parramatta, dated 22nd April, 1861 | 24 |

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE PETITION OF

THOMAS DUKE ALLEN.

FRIDAY, 28 NOVEMBER, 1862.

Present:—

| | | |
|-----------------|--|-----------------|
| Mr. COWPER, | \| | Mr. R. FORSTER, |
| Mr. W. FORSTER, | \| | Mr. DANGAR, |
| Mr. HOSKINS, | \| | Mr. HOLROYD. |

WILLIAM FORSTER, ESQ., IN THE CHAIR, *pro. temp.*

William Elyard, Esq., Under Secretary to the Government, called in and examined:—

1. *By the Chairman*: You are aware of what this Committee has been appointed for? Yes.
2. Have you brought any papers connected with the case, for the information of the Committee? The papers have been laid before Parliament, but the letter addressed to me requested me to bring a declaration, said to have been made by Mr. Whiteside. I do not find such a document as that referred to in the Colonial Secretary's Office, but in the papers printed by order of the Legislative Assembly, Mr. Allen alludes to Mr. Whiteside as being able to substantiate what he alleges.
3. Are you aware whether any such document is in existence? I do not know.
4. Can you refer the Committee to anyone who knows where such a document is to be found? No, unless to Mr. Allen himself, who says, in the paper already referred to, that he can prove a statement made by him by the evidence of Mr. Whiteside. The Sheriff may, however, have the paper in question.

W. Elyard,
Esq.
28 Nov., 1862.

[Committee adjourned for half an hour.]

ROBERT H. M. FORSTER, ESQ., IN THE CHAIR.

Mr. Thomas Duke Allen called in and examined:—

5. *By the Chairman*: You presented a petition to the Assembly, complaining of your dismissal from the office of gaoler at Parramatta? Yes.
6. When were you appointed gaoler at Parramatta? In February, 1842.
7. When were you removed from that office? At the latter end of June last.
8. June, 1862? Yes.
9. Then you were twenty years gaoler there? Upwards of twenty years.
10. Will you state to the Committee the facts of the case, and what occurred when this man Taylor called upon you? Taylor's son was then a prisoner in Parramatta Gaol, committed for horse-stealing. His father came to Parramatta Gaol with a note from Mr. William

Mr.
T. D. Allen.
28 Nov., 1862.

Mr.
T. D. Allen.
28 Nov., 1862.

Roberts, the solicitor, to get him to sign an authority for him to get him out by writ of *habeas corpus*. That was the first time I saw his father. His father asked me would I be good enough to witness his son's signature? I told him it was a thing I was not accustomed to do, as it might get me into unnecessary trouble. Said he, "If you do not do so I shall have to go back to Sydney again;" and then I said, sooner than he should do that I would do it. I then went and witnessed the signature. I happened to be in Sydney some few days afterwards, and being at the office of Mr. Abbott, solicitor, I received a message from Mr. Roberts, requesting me to call on him before I left town. I did call, but Mr. Roberts was not there. I saw his chief clerk, Mr. Smith, who asked me when it would be convenient for me to bring down the man under the writ of *habeas corpus*; I said it did not matter, if they gave me twenty-four hours' notice. "Of course," said he, "your expenses will be paid." I went home, and on Saturday, 31st May, I happened to be at my cottage, near the gaol, talking to a Mr. Whiteside, when this man Taylor came up and said he had got a writ for his son. I read the writ, which I found was returnable on the following Tuesday. I told him I would have his son down on Tuesday. "Well," said he, "what are your expenses?" "Well," said I, "the solicitors generally give me three guineas." He put his hand in his pocket, and pulled out a large roll of notes—I dare say as large as this inkstand—and handed me three £1-notes. Then he turned half round, and seemed to be searching his pockets. I thought he was looking for change to make the amount three guineas. "This is quite enough," then said I. Seeing he still continued as if feeling in his pockets, "I do not require any more," said I, again. "Oh, no!" said he, "I may as well pay you this." "Well," said I, "as you are so anxious, I will take it." I then held out my hand and he dropped the change into it. The whole time I was quite certain that Mr. Roberts had sent the money to me.

11. *By Mr. W. Forster*: Mr. Whiteside, you say, was standing by? Mr. Whiteside was standing by the whole time. I never asked the man for a farthing, directly or indirectly.

12. Did you refuse to bring the man down without payment? No; I knew very well I dare not refuse. The custom was, when bringing down prisoners by *habeas corpus*, after they were disposed of, I went to the solicitor who had caused them to be brought down for my expenses, and they never gave me less than three guineas.

13. You had brought men down before under *habeas corpus*, without receiving your expenses beforehand? Sometimes I did—sometimes not.

14. Mr. Whiteside saw this proceeding? He saw all of it.

15. You have read the correspondence and the papers in your case, I presume? Yes. Mr. Whiteside made a declaration and sent it down to the Sheriff.

16. At what time? It was drawn up by Mr. Lyons, the attorney, at Parramatta, and signed by Mr. Langley in the Police Office.

17. *By Mr. Holroyd*: What date was that? I do not know. I sent it to the Sheriff by post.

18. Did you post it yourself? Yes. There is a mistake here in Mr. Byrnes' letter (*referring to printed papers*), with regard to the Sheriff sending Mr. Ennis to Mr. Roberts to inquire. If I did say Mr. Roberts I must have made a mistake; I should have said Mr. Roberts' clerk.

19. *By the Chairman*: Did you forward that statement of Mr. Whiteside in company with your letter of the 16th June, printed here? I did. One day I happened to meet the Sheriff coming down in the boat, and I explained to him that Mr. Whiteside saw the payment; and it was the Sheriff himself who advised me to get a declaration from Mr. Whiteside on the subject, saying it was very material. I never gave it a thought before that.

20. Did you send it under cover? I did, with this letter. I was speaking to the Sheriff about the matter that very day, and told him I did not know it was any harm to take the money, for it was an old practice, and had always been done, and that the late Sheriff, Mr. Brennan, was aware of the practice, and had allowed it; and he said he would do what he could for me in the matter. It was the first time I was aware it was wrong.

21. Have you ever had any instructions given you by the present or any former Sheriff, as to what expenses were allowed, or whether you were at liberty to make any charge in reference to prisoners brought down by *habeas corpus*? Never.

22. Have you had many writs of this kind served on you? I dare say not less than fifteen or twenty during the last twenty years.

23. Can you tax your memory whether any of them have been endorsed, or whether they have all been endorsed, by the Judge, setting forth what charges you were authorized to make? None of them, never.

24. Nor have you ever received any instructions from the Sheriff as to what charges you were to make? Never.

25. Then, in fact, you have been left to your own judgment? My principal guide was that as the solicitors always paid me I thought it was legal, because I thought they would not have paid me unless it was legal. I thought I was doing nothing but what was perfectly right. Those were the very last words I spoke to the Sheriff the day I came down with him in the boat—the day he authorized me to send him the declaration of Mr. Whiteside. Said he, "Mr. Allen, I have known you for a long time; never mind, old boy (hitting me familiarly on the shoulder), I will do what I can for you; there is no fear of you."

26. Have you read the affidavit made by Edward Taylor before "E. H. Hargraves, J.P."? I never read it till I saw it printed in these papers.

27. Is the account there given of what passed between you true? Not one word of it is true—not a single word. I never asked the man, directly or indirectly, for one farthing of money. When he paid me the three one-pound notes he pulled them deliberately, one after the other, from a roll of notes as large as that inkstand, and when I thought he was looking for more change, I said "I do not want any more—that is enough."

28. If such a thing as this occurred, must Mr. Whiteside have heard it? He must.
29. Could it have been said without his hearing it? It could not. He was within a yard or two of me. Independent of the roll of notes, I saw a sovereign in his hand among the coppers and silver he had in his hand.
30. Did you in any way communicate to the Sheriff that it was your wish, or did you know that it was intended, to forward your letter of explanation to the Government? It was intended for that purpose, because it was through the Sheriff's suggestion that I did so. He said if this declaration of Mr. Whiteside's was forwarded with my papers it would change the aspect of the case altogether.
31. Did you communicate your wish that the declaration should be forwarded with your letter? I sent it for that very purpose. He said he would forward Mr. Whiteside's declaration with my letter. The Sheriff wanted to make it appear that the man had no money with him, and that because he had no money I refused to carry out the writ, and he had to come to Sydney again.
32. Was there never any communication from any of the predecessors of the Sheriff, as to your making charges for bringing prisoners down under writs of this kind? The time I had Mr. Sage in the gaol at Parramatta he was brought down frequently—I think five or six times; Mr. Gilbert Wright was his solicitor, and every morning that I brought him down he gave me a cheque for three guineas; but the last time I brought him down Mr. Wright did not pay me. He said he thought he had paid me enough already. He applied to the Sheriff—Mr. Brennan—on the subject, and the Sheriff wrote up to say that he thought, from the number of times I had brought down Mr. Sage, that I was paid quite enough, or rather overpaid; which I considered sanctioned the practice.
33. Was that a letter from the Sheriff's Office to you? Yes.
34. Have you got it? No, I have not; because, having left the gaol, I could not get it.
35. Did you ever get a letter from the Sheriff telling you that you had no right to make any charge at all? No.
36. You are quite sure that there was an admission in that letter that there was a right to make a charge? Yes; the Sheriff said, from the many times I had brought Mr. Sage down I was even overpaid.
37. In the third paragraph of your petition you say that, in 1860, "a Commission was appointed by the Government, at the suggestion of the then Sheriff, Mr. Brennan, to inquire into certain charges against your Petitioner, the result of which was that your Petitioner was honourably acquitted of the said charges;"—is that the fact? It is quite true.
38. Who constituted that Commission? Mr. Rolleston, the Registrar General, Mr. John Blaxland, and Mr. Edward Hill.
39. And they went into this investigation? Yes, fully; I think the inquiry lasted nearly a month.
40. Was it in reference to that inquiry, made into charges brought against you by the Sheriff, that the Sheriff got reprimanded? That was the very case.
41. In 1861, a Select Committee of the Legislative Assembly was appointed, you say, to inquire into and report upon the state and management of the prisons;—was their report favourable as regards the prison under your charge? Very much so.
42. Who was Chairman of that Committee? Mr. Parkes.
43. You say here this practice has been of long standing? Previous to my becoming gaoler and ever since, up to this time.
44. Do you know whether any other gaoler has received similar fees? I know the gaoler at Maitland has received ten guineas from Mr. Abbott, for bringing two prisoners down under *habeas corpus*. There is another case—a very similar case to mine—where a man was committed for horse-stealing, and Mr. Teale, the solicitor, sent up five guineas for bringing him down; and then when my case came under the notice of the Government, seeing that I was removed from office for it, he applied to the Government for this amount of money.
45. If the money had not been tendered to you that day, would you have brought the prisoner down? Decidedly I would.
46. Do you consider you were bound to do so? Certainly; I dared not refuse.
47. By Mr. Hoskins: What made you on a previous occasion complain to Mr. Brennan of not receiving a fee for bringing down Mr. Sage? It was not I that made the complaint—it was Mr. Wright.
48. But you asked Mr. Wright for a fee? Yes, he had paid me every morning before, and I asked him then, and he said he had paid enough; and then he applied to Mr. Brennan, who said he thought I had been paid quite enough.
49. By Mr. W. Forster: In regard to writs of *habeas corpus*, do you consider yourself bound to execute the writ without reference to the receipt of a fee at all? Certainly; I dare not refuse.
50. Did you consider that in all cases of writs of that kind you were entitled to a fee when you were gaoler? I thought I was quite entitled to it.
51. In all cases? In all cases.
52. Are you still of the same opinion? Well, I am.
53. Is there no distinction between civil and criminal cases? I never knew any till this case of mine occurred; I was not aware of it before.
54. I suppose you can see a plain distinction, apart from the question of the fee, in the principle of the two cases, where a man is brought down to give evidence on a trial in a civil case, or any case where he is brought down merely to give evidence, and a case where he is brought down to be examined upon the actual matter which led to his being incarcerated? All I know is this, that I would not in any case refuse to obey the Judge's writ of *habeas corpus*.

Mr.
T. D. Allen.
28 Nov., 1862.

- Mr. T. D. Allen.
28 Nov., 1862.
55. Do you think you are equally entitled to a fee in both cases? I did until this case occurred; and in fact I concluded that so long as attorneys paid me I was entitled to it.
56. You can see a distinction in principle? I can now.
57. Supposing it had occurred that, in case of a writ of *habeas corpus*, a fee was refused you, what would have been your course of proceeding? I would apply to the Judges in Chambers.
58. Did any cases of that kind ever occur to you? I recollect one case of the kind that occurred fourteen or fifteen years ago, where Mr. George Robert Nichols had a man brought down by *habeas corpus*, and I think all he gave me was two guineas.
59. Was this a criminal case? I do not remember. The present Chief Justice was a Puisne Judge at that time.
60. *By Mr. Holroyd*: That must have been more than seventeen years ago? It was a good while ago. I said to Mr. Nichols, "I do not think you have given me enough; I will apply to the Judge."
61. *By Mr. W. Forster*: Did you apply in open Court? I did.
62. For the payment of the fee? I did, and he ordered Mr. Nichols to give me another guinea.
63. Then your application was on account of insufficient payment? Yes.
64. Is this case on record? I cannot say. It was in open Court.
65. You have stated that you have frequently received such fees in similar cases—will you state some other similar case in which you have received such fees? From memory I cannot.
66. As you have come here on purpose to be examined, is it not singular that you cannot state such a case if you have frequently received such fees—can you not refer to them now by description, so that we can obtain evidence about them? No, I cannot from memory.
67. Are you quite sure you have frequently received such fees? Frequently.
68. Both in civil and criminal cases? Yes.
69. Can you not recollect the names of the persons? I can recollect the names of solicitors who paid me on these occasions—that is all I can recollect.
70. *By Mr. Holroyd*: Are there any records in the gaol office of persons brought to Sydney under writs of *habeas corpus* during the time you were gaoler—is there any book in which there was a record made of these things? I do not think there is.
71. Or any minute in the office? I do not think there is.
72. *By Mr. W. Forster*: You say you can recollect the names of solicitors who paid you these fees? Yes; Mr. John Dawson, Mr. Driver, Mr. Roberts, Mr. Croft, Mr. Macnisch, and Mr. Abbott.
73. Do you say that all these gentlemen have paid you fees? They have.
74. Frequently? Frequently.
75. Did you ever know an instance of one of them objecting to pay you? Never.
76. Are you aware whether the cases were civil or criminal? I do not recollect, because I never knew any distinction until this case.
77. How did you derive the knowledge that three guineas was the fee to which you were entitled? Because they always paid me three guineas. They knew the distance from Parramatta to Sydney and back, and I suppose the fee was what was allowed.
78. Out of this fee you were required to pay your own expenses and the expenses of the prisoner to Sydney and back? Yes, and of the turnkey also.
79. Did you ever get anything more for the additional distance, by way of mileage? I have got £5 sometimes when I brought a prisoner a second time.
80. Had you an officer attending you as well? Yes.
81. *By Mr. Holroyd*: Then you had to pay all the expenses of the transit both ways, of yourself, the prisoner, and a turnkey, both ways, as well as expenses in Sydney? Yes.
82. *By Mr. W. Forster*: Are you sure nothing was allowed by the Government for your expenses? I never applied to them.
83. Were you ever a loser in this way? I do not think I was.
84. You think the fee fairly covered the expense? It did.
85. Do you know whether any other gaoler has been a loser under similar circumstances? I do not.
86. There was some case where you mentioned something about returning a fee? That was in the case of Mr. Sage; the Sheriff desired me to return some of it, because he thought I was overpaid.
87. Did the Sheriff make any remark in disapprobation of your having received fees? He said that under the circumstances of coming so often and getting a fee every time, that I was overpaid, and I had to return £3 or £4.
88. Did he order you to do it, or was it a mere recommendation? He directed me to do it.
89. Was this in the shape of a letter? It was by letter.
90. Can you produce that letter? No, I cannot. I think it is in the gaol office at Parramatta; it ought to be.
91. Did Mr. Brennan, in doing this, imply some approval of your receiving a fee? He did not express at any time disapproval of the act. He did not say it was illegal, but from the number of times I had brought this man down he said he thought I was overpaid, and that I was to return a portion.
92. Was that done from consideration of the circumstances of the party, or from the circumstances of the case? From the circumstances of the party, I suppose.
93. Was he a man in poor circumstances? He was at that time.
94. You did retain a portion? I did, except what he ordered me to return—I think £4.
95. Was Mr. Brennan cognizant of your receiving fees in other cases? I suppose so.
96. Did Mr. Brennan ever tell you not? Never.

97. Was Mr. Uhr cognizant of it? He must have been, because he was Under Sheriff at the time, and must have known what correspondence went through the Sheriff's Office. Mr.
T. D. Allen.
98. You mention in your petition a particular case where the Maitland gaoler received a fee of £5 from Mr. Teale, solicitor—what do you know of this except from hearsay? Only 28 Nov., 1862.
what Mr. Abbott told me.
99. Are you quite sure that was a similar case? Quite similar. The man was committed for horse-stealing.
100. In your statement with regard to the transaction between you and Taylor, you state that you never asked him for the money? I never asked him for a farthing.
101. From whom would you have got it then? I would have gone to Mr. Roberts for it. I thought it was from Mr. Roberts it came when he gave it me.
102. What was your meaning when you said that was enough? When he gave me the £3 off the roll of notes he had, I saw him turn round and seem to be looking in his pockets for change, and then I told him I did not require any more.
103. Would you have been satisfied with that without going to Mr. Roberts any further? Quite. I was quite certain that it was Mr. Roberts that had sent the money all the time.
104. Will you state to the Committee whether this fee of three guineas, for bringing a prisoner down from Parramatta and back again, in general greatly exceeded your expenses? I do not think it did.
105. What sort of place did you keep the prisoners in while they were in Sydney? In one of the private rooms of the Supreme Court, in charge of an officer.
106. I suppose you had to feed him? Yes.
107. Can you refer to any special cases in which other gaolers have received fees of this kind? Except the Maitland Gaol, I cannot.
108. Was there not a prosecution against you in this case at the Police Office? There was.
109. *By Mr. Holroyd:* Have you got the summons here? I have not.
110. *By Mr. W. Forster:* Who was the prosecutor? This man Taylor. I forgot to say, that on the Wednesday morning after I had brought the man to Sydney and got him discharged the Sheriff came up to the gaol with Mr. Hargraves. I was out in the yard, and when I came into the office accidentally I saw the Sheriff there. *Mr. Hargraves was there also, leading on Taylor in his evidence. I did not know who Mr. Hargraves was at the time. The case was taken on, and the man swore to his information, and the Sheriff then said to me,* "Did you receive this money from this man?" "Yes," said I, "I did." "You are suspended," said he. I said, "Will you not give me leave to say a word in my defence?" "No," said he, "you will have an opportunity in another Court."
111. *By Mr. Holroyd:* Was it the prisoner's evidence that was then taken? No, the prisoner's father. It was taken down by the clerk of the gaol, before Mr. Hargraves.
112. *By Mr. W. Forster:* Were Mr. Uhr and Mr. Hargraves both sitting down at the table? Yes, and the clerk of the gaol was taking the deposition.
113. Where was the other man? He was standing at the table.
114. Where were you? I happened to come in out of the yard, and found them all there, and the deposition of Taylor being taken down.
115. Was the prisoner present? No, he was discharged before this.
116. Were the doors open? Yes.
117. Was the principal turnkey there? Yes.
118. Who was the person examining the witness? Mr. Hargraves.
119. He asked questions of this man, did he? He asked all the questions, and led the man on.
120. Who wrote them down? The clerk of the gaol.
121. Did Mr. Uhr take any part in the matter? No, he sat on one side.
122. He did not ask any questions? No, not a word.
123. Did you see the oath administered to the man? Yes.
124. By the Bible? Yes.
125. Who administered the oath? Mr. Hargraves.
126. *By Mr. Holroyd:* To Taylor—the father? Yes.
127. *By Mr. W. Forster:* He was sworn regularly? Yes.
128. You took this to be an information against you? Yes.
129. Were you cautioned against making any statement? Yes, by Mr. Hargraves.
130. Did Mr. Hargraves make any remarks? After the Sheriff had told me I was suspended, Mr. Hargraves said, "Say nothing, Mr. Allen; what you say might come against you."
131. Was nothing further said to you? Nothing further.
132. What was the next proceeding with regard to the prosecution against you? A summons was sent up to me, signed by the Police Magistrate of Sydney.
133. What was the nearest Police Court to you? Parramatta.
134. What was the nature of the summons? It was for fraudulently obtaining money under false pretences.
135. Did the case come on? It did.
136. Did you appear? I did.
137. Had you a solicitor? Yes, Mr. Moffat.
138. Who was on the other side? Mr. Barker.
139. Who were the Magistrates present? Mr. Ronald was the Magistrate.
140. Was he the only one? There were two or three off and on the bench besides him.
- 141.

* *Revised:*—And the clerk of the gaol sitting at the table and Taylor standing by. I was not made aware of the proceedings. Mr. Hargraves questioned Taylor, and suggested replies; and, finally, swore Taylor to what he had stated. The Sheriff never put a question to Taylor, nor even spoke on the subject whilst I was present, nor to me further than

- Mr. T. D. Allen.
28 Nov., 1862.
141. Captain Scott was not there? He sat for a short time, and then went to another Court. I had all my witnesses there.
142. *By Mr. Holroyd*: Was Mr. Whiteside there? No.
143. Did you go into evidence on your part? No, on the evidence for the prosecution the case was dismissed. I said I had witnesses in attendance, and requested to be allowed to examine them, but I was not allowed.
144. *By Mr. W. Forster*: Who were the witnesses for the prosecution? Taylor and his mother, a feeble old woman.
145. Was Mr. Hargraves present at the Police Court? He sat on the bench, but took no part in it, as far as I can say.
146. If you had gone in without knowing anything of the case, would you have said he was a Magistrate on the bench? I would, certainly.
147. But he took no part? No, I did not take notice of him saying anything.
148. *By Mr. Holroyd*: Can you state how it happened that Mr. Hargraves had got Edward Taylor into the gaol for the purpose of holding a Court of Petty Sessions there? I did not know they were coming until I saw them actually sitting at the table before me.
149. Has that practice ever prevailed before? Never to my knowledge.
150. During the twenty years you have been there? Never.
151. *By Mr. W. Forster*: You were dismissed in consequence of these proceedings? Yes.
152. Was any investigation made in your presence? Not one word.
153. Were you allowed to make any defence? Afterwards the Sheriff called upon me for an explanation in writing.
154. And afterwards you were dismissed? Yes.
155. *By Mr. Holroyd*: Was that inquiry at the Police Office before or after you were dismissed? Before I was dismissed—after I was suspended.
156. Is there any fund, that you are aware of, out of which the expenses of the gaoler, turnkey, and prisoner can be paid, in bringing a prisoner up on *habeas corpus*? Not that I am aware of.
157. I think you say that this man was merely the agent of Mr. Roberts when he paid you the fee? Yes, I never saw a writ of *habeas corpus* brought in the same way before; it was always brought by the attorney's clerk.
158. *By Mr. Forster*: Mrs. Allen has been removed from her office as matron? Yes.
159. I presume the only ground for that was that you had been removed? Yes.
160. There was no charge against her? Not the slightest.
161. Have you made any application for compensation in her case? No, I have not. I mentioned it in my petition, that was all.
162. *By Mr. Hoskins*: Did Mr. Uhr examine the witness Taylor at the time of this inquiry in the gaol? He did not say a word at all to him.
163. You are quite sure of that? Never a word.
164. Was any charge formally preferred against you, or read over to you, at the time that inquiry was held in the gaol? Not the slightest. I did not know, in fact, what it meant, until I heard the man giving his evidence.
165. *By Mr. Holroyd*: Was the evidence given by Taylor in the gaol read over to you? It was.
166. Was that before or after Mr. Uhr suspended you? It was after.
167. *By Mr. Hoskins*: Were you suspended when the charges referred to in the third paragraph of your petition were inquired into by the Commission? No.
168. Previous to this Commission being appointed, did Mr. Brenan examine you with reference to the charges? Yes, he had an inquiry there, and examined a good many witnesses.
169. Is it not customary in the public service, when any complaint is made against a subordinate, that his superior should first inquire into it? Yes, in all cases it is.
170. In this case of Taylor's, were you called upon to make an explanation? Never. I never knew a word about it till I saw them sitting in the office before me when I walked in out of the yard.
171. What salary did you receive? £175 a year.
172. When appointed to the office were you formally informed that all the remuneration you were to receive was this salary? No.
173. Were you told the salary could be supplemented by fees? No, nothing at all of the kind.
174. *By Mr. Holroyd*: Were any instructions given you as to your duties as gaoler—any printed or written instructions? There was a small blue book, called the gaol regulations—that was the only guide I had.
175. Have you a copy of that book? No, I have not.
176. When did you first receive that—was it in the gaol when you were first appointed? Yes.
177. Have you never received any other instructions? No.
178. Was there anything in this book about receiving fees? No, except that we were not to receive anything from prisoners as compensation for any accommodation in the gaol.
179. Then you did not consider that in receiving this fee for bringing down a prisoner under *habeas corpus* you were violating those instructions? No; it was not for accommodation in the gaol—it was to pay expenses.
180. Is it necessary, or are you instructed, to accompany prisoners on these occasions? I always did so.
181. Were you specially instructed? No; the writ specifies that I am to produce the prisoner in the Court before so and so.

182. The prisoner remains in your charge until formally released by law? Yes.
183. I think you stated, in reply to some questions of Mr. Forster's, that you did not know of any rule whereby you were empowered to receive fees on these occasions? No, I do not.
184. Have you looked through this correspondence? Yes.
185. You see the Attorney General, in a minute of the 5th June, says the gaoler is required to obey the writ of *habeas corpus*, but he is entitled to receive a fee not exceeding twelvenpence per mile for expenses? Yes, I see that now, but I did not know it before.
186. Has 1s. a mile ever been tendered to you as a fee by any person, for bringing prisoners to Sydney under *habeas corpus*? Never.
187. Did you ever bring a prisoner to Sydney, under a writ of *habeas corpus*, from Parramatta Gaol, when no fees were tendered? If they were prisoners of the Crown brought down at the instance of the Government, the Government would afterwards pay me.
188. Did they only pay you mileage—not three guineas? No, they used to pay me a certain sum; I do not know whether it was mileage, or what it was.
189. In all cases where you brought prisoners up at the request of the Crown, have you been paid fees? I have.
190. What have you been paid? I cannot say.
191. Can you cite a case? No, I cannot.
192. Could you state any specific amount that you have ever received on one occasion from the Crown? No.
193. Did you ever sign vouchers as receiving payment of such fees from the Crown? I have.
194. Could you give any of the dates? No.
195. Are these vouchers to be found in the gaol office at Parramatta? No, they ought to be in the Treasury or Audit Office.
196. Are duplicates to be found in the Sheriff's Office? I cannot say.
197. *By Mr. Dangar*: Did you, on the 3rd of June, prepare a statement as to your suspension, as suggested by the Sheriff—on the same day as Mr. Hargraves and Taylor were at the gaol? No, I did not on the 3rd of June.
198. Are you aware that by law you can only charge mileage independently of your salary and allowances? I was not aware of it.
199. Did you ever refuse to bring a prisoner down unless payment was tendered? Never.
200. Can you say whether other gaolers have charged three guineas? I have mentioned a case where ten guineas was charged.
201. Are you aware of the custom in England? I am not.
202. Do you state positively that the statement Taylor has sworn to is untrue? I do.
203. *By the Chairman*: Will you look at the Attorney General's minute, in which he says that you are entitled to mileage by statute law, and he also says that the gaoler should require security to be given by the prisoner's own bond, with sureties, that he will not escape;—have you ever been informed by the Sheriff or any other authority that it was necessary to obtain this bond? Never.
204. In point of fact, you never received any instructions as to what your duties were, with reference to prisoners brought down by *habeas corpus*? Never.
205. Is there anything in the gaol regulations having any bearing upon it? Not a word.
206. *By Mr. Dangar*: You have not seen either of the Taylors since the investigation? I do not think I have.

Mr.
T. D. Allen.
28 Nov., 1862.

Mr. Thomas Whiteside called in and examined:—

207. *By the Chairman*: You are resident at Parramatta? Yes.
208. Do you follow any business? No.
209. You saw and heard what took place between a man named Taylor and Mr. Allen, with reference to a writ of *habeas corpus*? I recollect the circumstances that took place.
210. Will you just relate what came under your own observation? I think about the 31st of May, on a Saturday afternoon, I saw Mr. Allen at his own place, and had some conversation with him. We were passing on in the direction of the gaol when a man and woman came up and spoke to him; he stood, and the man handed him a paper; he read it, and put it in his pocket. I then understood the man to say, "What is your fee?" and I heard Mr. Allen distinctly say three guineas; the man then put his hand in his trousers pocket and pulled out a very considerable sum of money. It crossed my mind at the time that it was strange for a man of his appearance, a shabby-looking man, to have so much money carrying about with him. He took off one, two, three notes, and handed them to Mr. Allen.
211. *By Mr. Holroyd*: What did he do with the remainder? He returned the roll to his pocket. Then there was some payment of some small coin; but I heard Mr. Allen say, "That will do." He paid him some silver or copper, I cannot exactly say which, but I heard Mr. Allen distinctly say, "That will do, that will do."
212. *By the Chairman*: Did you hear Mr. Allen ask him, "What is that you have in your hand?" I do not remember hearing it; I might have heard it, but I do not remember it.
213. There is a statement made by Edward Taylor to this effect:—"Mr. Allen said, 'What is that you have in your hand?' I then said, 'Only five-pence in coppers.' Mr. Allen then said, 'Well, I must have them too—hand them here;'"—is that a correct statement of what took place? I do not believe he said a word of it; I am sure if he did I could have heard it.

Mr.
T. Whiteside.
28 Nov., 1862.

- Mr. 214. Were you close by all the time? I was, on horseback.
 T. Whiteside. 215. Close by? Yes. There were only the four individuals of us present, and I had more opportunity to see what was going on, being on horseback, than if I had been on the ground.
 23 Nov., 1862. He never said such a word, I am sure; I would have heard it if he did. As for the money, there was no manner of doubt about the money.
 216. *By Mr. Holroyd*: Did you see a sovereign in Taylor's hand with the notes or small change? No.
 217. *By the Chairman*: Have you made a statement to this effect before? Yes, at the Police Office, at Parramatta. I made a declaration at the Police Office, signed by George Langley, Esq., Justice of the Peace.
 218. Before whom? Mr. Lyons drew it up. Mr. Langley was there, but whether he took any part in it or not I cannot say. It was in Mr. Langley's room.
 219. *By Mr. Holroyd*: Did you sign it? Yes.
 220. *By the Chairman*: Was it read over to you? Yes.
 221. *By Mr. Holroyd*: Were you sworn to it? No.
 222. In whose possession did you see it last? Mr. Allen got it, I think. I never saw it once.
 223. *By the Chairman*: Did Mr. Allen ever tell you what his object was in getting that document? He said he wanted to forward it to the Sheriff.
 224. Have you any interest in giving evidence in favour of Mr. Allen in this matter? Not any particular interest. I would go a far way to oblige him, but nothing more than that. I would not give my evidence wrong for all the men in Parramatta.
 225. *By Mr. Holroyd*: You have been some years residing in Parramatta? Yes.
 226. And you are out of business—you are an independent gentleman? Yes.
 227. *By the Chairman*: Have you any objection to state what is your opinion of Mr. Allen's character? I have known him very many years, long before I came out to this country, and I never knew him to be incorrect yet. He is as honest a man as any in the country—a most upright, straightforward, honest man, and an industrious man. We have been acquainted these thirty-five years now.
 228. *By Mr. W. Forster*: Did you hear anything that led you to know what this man's name was whom you met? No, except that after he had passed on, Mr. Allen said, "That is a *habeas corpus* that has come up to get that young chap Taylor down."
 229. *By Mr. Holroyd*: Whereabouts did this conversation take place? Between Mr. Allen's new house and the gaol.
 230. Then it was not very far from the gaol? We did not go far from the house before this man and woman came up. We were just walking leisurely along, talking.
 231. *By Mr. Dangar*: After reading that statement of Edward Taylor's (*see printed papers, enclosure in No. 10*), do you believe it? No, that never took place.
 232. *By Mr. Hoskins*: Did you hear Mr. Allen say, "You will have to give me three guineas, as a fee for taking your son to Sydney"? No; the man handed him the writ, and immediately after pulled out a roll of notes and paid him.
 233. Did you hear the man Taylor ask what the charge of three guineas was for? No.
 234. Did you hear Mr. Allen say it was his fee for taking Taylor's son to Sydney, and that he mostly got five guineas? No; there were not a dozen words altogether; it was all over in some two or three minutes. I never heard any of these things.
 235. *By Mr. Dangar*: You supposed the roll that the man pulled out to be notes? Yes, and only that I did not see the numbers I could swear to them. At all events, he seemed to take care of them as if they were notes.

WEDNESDAY, 3 DECEMBER, 1862.

Present:—

| | |
|-----------------|-----------------|
| MR. COWPER, | MR. HOLROYD, |
| MR. DANGAR, | MR. LACKEY, |
| MR. W. FORSTER, | MR. SUTHERLAND. |

ROBERT H. M. FORSTER, ESQ., IN THE CHAIR.

George Uhr, Esq., Sheriff of New South Wales, called in and examined:—

- G. Uhr, Esq. 236. *By the Chairman*: This is a Committee appointed to inquire into the allegations of a Petition to the Legislative Assembly from Mr. Thomas Duke Allen, and you have been summoned in order to give evidence upon certain charges on which he was dismissed from office? Yes, sir. I may perhaps be permitted at the outset to make a short explanation in regard to an assertion made in the course of the debate upon this question, and reported in the newspapers, in which Mr. Forster, in speaking of the Sheriff who had suspended Mr. Allen, alluded to him as being the Sheriff who had brought certain charges against Mr. Allen on a previous occasion. Now as it was I who suspended Mr. Allen, I wish it to be understood by the Committee that I was not the Sheriff who had brought the charges alluded to against Mr. Allen.
 237. You are Sheriff now, I believe? I am.
 238. And you were also Sheriff when Mr. Allen was dismissed? I was.
 239. Will you just shortly state the circumstances that led to your recommending Mr. Allen's removal from office? You have made a statement there that I must at once contradict.

- tradict. I did not recommend his removal; I suspended him, and then brought his case under the notice of the Government, leaving it to the Executive to deal with it.
- 240. You did not recommend his dismissal? No.
- 241. Will you look at the bottom of page 3 of the printed correspondence, and you will there find the following memo., signed C. C.:—"I shall be glad to know whether the "Sheriff recommends Mr. Allen's dismissal; if so, I shall be prepared to carry out his "recommendation." You saw that memo., I believe? Yes, I did.
- 242. Then on the other side is a minute No. 5, signed by yourself as Sheriff, in answer to that memo. of Mr. Cowper's? There is.
- 243. Does not that minute recommend Mr. Allen's dismissal? I do not say that it does not recommend it, neither will I say that it does. It merely leaves the matter in the hands of the Government, and the reason I wished to do this rather than to decide upon the case myself, I will explain, if the Committee desire it.
- 244. Perhaps you will be good enough to explain it? The reason was this: Mr. Allen had been a number of years in the service of the Government, being nearly as long in the department as I am myself, and when he was suspended by me in the discharge of my duty, I laid the whole case before the Government. The matter was referred back to me, with the minute of the Chief Secretary that you have just read, and it is very possible that, had not the circumstances which I am now about to explain been witnessed by myself, I should have recommended the Government not to dismiss him, but merely to severely reprimand him for this act of extortion.
- 245. Were those circumstances connected with the subject matter of this petition? No, but they were connected with his duty as gaoler.
- 246. Were they circumstances that had occurred subsequently to this charge? No, they occurred at the same moment.
- 247. If they have nothing to do with the petition they have nothing to do with the case the Committee have before them;—I told you that we were appointed to inquire into the allegations of Mr. Allen's petition to the Assembly, and that is all we have a right to inquire into? You asked me then a further question, which caused me to answer that subsequent matters had influenced me in framing that minute.
- 248. If you will read that minute you will see from the wording of it that it is not shown that anything beyond this transaction influenced you in coming to a decision? It is quite true that nothing of the kind is there stated, but still I had a reason for wording that minute in the way I did.
- 249. Is that reason connected with the allegations in this petition? It has nothing to do with the *habeas corpus* question, but it regards the gaoler's conduct.
- 250. Then it is another matter? Yes, quite another matter altogether.
- 251. As you say it influenced you in coming to your decision, did you ever bring it under the notice of the Government? No, not that matter; but a precisely similar matter has been under the notice of Mr. Cowper.
- 252. *By Mr. Dangar*: Did you recommend him to be retained in office? No, certainly not.
- 253. But on the inquiry into the case Mr. Allen was honorably acquitted, was he not? Where?
- 254. You speak in your minute of an oath before a legal tribunal, and an examination by an advocate;—when that legal inquiry was held was not Mr. Allen honorably acquitted? I had nothing to do with the case before the Police Court.
- 255. *By the Chairman*: And the reason that influenced you had nothing to do with this matter? No; there were other reasons that influenced me.
- 256. *By Mr. Cowper*: Do you not consider that your minute of the 13th, in answer to mine of the 9th June, was, in fact, a recommendation to the Government to dismiss Mr. Allen? No; whatever the effect may have been, it did not in plain terms recommend his dismissal. Being an old officer of the Government, and I being only young in my office of Sheriff, I could not bring my mind to recommend his dismissal; but, at the same time, witnessing what I had done, I could not conscientiously recommend his reinstatement in office.
- 257. Did you not suspend him on the 2nd June? I did.
- 258. And was not that of itself practically a dismissal from office, unless the Government chose to restore him? Yes, unless the suspension had been withdrawn.
- 259. And was not your minute of the 13th June, in answer to mine of the 9th, a distinct recommendation to the Government to dismiss Mr. Allen? I did not intend it to be so. I intended to leave the matter entirely in the hands of the Government without comment.
- 260. Did I not, in my minute, require a distinct answer from you? Yes.
- 261. And was not your minute a reply to that? It was.
- 262. What do you mean by saying in that minute, "I cannot recommend a deviation from the course adopted on such occasions"—is not the usual course upon such occasions to dismiss the person suspended? No; I have heard of cases in which they have been reprimanded and reinstated.
- 263. Would not that be a deviation from the usual course, such as you say you are not prepared to recommend? I have heard of its being adopted in many instances.
- 264. What did you understand when you wrote the words "I cannot recommend a deviation from the course adopted on such occasions?" I was influenced by what I had seen in the gaol, and I wished the Government to decide upon the case before them uninfluenced by any other circumstances.
- 265. But you recommended no deviation from the usual course? Yes.
- 266. What was meant by that? Knowing other circumstances against Mr. Allen, I wished to bring matters to a crisis.
- 267. What was that crisis? A consideration of the whole case by the Government.

G. Uhr, Esq.
 3 Dec., 1862.

- G. Uhr, Esq. 268. *By the Chairman*: You received a letter from Mr. Allen, dated 16th June, 1862? Yes.
- 3 Dec., 1862. 269. Did you receive with that letter a statement or declaration that had been made by Mr. Whiteside? Yes.
270. Do you produce that letter and enclosure? I do. I may state that immediately I received that letter by post, I walked down and showed it to Mr. Cowper, and I made on the back of it a memorandum of Mr. Cowper's remark upon it.
271. Is that the letter printed in the correspondence as enclosure No. 2 in No. 7, dated 16th June? No; it is a subsequent letter, and is dated 18th June. I now hand it in. (*Vide Appendix A.*)
272. When did you receive it? I received it by post, and it is dated the 18th, so that it was most probably the 19th. Immediately that I received it I went with it to the Chief Secretary.
273. *By Mr. Cowper*: You did not receive this letter until after the Executive had come to a determination on Mr. Allen's case? No; I received it by post, and the memorandum on the back is exactly what took place between us.
274. Do you remember what you said to me on that occasion, with regard to the impression this declaration had made on yourself—as to whether you considered it correct or not? I think I made the remark to you, that I did not think anything of it.
275. The object of this declaration was to prove that the man Taylor had plenty of money to give if he had wished to give it? Yes.
276. *By the Chairman*: Do you know Whiteside? I do not; I have seen him. I met him on board the steamer with Mr. Allen. Mr. Allen brought him to me to make a statement in reference to this matter, but I attached no weight to it.
277. The document you now produce is a solemn declaration? It is.
278. In the form prescribed by the Act substituting declarations in place of oaths? Yes.
279. And what is the reason why you attached no importance to it? When Mr. Allen brought Whiteside to me on board the steamer, and stated that Whiteside was present when the document was brought to Allen by Taylor, I questioned Whiteside on the subject, and he would not state distinctly whether the bundle or roll produced by Taylor was or was not a roll of notes.
280. Does he say so in this declaration? I think he says there positively that it was a roll of notes.
281. The passage is, "a roll of notes, as I took them to be;" he does not speak positively? On board the steamer he would not state to me what it was. He said that Taylor took a roll of something out of his pocket, and from off it he took the notes which he gave to Allen.
282. With reference to these writs of *habeas corpus*, are there any instructions from the Sheriff making the gaolers acquainted with their duties in connection with these writs whenever they may be transmitted to them? I find that as far back as I have been able to look into the records of the office that there have not been any.
283. How far back have you searched? As far as the records will admit—between twenty and thirty years.
284. And during that period there is no record of any instructions having been given to gaolers in reference to these writs? None whatever.
285. Have you, since this inquiry into Mr. Allen's conduct, looked at the writs of *habeas corpus*, to see if there was any endorsement on the back by the Judge in regard to the charge to be made? The Judges here have never made endorsements on writs of *habeas corpus*.
286. No order has been made as to the amount to be charged? No.
287. And no security for expenses received from the prisoner before he is brought down? No, that is not necessary.
288. Will you look on page 3, at the opinion of the Attorney General? Yes, that applies only to cases at Home, but the circumstances are different here, and do not apply. There there are Sheriffs of Counties, and the prisoner has to be handed over from the custody of one Sheriff into the custody of another. Here the prisoner never leaves the custody of the Sheriff.
289. *By Mr. Cowper*: Have we got an *Habeas Corpus* Act for the Colony, or do you take and apply the English Act? We have no Colonial Act; we take the English Act, in so far as it can be made applicable to the circumstances of the Colony.
290. *By the Chairman*: But the report of the Attorney General is to the effect, that not only are the expenses of bringing the prisoner up to be paid, but that security is to be given by prisoner to pay the charges of return if remanded? That applies merely to civil cases.
291. Have there been any instructions issued to gaolers in criminal cases? No, never.
292. Then in what way were they to know what they were to charge, except from what their predecessors had charged, or from what others had done? I cannot say what course they would pursue; but in the discharge of my duty I look to the law only, and am not influenced by any practice.
293. There are rules framed for the guidance of gaolers, either by yourself or by the Government? Yes, by the Government.
294. And these are supplied to the different gaolers? Yes.
295. Is there anything about this charge in those rules? No, nothing.
296. *By Mr. Cowper*: So that really gaolers are entitled to charge nothing? No, except the charge by law, and that is limited to a charge of 1s. per mile.
297. And he is at liberty to charge that? Yes, if the circumstances of the case justify the charge.
298. *By the Chairman*: But you say that Mr. Allen was entitled only to 6s. 10d.,—can you

you explain to the Committee how you arrive at that amount? It was, I believe, by calculating the cost of the return ticket for the officer, of the single ticket for the prisoner, and the sustenance of the officer in town—just the actual expenses of the warder and the prisoner. G. Uhr, Esq. 3 Dec., 1862.

299. Was not Mr. Allen there with the prisoner? I do not know, but he need not have been without he had thought fit, because I instructed him to that effect, and told him that he need not come down himself with the prisoner; but he said he had to be in town on that day, and would fetch the prisoner down.

300. Gaolers have, however, never had any instructions as to what they were to charge? Not from the Sheriff's Department up to that time; at least I have been unable to find any. I have searched the records of the office but could find none.

301. Do you know whether, at any time during his tenure of office, anything ever occurred in reference to charges made by Mr. Allen under a writ of *habeas corpus*? Yes, I believe there was, but I do not know the particulars.

302. You were in the Sheriff's Office at that time? Yes.

303. In a subordinate position? Yes.

304. You have none of the documents connected with that case? No; I knew nothing about it, except what Mr. Allen himself told me.

305. Have you made any search for the documents connected with that case? No. The only search I have made has been for the general instructions as to carrying out writs of *habeas corpus*.

306. You did not know the circumstances of that case? No, I did not; I know now, because I have been informed.

307. You did not obtain that information from the records in your office? No; I did not find any on the subject.

308. Nor from any letters before you? No.

309. From whom did you receive your information? I spoke to the Under Sheriff in regard to this charge against Mr. Allen, and he then told me something about a dispute that had previously occurred with regard to the expenses attending upon carrying out an *habeas corpus ad testificandum*.

310. Then the matter is one that has been mooted before? So it appears.

311. Have you any idea of what the charge was? I have not. The Under Sheriff might very probably be able to tell you, for it was he who carried out the instructions of the then Sheriff.

312. By Mr. Holroyd: You were Under Sheriff at that time? Yes.

313. By the Chairman: You cannot tax your memory in reference to this matter? I cannot.

314. By Mr. Cowper: I think you stated to me that you were not under the impression that any charge had been made for bringing prisoners up under *habeas corpus*, except upon the scale authorized by law? That is what I stated.

315. You are not aware of any other charge having been made? I am not.

316. By Mr. Holroyd: What do you mean by the scale authorized by law—do you allude to the charges authorized by the *Habeas Corpus Act*? Yes.

317. That is 1s. per mile, to cover all expenses? Yes.

318. Do you think that amount would cover all the expenses of a turnkey and prisoner—taking the average of cases—from Albury to Sydney, from Bathurst to Sydney, from Maitland to Sydney, and from Parramatta to Sydney? I cannot say. I have never had a case from Albury; but from Maitland to Sydney it would pay.

319. And from Mudgee to Sydney? The cost of conveyance between Mudgee and Sydney would be high, but that would be matter for special application.

320. By Mr. Cowper: Application to whom? To the parties concerned—the prisoner brought down. From Parramatta or Maitland there would be no difficulty, the amount would be amply sufficient.

321. By Mr. Holroyd: Would 1s. per mile cover all the expenses, from Parramatta even, to bring the prisoner and turnkey down, to take the turnkey back, and give him necessary refreshment? Yes, I think it would be ample to cover the expenses of the legal custody of the prisoner.

322. What is your definition of what may be supposed to be legal custody? In this instance the presence of one ordinary turnkey would be sufficient to constitute legal custody.

323. Supposing one turnkey to bring a prisoner down by rail, and then to take him back, with some allowance for refreshments in Sydney during the day, would 1s. per mile be sufficient to cover the expenses? Yes, and more than cover it.

324. If it was found necessary to send a second person with the prisoner, in order to ensure his safe custody, would the 1s. per mile cover the expenses? I am not prepared to give an exposition upon improbable cases, but merely to say what is the law.

325. But without reference to the law, do you think the 1s. per mile sufficient to cover the expenses of a prisoner and two turnkeys? If it is found necessary to have more officers, in order to carry out the law, then, of course, something extra would be required, and would no doubt be allowed.

326. By Mr. Cowper: Do you consider it necessary that the gaoler should accompany the prisoner when brought up on *habeas corpus*? No, certainly not.

327. It is not imperative on him? Certainly not. It could not be, for supposing him to receive two writs of *habeas corpus* at one time, made returnable at different places, it would be manifestly impossible for him to go with both prisoners.

328. By Mr. Holroyd: Did you ever know of such a case as a gaoler being served, at one time, with two writs, made returnable at different places? No, I did not.

- G. Uhr, Esq.
3 Dec., 1862.
329. *By the Chairman*: And suppose the prisoner to be sent back again to labour, would the gaoler be bound to bring him down? The gaoler is bound to obey the writ and bring the prisoner down, under any circumstances.
330. But to take him back—supposing him to be ordered back to gaol? That would be matter for subsequent application.
331. *By Mr. Cowper*: Under any circumstances, however, the gaoler is bound to bring the body before the Court? So it has been held by the best legal authorities.
332. *By Mr. Holroyd*: Did you ever furnish Mr. Allen with the scale of charges, in conformity with the Act 31st Charles I. No, I find that there is no record in the office of anything of the kind having been done.
333. *By the Chairman*: Have the gaolers facilities for referring to old statutes, such for instance as the one regulating the law of *habeas corpus*? I am not aware that they have.
334. They are not obliged to have copies of them? The law does not compel them to have a copy of such statutes. The 4th Victoria, No. 29, is all that they are compelled to have in the gaol.
335. And as a guide for their conduct in all cases, are they not confined solely to the printed rules and regulations laid down by the Government? There are rules laid down by the Government for the guidance of gaolers.
336. And is not that paper, with the printed rules and regulations, such as are hung up in the gaols, the extent of the facilities the gaolers have of knowing what their duties are? I cannot say what knowledge they have of their duties beyond those rules.
337. Have you or your predecessor put them in possession of any other information? I have looked back through the records and can find no such instructions.
338. You have not issued any? No, not previous to this affair. Since it has occurred I have done so.
339. *By Mr. Holroyd*: How long is it since you, the Sheriff of the Colony, became acquainted with the fact, that 1s. per mile was the only amount authorized by law for expenses under the *Habeas Corpus* Act? Not very long before this matter occurred; as soon as my duty required that I should know. I had occasion to look into the Act in connection with a female confined in Darlinghurst Gaol.
340. How long ago is that? About fifteen months ago.
341. And that was the first that you heard of it? It was.
342. *By the Chairman*: Do you know how long Mr. Allen has been gaoler at Parramatta? I entered the department on the 1st July, 1840, and Mr. Allen joined it about two or three years afterwards.
343. And during the whole of the time since then he has been in charge of the Parramatta Gaol? He has.
344. Do you know Mr. Gilbert Elliot, who was at one time Sheriff? I do.
345. He was before that Police Magistrate at Parramatta, and Visiting Justice of the Parramatta Gaol? Yes.
346. Do you know, from your own knowledge, or from records in your office, that Mr. Elliott had communications with your department in which he spoke in the highest terms of Mr. Allen? I am not aware of it, but I know nothing against it. Possibly he may have done so. I never heard him speak otherwise than well of Mr. Allen.
347. Will you look at Mr. Allen's petition, and say whether you do not believe in the correctness of the allegations contained in the second paragraph of that petition? That is scarcely a fair question to put to me, because I am aware that the late Sheriff, Mr. Brennan, had a very bad opinion of Mr. Allen.
348. Are you aware of the truth of the allegation contained in the third paragraph of the petition? All that I know about that affair is, that Mr. Brennan received a very severe letter upon the subject, which letter he showed to me.
349. A letter from the Government? Yes.
350. And you knew nothing of the circumstances? No, I knew nothing of them, except that there was a Committee sitting (on the subject), and Mr. Brennan showed me a letter he had received when the inquiry was concluded.
351. You saw that letter? Yes.
352. The purport of which was a reprimand of the Sheriff? Yes, a very severe reprimand.
353. And that reprimand was administered in consequence of a Report from a Committee of this House? Yes, so I gathered.*
354. Do you recollect when it was that he showed you this letter? I do not remember the date.
355. You are aware, however, with reference to this charge, that Mr. Allen was honorably acquitted, and that Mr. Brennan received a reprimand? Yes, but you must permit me to explain. Having been so long in the office, very many circumstances in connection with it are known to me, and Mr. Brennan would mention matters to me that he would not talk of to others. In regard to this case he told me that it was not a charge of his, but that as Sheriff he had felt bound to bring under the notice of the Government a matter that had been brought under his observation by a subordinate officer. That is my remembrance of the affair, that it was no charge of Mr. Brennan's at all.
356. With regard to the next paragraph—the fourth—do you recollect the circumstance alluded to? Yes, I do.
357. Is that statement true? Yes, I have seen the printed Report of this House to that effect.
358. And bearing out the assertion here made by the petitioner? Yes.

* *Revised*:—No, a Committee appointed by the Government.

359. Do you know of any other charge having been preferred against Mr. Allen, or of any other inquiry being held into his conduct, except this charge that was brought under your notice by Mr. Hargraves, and on which you suspended him—of course I mean only charges involving official investigation? I have had two or three matters of complaint against him, since I have been Sheriff. Matters were brought under my notice immediately after my being appointed, of a most serious nature, against Mr. Allen. G. Uhr, Esq.
3 Dec., 1862.
360. When were you appointed? On the 17th April, 1861.
361. Did anything result from these matters which you say were of so serious a nature? No; that is to say, that I never brought them under the notice of the Government, excepting upon one occasion.
362. *By Mr. Cowper*: Then you demur, in fact, to the second allegation of the petition? As far as my own knowledge extends, personally, I do.
363. Upon grounds irrespective of this transaction with Taylor? Yes.
364. Do you or do you not consider him to be a proper person to be retained in his position as gaoler, irrespective of Taylor's transaction? Most decidedly not.
365. *By Mr. Holroyd*: And you state that, in consequence of something that has occurred irrespective of this matter on which he has been dismissed? Yes, in consequence of various circumstances that have occurred from the time of my appointment to the office of Sheriff.
366. And though these circumstances lead you to the opinion that he is not a fit person to hold the office of gaoler, you have never brought them under the notice of the Government? I have not, except once, when I mentioned the matter incidentally.
367. So that if it had not been for this matter of Taylor's, Mr. Allen would still have remained in his office? Possibly.
368. But in passing them over in the manner you have done, have you not by that, to a certain extent, condoned them? I do not know what you mean by condoned.
369. Had you not overlooked them? No, decidedly not; but I did not bring the matter under the notice of the Government, because I had entertained the hope that there would have been a reformation of his conduct. He was an old servant of the Government, and I did not wish for his dismissal so long as I had a hope of his reformation; and to show that I had that hope, I may mention that I twice applied to the Government for an increase of his salary.
370. Whilst these charges were hanging over him? Whilst these matters were known to me.
371. *By Mr. Cowper*: Were your applications made subsequent to the discovery of these acts of irregularity? Yes, subsequent to some of them—at least I applied once subsequent and once before.
372. *By Mr. Holroyd*: Does not that appear to you to be a rather paradoxical proceeding, that you should have these charges against him, of so serious a nature as to render him unfit for his office of gaoler, and that notwithstanding, you should apply for an increase in his salary? It may appear so, but then I have reasoned with Mr. Allen on the subject, and pointed out the impropriety of his acts. I always hoped for reformation.
373. Do you know if it has been customary for professional men to pay gaolers for bringing down prisoners on writs of *habeas corpus*? Yes, I know of its having been done in several cases of *habeas corpus ad testificandum*.
374. In what way are they made to pay? I believe the solicitor who issues the writ gives the gaoler his fees or expenses, or whatever they are called. They have been in the habit of doing so, I believe.
375. Do you know whether this has been done in all cases of *habeas corpus*, irrespective of the character of the writ? Yes, subsequent to this transaction a matter was brought under my notice where the gaoler at Maitland had received his expenses at a rate, as I was informed, similar to this.
376. *By Mr. Cowper*: Was that a criminal case? Yes.
377. Do you recollect what amount he received? He received £5.
378. For bringing the prisoner from Maitland to Sydney? Yes; but on calculation I found it was within the amount allowed by the statute. Maitland is more than 100 miles from Sydney.
379. *By Mr. Holroyd*: You are aware that mileage is calculated as the crow flies? We cannot do it so there; the roads will not allow of it—they are too bad.
380. *By Mr. Cowper*: Do you know of any other charge of the kind? No other has been brought under my notice.
381. Have you heard of any other? Yes, I have been told that Mr. Allen made the Maitland gaoler a present of £10 for bringing down one prisoner.
382. *By Mr. Holroyd*: When you found that the Maitland gaoler had charged £5 for bringing the prisoner down, did you take any steps to remove him? No; the matter was brought under my notice by the Government.
383. Did you afterwards suspend him? No; I called upon him to explain the matter, and he showed me that his expenses were quite equal to the amount he had received.
384. Did you do the same in Mr. Allen's case—did you call on him for an explanation? Yes.
385. Before suspending him? Yes. When Mr. Hargraves brought his charge against Mr. Allen, I proceeded to Parramatta Gaol to inquire into it. Taylor gave his evidence, and on that I suspended Mr. Allen.
386. *By the Chairman*: Have you got Taylor's statement? The Government have it; I forwarded it with my first letter.
387. Was it taken on oath? It was not.
388. *By Mr. Holroyd*: Have you since taken steps to prevent the gaoler at Maitland, or other

- G. Uhr, Esq. other gaolers, from receiving these fees, so as to hinder the recurrence of similar circumstances? I have. Immediately after this affair I sent instructions to all the gaolers.
- 3 Dec., 1862. 389. *By the Chairman*: If the gaoler at Maitland brings a prisoner down to Sydney on *habeas corpus*, and he is detained more than a day, what does he do with his prisoner during the night? Lodges him in Darlinghurst Gaol.
390. Takes him there at night, and brings him up to Court on the following morning? Yes.
391. *By Mr. Holroyd*: Have you got any calculation of what the gaoler's expenses of coming down to Sydney from Maitland would come to? No.
392. Do you know what the steamer fare is? I do not know what the steerage fare is, but the cabin fare is 17s. 6d.
393. One turnkey you say would be sufficient? Yes.
394. And he would not go in the cabin? I suppose not.
395. Nor the prisoner either? No.
396. So that the fare for the gaoler and prisoner would be about £1? The gaoler's explanation was that he never received anything until the matter was decided, and then when he spoke about his expenses the attorney presented him with £5.
397. Did the gaoler go down with the prisoner himself, or did he send a turnkey? He came down with the prisoner himself. I am not aware that he had a turnkey with him.
398. *By the Chairman*: Did you take any other evidence against Mr. Allen besides this statement of Taylor's? No, nothing else; except that Mr. Hargraves said that Taylor was a poor man who could not afford to pay such a charge, and who had to borrow the money from him in order to pay Mr. Allen. Mr. Hargraves was with me when Taylor made his complaint, and he then told me about Taylor being a poor man.
399. Did it not seem to you a very singular thing that Mr. Hargraves should have lent Taylor the exact money required? I do not know; I only know that he told me Taylor was a poor man, and that he had lent him the money.
400. Then the only things upon which you acted were this statement of Taylor's and the personal communication of Mr. Hargraves? They were all.
401. Have you any idea of the character of the man Taylor? No. I never saw him before Mr. Hargraves brought him to me.
402. The son was charged with horse-stealing, I think? Yes, but was acquitted.
403. *By Mr. Cowper*: You have stated that, irrespective of this matter of Taylor's, Mr. Allen was unfit for the office of gaoler,—will you state anything definite on which you form that opinion? Yes. Very shortly after my appointment some accounts were sent down to the Sheriff's Office from the Parramatta Gaol, with a letter from Mr. Allen, stating that they had never been paid. I was appointed on the 17th April, 1861, as Sheriff, and on the 10th June following I received certain accounts, with a letter from Mr. Allen, stating that the accounts enclosed had only lately been rendered. At this time there was a new accountant in my office, the Under Sheriff under me having held the office of accountant under Mr. Brennan. When he was promoted, he instructed the new accountant to refer to him on all matters in which he felt any difficulty. These accounts, although they have Mr. Allen's certificate, and were accompanied by his explanation that they had only lately been rendered, yet being dated in May and June, 1860, the accountant had some hesitation about them, and he consequently referred them to the Under Sheriff, for his advice respecting them. The accounts which were sent by Mr. Allen, in his letter of 16th June, I now hand in. (*Vide Appendix B.*) The Under Sheriff fancied he remembered some of the items, and he at once referred back to the books, and found that they had been paid. I produce a copy of the first accounts rendered, procured from the Audit Office, to which they had been sent after having been paid. (*Vide Appendix C.*)
404. When did you find this out? Some time in June, 1861. My letter to the gaoler at Parramatta is dated the 17th June, 1861.
405. Did you in that letter point out to Mr. Allen that he was attempting to pass accounts of a fraudulent character? I did not; the idea of fraud did not occur to me at the time. I considered it grossly improper. Here is my letter. (*Vide Appendix D.*) I also produce Mr. Allen's letter of the 10th June, to which the above is in reply. (*Vide Appendix E.*)
406. Did you consider this to be an attempt to obtain payment of an account twice over? I thought it most objectionable; but as he was an old servant of the Government, and as I was then but young in the office of Sheriff, I was disposed to look less severely upon it than perhaps I ought to have done.
407. Did it not strike you as a very serious offence, that a person entrusted with the duty of certifying to the correctness of accounts should thus lend his assistance towards the perpetration of a fraud? No doubt it was a most serious offence, but Mr. Allen's high character disarmed suspicion at the time.
408. Did you regard it as an oversight, or as a deliberately planned fraud? It appeared to me to be a grossly improper act.
409. You regarded it, then, only as an improper act? As a grossly improper act, of which I should have taken more notice had I not been so young in office at the time.
410. What other charges have you against Mr. Allen? The second charge is this—that in his letter of the 10th June he sent in an account for extra firewood, said to have been supplied by the contractor between September, 1858, and March, 1860.
411. It is alluded to in the letter you have just laid before the Committee? It is.
412. As regards the other accounts, did the parties acquiesce in the propriety of your decision as to their having been previously paid? There could be no doubt whatever about it. It was the Under Sheriff who brought the matter under my notice. As far as I was concerned, I had instructed the accountant to prepare cheques for the money, for Mr. Allen's certificate, with his accompanying letter of explanation, were sufficient to warrant me in so doing.

doing. But the accountant, who has to look more narrowly into these accounts, observed (what I did not) that the accounts were dated so far back, and therefore he referred to the Under Sheriff for his advice, and in that way the matter was discovered.

G. Uhr, Esq.

3 Dec., 1862.

413. And you state now confidently to this Committee that subsequent inquiry satisfied you that these accounts had been paid? There is no question about it, as regards the accounts for forage, &c.

414. So that there must have been gross negligence, or an attempt at fraud, on the part of Mr. Allen? It could not be otherwise.

415. Will you proceed now with your second charge? The second charge is this account for extra firewood supplied from September, 1858, to March, 1860, and amounting to £48 5s. 5d. That account I now hand in. (*Vide Appendix F*.) It is very probable that this would have been paid, notwithstanding the error we had discovered in the other accounts, but that it happened that Mr. Innes, the second clerk in my office, was clerk of the gaol at Parramatta during the period over which this account ranged, and it was his duty in that capacity to check the accounts as rendered by the contractors. Having looked through this account, he assured me that not a single item of it was due, for no extra firewood whatever had been supplied during that period, and consequently not a farthing was due to the contractor on that account.

416. *By Mr. Holroyd*: Who is Mr. Innes? He was clerk in the Parramatta Gaol, and was afterwards promoted into the Sheriff's Office.

417. By whom? By Mr. Brennan.

418. Is he not a relative of Mr. Brennan's? I believe so; he is a connection, not a relative.

419. Is this account certified by Mr. Allen? It is.

420. As having been furnished by whom? By the then contractor, Patrick Hayes.

421. *By Mr. Cowper*: You did not pay this account? No; I visited the gaol shortly afterwards, and took that opportunity of speaking to him on the subject. I said that there was no doubt but that everything due to the contractor had been paid.*

422. However, the contractor did not further prosecute his claim? No, there was no further application on the subject.

423. What was your opinion on the subject—do you think there was collusion between Hayes and Allen? I have the authority of Mr. Innes for saying that he had examined all the accounts for the firewood supplied to the gaol, and that there were no such items as these amongst them—in fact, that no extra firewood had been supplied.

424. *By the Chairman*: When did he examine these accounts? At the Parramatta Gaol, when he was clerk there.

425. But not these particular items—I presume he only spoke from memory? Yes, quite so.

426. *By Mr. Cowper*: Have you any other transaction of a suspicious character, or calculated to excite a want of confidence in Mr. Allen's probity? There was an account rendered for medical comforts—for supplies furnished to the gaol hospital, amounting to £1 19s. 6d.

427. *By Mr. Holroyd*: Was it after this that you recommended Mr. Allen for an increase of salary? Yes.† When I received this account for £1 19s. 6d. I paid the money, and sent the voucher down to the Audit Office, without observing that it had not the signature of Dr. Pringle, the Visiting Surgeon of the gaol. The mistake was soon discovered in the Audit Office, and when I received the account back, I caused it to be sent up to the gaol for Dr. Pringle's certificate. His letter in reply to mine, together with the account as sent in, and as afterwards reduced and certified, I now hand in. (*Vide Appendix G*.)

428. Were these sent in a letter? I cannot say.

429. Where is the letter—have you it with you? No, but the accountant will prove the sending a cheque in the usual way.

430. What is this James Devlin? He was the contractor at the time. It was returned to me from the Audit Office because Dr. Pringle's certificate was wanting, and on sending it up for this certificate the overcharge was discovered.

431. This was not brought by you under the notice of the Government? It was not. The Government lost nothing by it. I had to pay a surcharge of 18s. 6d. on the difference of the two accounts. The Auditor General's receipt and correspondence on the subject I now hand in. (*Vide Appendix H*.)

432. *By Mr. Cowper*: The second voucher for £1 1s. is the proper one for the articles really supplied? Yes; and before sending it in I saw Mr. Austin on the subject, who told me he was satisfied that none of these other articles had been supplied.

433. *By Mr. Holroyd*: Was it after this third charge of yours against Mr. Allen that you recommended him to the Government for an increase of salary? No, it was before that.

434. Then the two occasions upon which you recommended him must have been within two or three months of each other? No; they were made at the ordinary time, when we were preparing the estimate of our department for the Government.

435. *By the Chairman*: Is this a monthly or a quarterly account? A monthly account. There is a statement of the date on the face of it.

436. Do you know if there were any people in the hospital during that time? There are always some few in hospital.

437. How many are there on an average? The last time I saw the patients there were only five of them.

438. Would they not require a supply of soap during the month? That I cannot say.

439.

* ADDED (*on revision*):—Excepting the account for wood, which would be brought under the notice of Government, I would not pay without being instructed by the Colonial Secretary.

† Revised:—No.

- G. Uhr, Esq. 439. But do you not think it absolutely necessary that they should use some? Of course, but I cannot say that it was necessary to draw any from the contractor.
- 3 Dec., 1862. 440. *By Mr. Cowper*: What is the next ground of complaint you have against Mr. Allen? In September, 1861, it was brought under my notice that Mr. Allen was permitting the prisoners to do work for the officers of the gaol. On the 10th November, 1859, I received a letter from the Colonial Secretary's Office strictly prohibiting such work being done. I now produce it. (*Vide Appendix I.*) A copy of that letter was forwarded to Mr. Allen, as well as to the other gaolers of the Colony. When the matter was brought under my notice that work was being done for the officers, I instituted an inquiry into the matter. Dr. Greenup and Mr. Langley were present at the time, and Mr. Allen at once admitted that he had permitted the prisoners to do this work for the officers. I told him that it was contrary to the express instructions of the Government, as given in the Colonial Secretary's letter of the 10th November, 1859. Dr. Greenup said that he was not aware that there had been any letter received prohibiting the work being done. Mr. Allen said that he had express authority from the late Sheriff for having work done for the officers of the gaol, with the stipulation that they should pay the same price for the articles as were obtained for them by auction. Thinking that if this were the case there might be some excuse for Mr. Allen's breach of instructions, I asked the late Sheriff, Mr. Brennan, if he had given him any such permission, and he said that Mr. Allen's assertion was utterly false.
441. What work was it? Making boots for the officers.
442. Did you find the amount due for making them credited in the accounts? I did not look into that. There was no imputation against Mr. Allen on the ground of the money not having been paid, but solely that he was permitting work to be done in the face of a direct order to the contrary. To excuse himself he said he had authority for doing so, and this I found to be false. It is so evident that by permitting such a system of corruption would be sure to creep in, that I peremptorily ordered him to discontinue it.
443. Is there any other irregularity that he is chargeable with? Yes, in connection with this same matter. I consider him to have been guilty of a great irregularity in not bringing the prohibition contained in the letter of 10th November under the notice of the Visiting Justice, who told me that he did not know of such a prohibition having been issued; and it is one of the duties of a gaoler to bring all the communications from the Sheriff under the notice of the Visiting Justice. There is another matter—it is only a trifling affair, but it shows Mr. Allen's continued disregard of instructions. It is with regard to a stable in the gaol, and the property of Mr. Allen. In Mr. Brennan's time it was found necessary to have a Government horse for the use of the Colonial Architect's Department. The matter was brought under notice, and it was suggested that the animal should be kept in the gaol. The Government, in a letter from the Principal Under Secretary, dated 22nd June, 1860, issued instructions that the gaoler at Parramatta was to remove the materials of his stable inside the gaol, if he considered them to be worth removing. That letter I now hand in. (*Vide Appendix K.*) After my appointment the Colonial Architect sent me this letter, dated 2nd April, 1861, a copy of which I now hand in. (*Vide Appendix L.*) Subsequently to this I had a communication with Mr. Allen, the result of which was that I thought an arrangement might be made by which he might have the privilege of keeping his horse in the gaol. I therefore tried to reason the matter with Mr. Close, as it appeared that there was room enough in the stable for the two horses, but he objected to the arrangement, because he said it had reached the Colonial Architect, that whilst the Government horse was there he was starved. I therefore sent Mr. Allen the letter of 22nd April, 1861, a copy of which I now hand in. (*Vide Appendix M.*) In this matter both Mr. Brennan's instructions and mine were entirely disregarded by Mr. Allen; and subsequently the Colonial Architect sent me in a bill for the cost of his horse. This I, of course, declined to pay.
444. What do you mean by sending you a bill for the cost of his horse? For the expenses entailed by keeping him outside the gaol.
445. Have you any other charge against him? In January, this year, I visited the gaol, and I found a prisoner in a cell with a chain round his waist, and in a state of nudity.
446. *By the Chairman*: Was it a man or a woman? A man. The chain was so tightly drawn round him that I could not introduce my fingers between the man's flesh and the chain. I was certainly so astonished and annoyed that I scarcely felt able to trust myself to speak to Mr. Allen; but I restrained myself, and walked out of the cell, and beckoned Mr. Allen to follow me. We went to the lower part of the landing, and I then spoke to him of the impropriety of adopting such a course of conduct towards the prisoners. I told him that I could not permit such a thing, and that he must have the irons removed. At the same time I said that I would allow it to appear as if it was his own act, but that he must have the irons taken off at once. In September, at the time when I discovered about the prisoners making boots for the officers, a circumstance was brought under my notice of a prisoner being handcuffed in such a way that he could not relieve nature with decency; this was clearly proved to me in the presence of Dr. Greenup and Mr. Langley. I then told Mr. Allen, but certainly in much milder terms than such an offence merited, never to let such a thing occur again.
447. Was this the same man that you afterwards found chained by the body? Yes, the same. The chains that were used to fasten round him I have here with me now. They are a sort of bullock chain, and were drawn so tight round his body that you could not introduce your finger between the chain and the flesh.
448. Was he free, or was he chained to the cell in any way? He was walking about, but his arms were pinioned.
449. *By Mr. Cowper*: Did Dr. Greenup, as Visiting Justice, appear to know of the man being chained in this way—was he surprised at seeing him in this state? I did not observe how

how he appeared to regard it. I spoke to Mr. Allen on the subject, in his and Mr. Langley's presence, but I forget whether or not I had any conversation with him. G. Uhr, Esq.

450. *By Mr. Holroyd*: Had he been aware of this handcuffing and chaining before you saw the man? I am not aware—I never asked him if he was or not. 3 Dec., 1862.

451. *By Mr. Cowper*: But was not this apparently brutal treatment afterwards made the subject of conversation between you and him? No; he was present when the matter was brought under my notice with regard to the man being handcuffed night and day, but I do not remember any conversation with him.

452. Who brought it under your notice? The prisoner. I witnessed the chaining myself, and on the day following Mr. Allen's suspension I found the prisoner in the cell chained in the same way as I have previously described, except that his wrists were not fastened, and he was clothed; but he showed me his wrists. They were very much excoriated, and he said that this arose from his being handcuffed so tightly that the iron had been forced into his flesh. This statement was confirmed by Mr. Austin, who stated that he found the handcuffs so forced into the flesh of the wrists that he at once ordered them to be taken off.

453. Was any reason assigned for this handcuffing in the first instance, or for this subsequent chaining round the body? When I spoke to Mr. Allen, he said he had been compelled to restrain the man, as he tore his clothes to pieces. I told him there was a very simple remedy for that—there was a cell in which he could hurt nothing, and there was no occasion for this chaining.

454. *By Mr. Holroyd*: Did you ascertain whether this man was put into handcuffs or was chained by the orders of Mr. Allen, or by those of the Visiting Justice? No, I never ascertained.

455. You never made inquiry whether this had been done by Mr. Allen on his own motion, or under the direction of the Visiting Magistrate? No, I did not.

456. *By Mr. Cowper*: Is there any other charge? When the late clerk of the Parramatta Gaol was guilty of the recent defalcations, I spoke to Mr. Allen with regard to his great neglect of duty in permitting the clerk to have charge of the prisoners' money. In answer to this, Mr. Allen said that he had been instructed by Mr. Brennan, when Sheriff, to place the money of the prisoners in the hands of the clerk, and their trinkets or other valuables in the care of the chief turnkey. This was not a satisfactory explanation for me, although it might have been for him, so I took an opportunity of speaking to Mr. Brennan on the subject, and he informed me that Mr. Allen's statement was utterly false—that he never gave any such instructions.

457. *By the Chairman*: You are aware that Mr. Brennan made certain charges against Mr. Allen, and that instead of proving those charges he utterly failed in so doing, and was himself censured by the Government? I am aware that a difference existed, and that Mr. Brennan was censured.

458. And all these denials of having given Mr. Allen instructions were subsequent to this censure? Yes.

459. *By Mr. Cowper*: Is there anything else that you have against Mr. Allen? There were reports reached me, upon which I gave certain instructions, but that is a matter which did not happen in my time. There is another matter in regard to the prisoners' food. I found, before Mr. Allen's suspension, that he was appropriating the refuse food of the prisoners, and I asked Mr. Brennan how it was that he had permitted such a state of things as that to exist in the Parramatta Gaol, when it had been found necessary to stop it elsewhere. He then assured me that he had strictly prohibited the gaoler at Parramatta from using the refuse food.

460. How was it that he appropriated it—did he keep a large stock of pigs or poultry? I have only heard so.

461. Did you speak to Mr. Allen about this? I did.

462. What did he say? He said that he had received no instructions to deviate from the old practice.

463. The old practice being —? For the gaoler to make what use he thought proper of the refuse food.

464. *By Mr. Holroyd*: Do you know if he had any such instructions? I do not—not of my own knowledge. I know that such instructions were sent to Darlinghurst Gaol, and I have Mr. Brennan's authority for saying that they were given by himself to the gaoler personally.

465. *By Mr. Sutherland*: Have you issued any such instructions? Yes, to Darlinghurst and Parramatta Gaols I have issued specific instructions. I sent them to all but the minor gaols.

466. Did you send any to Mr. Allen? Not in Mr. Allen's time, because I was not aware that formal instructions had not been sent there; I believed that instructions had been given; nor was I aware that he was acting so until shortly before his suspension.

467. *By Mr. Holroyd*: Having all these charges against Mr. Allen, can you tell us how it happens that you have not reported any of these circumstances to the Government—charges of fraud, of disobedience of orders and of instructions, and of negligence—had you evidence in support of them? As to the facts alleged there is plenty of evidence to prove their truth; but with regard to the motives that influenced me in not reporting them to the Government, they are simply these: Mr. Allen was an old servant of the Government, and I was only a very young head of a department, and I did not wish one of my first acts on taking office to be the dismissal of an old public officer from the service. Besides, as I said before, I did hope that matters would mend—that there would be none of these complaints, for I really did think that the salary was too small for such an office as that of gaoler at so important a gaol. It was on that account that I recommended an increase of salary, and I thought that when he obtained it there would have been an improvement in him.

- G. Uhr, Esq. 468. And that is your only reason for not mentioning these charges to the Government? The only reason. I always entertained the hope that he would improve.
- 3 Dec., 1862. 469. *By the Chairman*: With regard to these items for firewood supplied in 1858-59-60, have you made an examination of that account by which you are able to say that the whole of those items have been previously paid? No; I do not say that anything has been paid on that account. It is for extra firewood, and I say that I have Mr. Ennis' authority that none has been delivered.
470. The account does not state on the face of it that it is for extra firewood? Yes, at the head.
471. And you say that no extra firewood has been delivered in these years? Yes, Mr. Ennis is very clear on that point. He says that before he left the gaol he checked the account for the firewood that remained unpaid for at that time. He had been instructed to do this, on account of a difference of opinion arising in regard to the supply of firewood; Mr. Darvall, then Police Magistrate, being of opinion that the quantity allowed by Government was amply sufficient, and that it ought not to be exceeded.
472. Was that direction given in writing? I am not aware.
473. When any alteration of the practice of a public institution is made, is it not in writing? It would certainly be the more proper way to have it in writing, but there are many important orders that are not so given.
474. In what way does Mr. Ennis arrive at the fact that this wood was not supplied? He explained to me that the accounts were rendered monthly for the firewood supplied to the gaol, and that he had to check them in order to see that the charges made were in exact accordance with the quantity of wood actually supplied. Wishing to be perfectly clear on the subject, I then asked him if there had been more wood supplied by the contractor than had been paid for in the accounts rendered, and he said there had not.
475. Upon what principle could he say this—he could only speak from the books he himself kept? Because he stated he had gone through the accounts with the person who kept the account of wood sent in to the gaol on the part of the contractor.
476. Did he give any reason for going specially through these accounts? He said it was his duty to check all the accounts for items supplied to the gaol.
477. And then that he specially recollected this circumstance of going through the firewood account? Yes.
478. Dr. Pringle, I presume, is the doctor of the gaol hospital? He is the Visiting Surgeon.
479. Did he sign the voucher for medical comforts which was sent in in the first instance, and which you paid? No; it was because his signature was not appended that the account was returned to me by the Audit Office as informal.
480. You sent this account to the gaol for his signature? Yes, the account returned me by the Audit Office.
481. Is this the original account that was sent in? No, that is a copy procured from the Audit Office.
482. It contains, I presume, the same items as the original? It does.
483. The voucher was returned to you in consequence of not having the Visiting Surgeon's signature? Yes.
484. And you in consequence forwarded it to Parramatta to Dr. Pringle? Yes.
485. In order to obtain his signature, vouching that the articles had been received? Yes.
486. And in answer to that you received this note of July 9? Yes.
487. This note only speaks of wood and oil being in dispute, whilst the voucher has only one bottle of oil entered on it, and has no charge at all for wood,—is not this some mistake of yours, and does not the note refer to something else? No; there were other accounts sent up with this, and they were not returned at this time.
488. Have you referred to the accounts previous to the 1st January, 1862, to ascertain if this vinegar, soap, and oil has been really supplied? When I sent this down I requested Mr. Austin to say if he was clearly of opinion that these articles had not been supplied, and he said that he was perfectly clear.
489. Did you make any search through the accounts? No. Having referred the matter to two officers, and received their report on it, I required nothing further.
490. Did you yourself make any examination of the gaol books? No; I took my information from Dr. Pringle's note and the declaration of Mr. Austin.
491. Did you ever report any of these irregularities to Mr. Allen, and call upon him to explain them? There are before the Committee copies of my letters on the subject, addressed to Mr. Allen. That is with regard to some of the matters; as to the rest, I have spoken to him personally on the subject.

APPENDIX.

A.

H. M. Gaol, Parramatta,
June 18, 1862.

Sir,

With reference to my conversation with you on the subject of my suspension, and of the statement of the man Taylor, that I had refused to produce prisoner George Taylor upon a receipt of a writ of *habeas corpus* until I first received a fee of three guineas, I now beg to enclose a declaration made by Mr. Whiteside, a respectable resident of this town, who was present when Taylor presented the writ, and who heard the conversation that ensued, which will, I trust, in your opinion completely refute Taylor's statement, the truth of which I have already emphatically denied, and as to which I am also prepared to make a declaration, if you consider such necessary.

I have, &c.,
THOMAS ALLEN.

To the Sheriff,
Sydney.

Mr. Cowper having read this, said it did not alter the case, which had been decided upon.

DECLARATION.

New South Wales, }
Parramatta, to wit. }

I, Thomas Whiteside, of Parramatta, in the Colony of New South Wales, do solemnly and sincerely declare, that I was present on Saturday, the thirty-first day of May last, in company with Mr. Thomas Duke Allen, the keeper of the Parramatta Gaol, when a man and woman came up to Mr. Allen. The man pulled out of his pocket a paper or parchment—I believe parchment—which he handed to Mr. Allen, who read it. I heard Mr. Allen say to the man, "Solicitors usually give me three guineas;" the man then took out of his pocket a roll of bank notes (as I took them to be), and took two or three of them off the roll, and handed them to Mr. Allen, and returned the remainder of the roll to his pocket. The man alluded to also gave Mr. Allen some silver or metal money, the amount of which I do not know; we were at Mr. Allen's house, near the gaol at Parramatta, at the time spoken of. And I make this solemn declaration, conscientiously believing the same to be true, and in virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the Government of New South Wales, and to substitute Declarations in lieu thereof, and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

THOMAS WHITESIDE.

Taken and declared at the Police Office at }
Parramatta, in the said Colony, this }
18th day of June, 1862, before me, }
GEO. M. LANGLEY, J.P.

B.

THE Department of the Gaol, Parramatta,

Dr. to Patrick Hayes, late Contractor.

| DATE. | | AMOUNT. |
|------------------------|---|------------------|
| | For the undermentioned articles supplied for the public service, viz.:- | |
| 1860. April 1 to 30 | To 30 days' forage, at 2s. per diem | £ s. d. 3 0 0 |
| | Paid previously. | |
| | Total.. .. . | £ 3 0 0 |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

THOMAS ALLEN,
Gaoler.

Received on the _____ day of _____ 186 , from the Sheriff of New South Wales, the sum of three pounds sterling, in full payment of the above account.

PATRICK HAYES.

THE Department of the Gaol, Parramatta,

Dr. to Patrick Hayes, late Contractor.

| DATE. | | AMOUNT. |
|------------------------|---|-------------------|
| | For the undermentioned articles supplied for the public service, viz.:- | |
| 1860. April 1 to 30 | 20 bushels lime, at 1s. 6d. per bushel | £ s. d. 1 10 0 |
| " | 200 " charcoal, at 10d. per bushel | 9 3 4 |
| | Paid previously. | |
| | Total.. .. . | £ 10 13 4 |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

THOMAS ALLEN,
Gaoler.

Received on the _____ day of _____ 186 , from the Sheriff of New South Wales, the sum of ten pounds thirteen shillings and four-pence sterling, in full payment of the above account.

PATRICK HAYES.

THE Department of the Gaol, Parramatta,

Voucher No.

Dr. to Patrick Hayes, late Contractor.

| DATE. | For the undermentioned articles supplied for the public service, viz. :— | AMOUNT. |
|-------------|--|---------|
| 1860. | | £ s. d. |
| May 1 to 31 | 31 days' forage, at 2s. per diem | 3 2 0 |
| | Total.. .. . | £ 3 2 0 |
| | Paid previously. | |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

THOMAS ALLEN,
Gaoler.

Received on the _____ day of _____ 186 , from the Sheriff of New South Wales, the sum of three pounds two shillings sterling, in full payment of the above account.

PATRICK HAYES.

THE Department of the Gaol, Parramatta,

Dr. to Patrick Hayes, late Contractor.

| DATE. | For the undermentioned articles supplied for the public service, viz. :— | AMOUNT. |
|-------------|--|-----------|
| 1860. | | £ s. d. |
| May 1 to 31 | 20 bushels lime, at 1s. 6d. per bushel | 1 10 0 |
| | 200 „ charcoal, at 10d. „ | 9 3 4 |
| | Total.. .. . | £ 10 13 4 |
| | Paid previously. | |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

THOMAS ALLEN,
Gaoler.

Received, on the _____ day of _____ 186 , from the Sheriff of New South Wales, the sum of ten pounds thirteen shillings and four pence sterling, in full payment of the above account.

PATRICK HAYES.

C.

No. 61.—Cheque No. 13,296.

THE Department of the Gaol, Parramatta,

Dr. to Patrick Hayes.

| DATE. | For the undermentioned articles supplied for the public service, viz. :— | AMOUNT. |
|--------------|--|----------|
| 1860. | | £ s. d. |
| 1 to 31 May. | To 150 bushels charcoal, at 10d. | 6 5 0 |
| | 31 rations forage, at 2s. | 3 2 0 |
| | 10 bushels lime, 1s. 6d. | 0 15 0 |
| | 10 cwt. straw, 4s. 9d. | 2 7 6 |
| | Total.. .. . | £ 12 9 6 |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

John O'Neill Brennan,
Sheriff.

THOMAS ALLEN,
Gaoler.

Received on the thirteenth day of June, 1860, from the Sheriff of New South Wales, the sum of twelve pounds nine shillings and sixpence sterling, in full payment of the above account.

PATRICK HAYES.

Witness—WM. BADCOCK.

No. 39.—Cheque No. 13,218.

THE Department of the Parramatta Gaol,

Dr. to Patrick Hayes.

| DATE. | | AMOUNT. |
|----------------|--|-----------|
| | For the undermentioned articles supplied for the public service, viz. :— | |
| 1860. | | £ s. d. |
| April 1 to 30. | To 150 bushels charcoal, at 10d. | 6 5 0 |
| | 30 rations forage, at 2s. | 3 0 0 |
| | 20 bushels lime, at 1s. 6d. | 1 10 0 |
| | Total.. .. . | £ 10 15 0 |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

John O'Neill Brennan,
Sheriff.

THOMAS ALLEN,
Gaoler.

Received on the ninth day of May, 1860, from the Sheriff of New South Wales, the sum of ten pounds fifteen shillings sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date, pursuant to warrant of Government, No. , dated .

PATRICK HAYES.

Witness—JOHN PHELAN.

D.

Sheriff's Office,
Sydney, 17 June, 1861.

MEMO. :—With reference to your letter of the 10th instant, forwarding accounts of Patrick Hayes (late contractor) for forage, lime, and charcoal supplied to Parramatta Gaol for April and May, 1860, and which you state have *only lately been rendered* by him, you are informed that an account for one hundred and fifty bushels of charcoal, twenty bushels of lime, and thirty days' forage supplied from the 1st to the 30th April, 1860, and duly certified by you as the quantity supplied by Hayes, was paid on the 9th May, the cheque having been sent to yourself as part payment for articles purchased by you which had been neglected to be supplied by Hayes.

In the month of June an account was received from you for one hundred and fifty bushels of charcoal, ten bushels of lime, and thirty-one days' forage, from 1st to 31st May, 1860, which was paid to Mr. Badcock, as authorized by Mr. Hayes.

As to the account for firewood supplied in excess from September, 1858, I must decline to entertain it, as it has been so long kept in arrear.

It being evident that the charcoal, forage, and lime supplied in April and May, 1860, have thus previously been paid for, you are instructed for the future to be more careful in the accounts certified by you as correct, as, in addition to the accounts having been paid before, a claim was made for a larger quantity than had actually been supplied. For the future, therefore, you will take care that no accounts for the gaol under your charge remain longer than three months before they are forwarded to this office, and that the quantities certified for by you are previously ascertained to be correct.

The Gaoler,
Parramatta.

GEO. UHR,
Sheriff.

E.

H. M. Gaol, Parramatta,
10 June, 1861.

Sir,

I have the honor to enclose herewith the account of Patrick Hayes (late contractor) for extra firewood supplied to this establishment from September, 1858, to March, 1860, and also his accounts for forage, lime, and charcoal supplied to this gaol for the months of April and May, 1860, which I beg to state have only lately been rendered by him, as also the account for extra firewood.

To the Sheriff,
&c., &c.,
Sydney.

I have, &c.,
THOMAS ALLEN,
Gaoler.

THE

F.

THE Department of the Gaol, Parramatta,

Dr. to Patrick Hayes, late Contractor.

| DATE. | | | | | | | AMOUNT. |
|---------------|---|--------|-----------|---------|--------------|----------|----------|
| | For the undermentioned extra wood supplied for the public service, viz. :- | | | | | | |
| 1858. | | | | | | | £ s. d. |
| September.. | To 14,000 | pounds | firewood, | at 5½d. | per 100 lbs. | 3 4 2 | |
| October .. | 12,000 | do. | at 5½d. | " | " | 2 15 0 | |
| November.. | 15,000 | do. | at 5½d. | " | " | 3 8 9 | |
| December.. | 13,000 | do. | at 5½d. | " | " | 2 19 7 | |
| 1859. | | | | | | | |
| January .. | 10,000 | do. | at 5½d. | " | " | 2 5 10 | |
| February .. | 11,000 | do. | at 5½d. | " | " | 2 10 5 | |
| March | 12,000 | do. | at 5½d. | " | " | 2 15 0 | |
| April | 12,000 | do. | at 4½d. | " | " | 2 2 6 | |
| May | 13,000 | do. | at 4½d. | " | " | 2 6 0½ | |
| June | 16,000 | do. | at 4½d. | " | " | 2 16 8 | |
| July | 14,000 | do. | at 4½d. | " | " | 2 9 7 | |
| August | 18,000 | do. | at 4½d. | " | " | 3 3 9 | |
| September .. | 16,000 | do. | at 4½d. | " | " | 2 16 8 | |
| October | 13,000 | do. | at 4½d. | " | " | 2 6 0½ | |
| November.. | 12,000 | do. | at 4½d. | " | " | 2 2 6 | |
| December.. | 12,000 | do. | at 4½d. | " | " | 2 2 6 | |
| 1860. | | | | | | | |
| January .. | 11,000 | do. | at 4½d. | " | " | 1 18 11½ | |
| February .. | 11,000 | do. | at 4½d. | " | " | 1 18 11½ | |
| March | 12,000 | do. | at 4½d. | " | " | 2 2 6 | |
| | TOTAL.. | | | | | | £ 48 5 5 |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

THOMAS ALLEN,
Gaoler.

Received on the day of 186 , from the Sheriff of New South Wales, the sum of forty-eight pounds five shillings and five pence, sterling, in full payment of the above account.

PATRICK HAYES.

G.

H. M. Gaol, Parramatta,
9 July, 1861.

WITH regard to the disputed voucher for wood, oil, &c., I can only say that I regret to see I have attached my signature to them in the hurry of the moment, without considering sufficiently the contents. I am satisfied, however, that the amount of firewood, oil, &c., enumerated therein, could never have been all required for the use of the hospital in those periods.

G. HOGARTH PRINGLE, M.D., V.S.

No. 8.—Remt. of Cheque No. 66,895.

THE Department of the Gaol, Parramatta,

Dr. to James Devlin, junior.

| DATE. | | | | | | | AMOUNT. |
|--------------|---|---------|------------|-----------------------|---|---------|----------|
| | For the undermentioned extra articles supplied for the public service, viz. :- | | | | | | |
| 1862. | | | | | | | £ s. d. |
| 1 to 31 Jan. | 1 | bottle | oil, | at 1s. 6d. | " | 0 1 6 | |
| | 3 | bottles | brandy, | at 6s. per bottle | " | 0 18 0 | |
| | 12 | boxes | matches, | at 1d. per box | " | 0 1 0 | |
| | ½ | gallon | vinegar, | at 2s. 2d. per gallon | " | 0 1 1 | |
| | 44 | lbs. | soap, | at 3¼d. per lb. | " | 0 11 11 | |
| | 4 | lbs. | liquorice, | at 1s. per lb. | " | 0 4 0 | |
| | 1 | lb. | " | at 2s. per lb. | " | 0 2 0 | |
| | Total.. | | | | | | £ 1 19 6 |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

THOMAS ALLEN,
Gaoler.

Received on the 15th day of February, 1862, from the Sheriff of New South Wales, the sum of one pound nineteen shillings and sixpence sterling, in full payment of the above account, for which I have signed duplicate receipts of the same tenor and date, pursuant to warrant of Government, No. , dated

JAMES DEVLIN, JUNR.

Witness—Wm. C. URR.

THE

The Department of the Gaol, Parramatta,
Dr. to Mr. James Devlin, junior.

| DATE. | | AMOUNT. |
|--------------|--|-------------------|
| 1862. | For the undermentioned articles supplied for the public service, viz. :— | |
| Jan. 1 to 31 | 3 bottles of brandy, at 6s. | £ s. d. 0 18 0 |
| | 12 boxes matches, at 1d. | 0 1 0 |
| | 1 lb. liquorice, at 2s. | 0 2 0 |
| | Total.. .. . | £ 1 1 0 |

I certify that the quantities of the above-mentioned articles were duly supplied, as stated, by the above-named individual, and that they were conformable to the samples stipulated for, and of good and sufficient quality. I further certify that they were necessarily required for the public service, and that the prices charged were the most reasonable for which the same could be procured at the time of purchase.

J. HOGARTH PRINGLE,
Surgeon.

Received on the _____ day of _____ 185____, from the Sheriff of New South Wales, the sum of one pound one shilling sterling, in full payment of the above account, for which _____ have signed duplicate receipts of the same tenor and date, pursuant to warrant of Government, No. _____ dated _____

JAMES DEVLIN, junr.

H.

New South Wales.

The Treasury,
30 July, 1862.

RECEIVED from Geo. Uhr, Esq., Sheriff, the sum of eighteen shillings and sixpence sterling, for surcharges, Parramatta Gaol accounts, voucher No. 8, 1862.

JOHN G. LENNON.
(Pro Treasurer.)

£0 18s. 6d. Entd.—N. H. P.

H. M. Gaol, Parramatta,
July 10, 1862.

Sir,

In reply to your memo. relative to the Revd. Armitage and Barlow, I beg to enclose you their respective letters upon the subject. They decline to give a declaration, but I trust this will answer the end in view. I beg further to state that I brought the matter before Mr. Allen, who declines to have anything to say upon the subject, only that he believes the articles mentioned in voucher No. 8 were had. He also declines to pay the amount in question, viz., £1 19s. 6d.

I have also brought the subject before the Visiting Surgeon, relative to the consumption of the extra wood and oil, and beg to enclose you his letter upon the subject.

With regard to the abstract you sent me relative to the supply of wood and oil necessary for summer and winter months, I am endeavouring to find what is actually required, by weighing out the wood for the various fires, and also the quantity of oil necessary, so that there may be no misunderstanding for the future.

I have, &c.,
JAMES GREEN,
Gaoler.

To the Sheriff,
&c., &c., &c.,
Sydney.

H. M. Gaol, Parramatta,
July 25, 1862.

Sir,

I beg to enclose for your information a voucher signed by the Visiting Surgeon, as his authority for the purchase of certain articles named in the voucher returned by you. With regard to the remaining articles, I beg to state that they were duly supplied by the contractor on the authority of the late gaoler.

I have, &c.,
JAMES GREEN,
Gaoler.

To the Sheriff,
&c., &c., &c.,
Sydney.

I.

Colonial Secretary's Office,
Sydney, 10 November, 1859.

Sir,

With reference to your letter of the 3rd instant, No. 59-84, and to the disclosures made in the case of the Queen v. Knife, for purloining cabbage-tree hats out of the Parramatta Gaol, through which the Government have been made aware that it is the practice of the gaol authorities at Parramatta to have work done on their private account by the confines, I am directed by the Colonial Secretary to inform you that this practice must be discontinued at once, and that no such privilege as that alluded to is in future to be allowed either at Parramatta or at any other gaol.

I have, &c.,
W. ELYARD.

The Sheriff.

Sheriff's Office,
Sydney, 15 November, 1859.

COPY of Colonial Secretary's letter, dated 10th instant, stating that no more work is to be done on private account.

Forwarded to _____.

The Gaolers.

K.

K.

*Colonial Secretary's Office,
Sydney, 22 June, 1860.*

Sir,

With reference to your letter of the 4th instant, requesting that instructions may be given to the Colonial Architect to cause a stable to be erected for the horse of the gaoler at Parramatta Gaol, and to your communication of the 11th of this month on the same subject, I am directed by the Colonial Secretary to inform you, that he does not think that the Government should erect a stable for the gaoler's horse.

If the materials of the stable inside are worth removing by him, perhaps that will be the best way of arranging matters.

The Sheriff.

I have, &c.,
W. JELYARD.

*Sheriff's Office,
26 June, 1860.*

FORWARDED this day to gaoler, Colonial Secretary's letter, dated 22nd June (with a marginal note to return it to this office), replying to Sheriff's letters of 4th and 11th instant, requesting that the Colonial Secretary may cause instructions to be given to the Colonial Architect to erect a stable for the horse of the gaoler at Parramatta.

The Gaoler, Parramatta.

*Sheriff's Office,
Sydney, 5 March, 1861.*

COPY of the letter of the Under Secretary for the Department of Public Works to the Principal Under Secretary, notifying that the Colonial Architect had received instructions to purchase a horse for the use of Parramatta Gaol, forwarded for the information of
The Gaoler, Parramatta.

*Sheriff's Office,
5 April, 1861.*

THE letter of the Colonial Architect of the 2nd instant, respecting the Government horse being stabled outside the walls of the gaol at Parramatta, with following minute thereon by the Acting Sheriff:—
"You are referred to the Colonial Secretary's of 22nd June last on this subject, and your report on the statement in the letter of the Colonial Architect is requested as soon as possible. This letter to be returned."

The Gaoler, Parramatta.

GEO. UHR,
Acting Sheriff.

*Sheriff's Office,
22 April, 1861.*

Sir,

Taking into consideration the Architect's recent letter respecting the Government horse, the very limited space within the walls of the Parramatta Gaol, I do not see my way clear to an authority in opposition to the Colonial Secretary's letter of the 22nd June last; I must, therefore, request that you will comply with the instructions contained in the Colonial Secretary's letter, with regard to the stabling in the gaol belonging to you.

The Gaoler, Parramatta.

I have, &c.,
GEO. UHR,
Sheriff.

L.

*Colonial Architect's Office,
2 April, 1861.*

Sir,

I do myself the honor to request that instructions may be given to the gaoler at Parramatta, with reference to the employment and stabling of the horse employed upon the works at that establishment. The horse in question is not fully employed, in consequence of the carter being for a portion of his time engaged as messenger, and for other purposes, and it is only when he is spared from these employments that his attention is given to the horse and cart.

The Government horse is at present stabled outside the works, and I am informed that a change is intended to be made for this accommodation; there is, however, a stable within the gaol in which a private horse, belonging to Mr. Allen, is kept. I am not aware whether the gaol regulations permit the gaoler to keep a horse within the establishment, but I consider the animal belonging to the Government should first be cared for, and expense on that account be avoided.

I would therefore suggest, that a person be employed to act as carter and attend to the Government horse, and beg to request you will give directions to the gaoler to remove his horse from the establishment.

The Sheriff, Sydney.

I have, &c.,
ALEX. DAWSON,
Colonial Architect.

M.

*Sheriff's Office,
Sydney, 22 April, 1861.*

Sir,

Taking into consideration the Architect's recent letter respecting the Government horse, and the very limited space within the walls of the Parramatta Gaol, I do not see my way clear to an authority in opposition to the Colonial Secretary's letter of the 22nd June last. I must therefore request that you will comply with the instructions contained in that communication, with regard to the stabling in the gaol belonging to you.

The Gaoler, Parramatta.

I have, &c.,
GEO. UHR,
Sheriff.

*Sheriff's Office,
Sydney, 26 June, 1860.*

FORWARDED this day to gaoler, Colonial Secretary's letter, dated 22nd June (with marginal note to return it to this office), replying to Sheriff's letters of the 4th and 11th instant, requesting that the Colonial Secretary may cause instructions to be given to the Colonial Architect to erect a stable for the horse of the Gaoler at Parramatta.

WEDNESDAY,

WEDNESDAY, 10 DECEMBER, 1862.

Present:—

MR. COWPER,
MR. W. FORSTER,MR. LACKEY,
MR. DANGAR.

ROBERT H. M. FORSTER, ESQ., IN THE CHAIR.

Mr. Henry Hargrave called in and examined:—

492. *By the Chairman*: You are clerk of Parramatta Gaol? Yes.
493. How long have you been clerk of that gaol? Since the latter end of April.
494. Of this year—1862? Yes.
495. You have been clerk of the gaol only during that time? No.
496. Do you know anything about the charge against Mr. Allen, or of this inquiry in reference to the case of Mr. Allen? Not the slightest, beyond what the books will furnish you with.
497. Have you got the books with you? Yes.
498. Have you got a book called the "punishment book"? Yes. (*Book produced—headed "Charge Book, H.M. Gaol, Parramatta."*)
499. I suppose you have had conversations with people about this matter of Mr. Allen's? Yes.
500. With the Sheriff and with others I suppose? Yes.
501. Do you recollect anything with reference to a man who was said to be in irons in a cell? No; it was before my time.
502. Do you recollect about what time that was? No further than the book will show.
503. Can you show me in the book? Yes.
504. John McCallaghan, I think, is his name? Yes. (*Witness referred to page 5 of charge book.*)
505. This appears to be on the 26th of July; what year is that—the book does not state what year? It would be last July.
506. July, 1861? Yes.
507. The first entry is—"John McCallaghan, for mutinous conduct in No. 2 wing, this morning, when the prisoners were falling in for roll call. When he was ordered to fall in by Turnkey McEwins he turned round in a very sulky manner and made use of a very improper expression, by saying—"Who cares for you—is it for you that I would be silent!" This was a charge preferred by turnkey McInnes? Yes.
508. For which he received three days in a cell? Yes.
509. Whose signature is this attached? It is the signature of Dr. Greenup.
510. Then again it goes on, on the same day—"Secondly, for disobedience of orders, by refusing to go to the cells when ordered by the principal turnkey, and making use of threatening language, by saying—"Come on; the first man that comes in here I'll knock his bloody brains out!" at the same time taking up a stool in his right hand to put his threat into execution." That is preferred by the principal turnkey? Yes.
511. What is the name of the principal turnkey? Mc Cormack—he has left.
512. For that he was committed for trial, by whom? By Dr. Greenup.
513. Here is a third charge—"For violently assaulting turnkey Connor while in the execution of his duty, by striking him a violent blow on the head with a stone, which gave him a severe cut." That was preferred by turnkey Connor, and for it the man was sentenced to be put in irons for forty-eight hours;—was that sentence confirmed by Dr. Greenup? It was sanctioned by him.
514. Are there any other charges in this book against the man McCallaghan, with the records of the sentences? Yes, on the 11th of November, 1861, there is this entry—"John McCallaghan, for mutinous conduct and disobeying the orders of the gaoler, by refusing to have his irons struck off previous to going to Quarter Sessions at Parramatta, where he was committed to take his trial for an assault on turnkey Connor."
515. This was preferred by the gaoler and the principal turnkey? Yes.
516. And for that offence twenty-four hours in the cells was his sentence, by order of Dr. Greenup? Yes.
517. And to be kept separate? Yes.
518. On the same day, again, he is charged with having threatened to take the life of the gaoler the first opportunity that he could get, and saying, "that he could eat him at once," and "that he would meet the fate of John Price soon." That was preferred on the same authority? Yes.
519. Do you know if there was anything done in reference to that? No.
520. There is no record filled up? No.
521. And here again he is charged with "making use of abusive language to the gaoler in the streets of Parramatta, when on his way to the Court-house, by saying repeatedly, "There goes Allen, the bloody tyrant!" This was preferred by turnkey McInnes and turnkey Harrison? Yes.
522. Have you any other record of what was done? No; the Visiting Magistrate is the person who could answer that question.
523. *By Mr. Cowper*: Was he tried for that offence (26 July) for which he is put down as having been committed for trial? I believe he was, but I do not know.
524. Here again is another entry on the 28th November—"For violently assaulting turnkey Connor whilst in the execution of his duty—getting the prisoner's cell cleaned, and the

Mr.
H. Hargrave.
10 Dec., 1862.

- Mr. H. Hargrave. "prisoner shaved—by striking him on the face, which caused two wounds, one on the nose and one on the upper lip; also taking up the stone to strike him with, but was prevented from doing so by turnkey Connor." That was preferred by turnkeys Connor and Rispen. It appears that he was brought before the Visiting Justice on the 4th December, and ordered into close confinement for one calendar month, and that his sentence would expire on the 4th January. That order seems to be signed by Dr. Greenup himself? Yes, and there was a second Magistrate.
- 10 Dec., 1862.
525. You know whose writing this is on the 14th April, 1862, I presume? Yes.
526. When did you say you joined the establishment? At the end of April.
527. Is there anything else against this man? Yes; that on the 14th April is, "for mutinous conduct in No. 2 wing at dinner time, by coming, in a very excited manner, and making a false report to the principal warder, by saying that his bread was bad and not fit to be used, and that they would not have the doctor's decision,—the same being inspected by the gaoler and the surgeon and was pronounced good."
528. This was preferred by the principal warder and warders Bourke, Stergest, Neale, and Colvin—are these warders the same as the turnkeys? They are all turnkeys except the principal one.
529. Doctor Greenup sentenced him to three days in the cell for that? Yes.
530. Here again, on the 24th April, you have got another entry—"Making use of threatening language when removing from the cells in No. 3 wing to the cells in No. 1 wing." There is no record of anything having been done in that case—can you give any information in reference to the matter—you were in the gaol at that time? I had just come.
531. And you do not know what was done? No.
532. Does not the Visiting Justice inquire into all the entries made here? Yes.
533. Is there anything else against this man? Here is another entry, but no punishment seems to have been inflicted.
534. On the 14th May last—"For making use of abusive language to warder Flanders when getting his cell cleaned and searched"—nothing seems to have been done on that occasion? No.
535. Is there anything else against him? Yes, here is an entry on the 25th May.
536. "For violently assaulting the head gaoler by striking him a blow in the face when in the execution of his duty, inspecting the prison, on Sunday morning at eight o'clock." The head gaoler, warder Armstrong, and warder Mather, preferred these charges, and there is an entry—"Both counts having been heard, the Court sentenced the prisoner to close confinement for one calendar month." That was before Dr. Greenup and Mr. Langley? Yes.
537. Here again, on the same day (May 25th) is an entry—"John M'Callaghan, for maliciously destroying the head gaoler's coat, by violently seizing it by the collar and breast and tearing it down, during the execution of his duty, inspecting the prison, on Sunday morning at 8 o'clock." This was preferred by the same three persons, and for which the prisoner was sentenced to be put on confinement? Yes.
538. Is there anything else? Yes, on the 1st of last September—"Mutinous conduct in H. M. Gaol, Parramatta, on the morning of the 2nd instant, by refusing to go to work; also causing a disturbance in the gaol, when locked up in the cells, by singing and shouting." For that he was reprimanded.
539. Have you any other book? Yes. (*Thin unbound book produced.*)
540. What do you call this book? It is a punishment book, the same as the other.
541. This (*unbound book*) was finished before you commenced that (*large bound book*)? Yes.
542. Here is an entry on the 15th May—what year will that be? 1861.
543. "For violently assaulting turnkey Sadlier, when on duty in the hard labour yard, by striking him a blow with his shut fist in the face, and repeating the assault until turnkey Hergest came to the assistance of turnkey Sadlier, and got him outside the gate." For this he received six months in irons, and the first week in the cells. That sentence is signed here by Mr. M'Rae and Dr. Greenup? Yes.
544. Do you know at what time this man was confined in the cell in irons? No.
545. Have you any idea what time this man has been in the Parramatta Gaol? No; I could tell by his warrant; I could not tell in any other way.
546. By producing all the warrants you mean? Yes, by finding out his particular sentence.
547. Have you looked through these books with reference to these offences? Of that case?
548. With reference to this particular man's case? No.
549. Have you got a record of his sentence—six months in irons? Yes.
550. Did he perform that sentence of six months in Parramatta Gaol? I cannot say.
551. Where do they send the prisoners to when they are sentenced by the Visiting Justice—to some other gaol? I never saw a sentence so long as that.
552. Six months in irons—the first week in the cells? Yes.
553. You have seen this man, I suppose, frequently since you have been in the gaol? Oh, yes.
554. Is his conduct that of a mild man—of a well-behaved man—or is he violent? He is a very quiet man now.
555. How long is it since that change has taken place in his character? I have not noticed in him anything incorrect for the last four or five months.
556. By Mr. Cowper: That is since you have been there, is it not? No, that is six months.
557. By the Chairman: Did you not read a record of an offence committed by him in the month of September? Yes, he has been once or twice guilty of improper conduct.

558. How many times has he been brought up before the Magistrates during the last six months? Twice, I think.

559. I think you told us oftener than that? I would have looked closer into the books if I had thought I should have been asked about that.

Mr.
H. Hargrave.

10 Dec., 1862.

560. What other books have you with you? The ration book.

561. Have you any book in the gaol in which things are entered which are received from contractors for the use of the gaol? Of the things received from the contractors?

562. Yes, or from any other persons? We send out a requisition for the things, and they send them in, and we enter them in the ration book at the end of the month, and furnish an account to the Government.

563. Have you a book in which, when anything comes into the gaol, you make an entry? Yes, if we receive anything from the stationery department we make an entry in the book.

564. Do you make requisitions for everything required? Yes.

565. Do you make an entry of these? Yes.

566. And if the things are received do you make an entry of it? Yes.

567. Where is that book? Up in Parramatta.

568. What do you call it? The requisition book.

569. What does the ration book purport to be—a daily return of the rations supplied to the prisoners? Yes.

570. Does it show what wood and other things have been received? The wood we have allowed so much a month, which is not exceeded.

571. Have you seen any extra wood received? Not during my time. I have seen nothing extra worth noticing.

572. What extras have you seen? A little wood at the commencement of Mr. Green's time perhaps.

573. Where do you keep an entry of the things supplied for the use of the hospital? There is a book for the purpose of containing what the doctor writes for.

574. *By Mr. Cowper*: Do you keep it, or the dispenser? The dispenser.

575. *By the Chairman*: That has not been given you to produce here to-day? No.

576. *By Mr. Cowper*: Who is the dispenser now, Mr. Austin? Yes.

577. *By the Chairman*: How long has he been dispenser? I think he has been twelve months—I do not know exactly.

578. Will you produce the ration book, if you please? Yes. (*Ration book produced.*)

579. Can you refer to the supplies furnished to the gaol in 1858—September, October, November, and December? No, this book only goes to 1861.

580. How far before it? I have never seen any other ration book.

581. This commences in the year 1861? Yes.

582. There must be one in the gaol? I cannot find it.

583. Do you mean to say there is no ration book until that—it is dated October, 1861? Neither Mr. Green nor myself can find it; we have searched everywhere for it.

584. I understood you to say that any things supplied for the hospital would be entered in a book which is held by the dispenser? Yes, it is always entered in those sort of vouchers. It is signed by the Visiting Justice and also by the gaoler and contractor.

585. Will you tell me exactly, as far as you can remember, when things are required for the hospital how are they ordered, in what way are they received, and what is the course pursued? The doctor orders it; the dispenser writes out an order for the different articles required, and then it goes into the office.

586. What office? Where I sit. It goes there, and goes out in the evening to the person who supplies the articles; and the contractor, in a day or two, sends in the supply, and we keep a record of it.

587. Show me the book where you keep entries of things supplied during 1862, commencing at January, if you please. (*Book produced.*) Here is an item I see ordered by the doctor—a bottle of oil—what date was that ordered? On the 4th of the month.

588. Whose memorandum is that? That is the late prison clerk's.

589. *By Mr. Cowper*: What was his name? Williams.

590. *By the Chairman*: And when the doctor ordered anything to be supplied to the dispenser it was entered by the clerk? Yes.

591. What date is that? The 4th of the month.

592. Now look at this entry: Here are "three bottles of brandy," and "a dozen boxes of matches"? That is ordered by the doctor.

593. Half a gallon of vinegar is put down here, and forty-four pounds of soap extra? I could not say for that; there is an allowance of soap.

594. I am merely asking you if these are the entries of things ordered by the doctor? Yes, but I could not speak for that.

595. Whose writing is this—this is not written by the same person, is it? I think not.

596. *By Mr. Cowper*: Did you say *prison clerk*? Yes.

597. Was he a prisoner himself? Yes.

598. Not a free man? No.

599. *By the Chairman*: Are these the whole of the entries for the month of January? Yes.

600. *By Mr. Cowper*: Is this ration book kept all in the handwriting of the prison clerk? It is roughly; every week he comes in, and we balance it up.

601. And he still keeps it? He keeps it in his office.

602. Is it the same man, Williams? No.

603. And who is prison clerk now? A man of the name of Fletcher.

604. And he still keeps the ration book in this shape? Yes,

605.

- Mr. Hargrave. 605. *By the Chairman* : This shows the articles which have been ordered by the doctor ; I understood you to say a while ago that you made entries when these things were received—can you show me where you have made these entries? No.
- 10 Dec., 1862. 606. Cannot you recollect? No. I recollect that when a requisition comes in it is pinned to the issue papers, and furnished at the end of the month. The doctor never signs the vouchers until the dispenser says that they are all right.
607. *By Mr. Cowper* : What is this—a book showing the rations to which the men are properly entitled, or a statement of the rations actually furnished by the contractor? They send out an issue every night according to the strength of the gaol.
608. *By the Chairman* : Who makes out these vouchers? The clerk of the gaol.
609. It is his duty to make out the vouchers, is it? Sometimes there are some letters come up from the Sheriff, and I set him to do them.
610. Suppose you were called upon to make out this account for the month of January, in what way would you arrive at the fact of what was served to the hospital beyond this? I would go to the requisition book, which is kept by the dispenser.
611. What do you mean by the requisition book? It is a book like a cheque book.
612. The butts remain? Yes, and they would have the order written on them; perhaps they would not tally, and then I should have to go by what the butts said.
613. You have not got that book here? No, the dispenser keeps it.
614. *By Mr. Cowper* : What are the duties of this prison clerk you speak of—is he always employed in assisting you, and nothing else? He has to attend to the doctor, and to go round with him and see when he alters the diets of the patients; he also writes the prisoners' letters or petitions, or anything of that kind.
615. What is Fletcher—do you know what he was sentenced to gaol for? He says he was the chief mate of the White Star; I do not know whether that is correct or not.
616. Do you know what he was punished for? For stealing, I think he said.
617. *By Mr. Lackey* : Or was it for some imposition on the publicans of Parramatta? That I cannot say.
618. *By Mr. Cowper* : Does he keep the books? No, that is the only book; he never sees the letter book without we tell him to copy a letter in it.
619. But he has access to the letter book? No, not without Mr. Green's permission or my own.
620. But you say that sometimes he is ordered to copy a letter in? Yes; but Mr. Green is sitting present, so that he can only copy it before his eyes.
621. Is this ration account a statement of the rations actually delivered, or only a statement or correct account of what these prisoners ought to have according to the Government authorized scale? That is according to what has been had; it is exactly according to what the Government allow.
622. Do you make this calculation according to what they are entitled to have, and put it in as if it had been actually delivered? That is not my way; I put in what I know has come.
623. *By Mr. Lackey* : And does the prison clerk do the same? Yes; I make it up every week, as near as I can.
624. *By the Chairman* : Who appoints this prison clerk? The gaoler, I believe.
625. *By Mr. Cowper* : Here is an entry, dated November, 1862, and signed by Mr. Devlin : "Extra articles:—1,770 pounds of bread, ninety-three and a quarter quarts of milk, one dozen eggs, a quarter of a pound of tea, half a pound of sugar, and twenty pounds of soap";—now, who authorized these extra articles? Those underneath are the articles; the others are the odd pounds allowed to every man for his supper.
626. Well, 1,770 pounds of bread? Mr. Green allows that; Mr. Burns has got the contract for bread now; there are two vouchers.
627. Is this contingent upon good conduct, or what? I could not say.
628. You do not know what principle guides the gaoler in ordering extra bread? No, I do not.
629. Here is extra beef for October? That is ordered by the doctor.
630. Oh, the doctor ordered that? Yes.
631. *By the Chairman* : Have you any entry in this book of firewood received? Yes. (*Entry pointed out in the ration book.*)
632. *By Mr. Cowper* : That is only an entry of an account? That is the only entry we keep in this book; it comes in, and is weighed by Mr. Green himself, or he sees it weighed.
633. Are 48,000 pounds of firewood delivered at one delivery? Oh, no.
634. Is there no other book where this charcoal or firewood is entered in detail? No; what is put down there is what is allowed; if they bring more firewood than the quantity they ought to bring, we take no notice of it. Accounts go in only for what is ordered.
635. *By Mr. Lackey* : Is the firewood actually weighed when it is received in the gaol, or is it taken in bulk to represent a certain weight? No; I think Mr. Green told me he has the wood weighed.
636. *By the Chairman* : What month was this—is it since Mr. Green's appointment—it seems to be very lately? Yes, last month.
637. Can you go back to the date of your own appointment in the gaol, and show me the entries, so that we may see how the entries were made then? (*Witness referred to ration book, and pointed out two accounts of James Devlin, for extra lamp oil and firewood.*)
638. What month is that? They are both in the same month.
639. What is the quantity of firewood allowed in the gaol for the month of May, 1862, by the regulations—you have a fixed scale, have you not? Yes; 52,000 lbs.
640. What is the scale? 1,800 lbs. in the winter, and May is a winter month.

641. 1,800 lbs. what? 1,800 lbs. a day.
642. That would make 55,800 lbs. for the month? There is properly 60,000 lbs.
643. That is the scale throughout all the winter months? Yes.
644. No matter as to the number of people in the gaol, or the severity of the weather, or anything else,—just that quantity is allowed? I believe so.
645. Is there any fixed principle? Yes.
646. Of your own knowledge, was it customary to weigh the wood when it came in? I cannot say of my own knowledge.
647. And who wrote this entry? Williams, the prison clerk.
648. He seems to have done all the work—you do not seem to have done anything? The prison clerk always does that; he brings it in and we cast it up.
649. What do you do—do you take anything from him? No, I go from the documents; I do not take it from what he says.
650. Where is that fellow Williams now, do you know? I think he is in Darlington.
651. *By Mr. Cowper*: Is he still a prisoner? Yes, I have heard so, but I could not say actually of my own knowledge.
652. *By the Chairman*: Do you know of your own knowledge whether, when it is necessary to get extras for the gaol, such extras are received? Yes, to my own knowledge I think they have been received.
653. Who did I understand you, to say makes out these vouchers? The free clerk makes out these.
654. You do it now—have you done this since you have been in the gaol? Yes.
655. Where do you take the entries from? From this book (*the ration book*).
656. You make out the vouchers, and when you make them out what is the next thing you do? I lay them before the gaoler.
657. And do you tell him that the accounts are correct? Yes.
658. And does he act upon that, as a usual course? Yes.
659. He has confidence in you? Yes.
660. He takes it for granted that the accounts are correct as made out by you? Oh, yes.
661. And I suppose he sometimes looks over them to see? Yes, he asks how much wood there has been this month, and so on.
662. You were in the gaol when Mr. Allen was suspended? Yes.
663. Who was appointed to act when he was suspended? Mr. M'Cormick, the principal turnkey.
664. Were you in the room when this order was made? Yes.
665. And Mr. M'Cormick took charge there and then? Yes; I always went to him when I required anything.
666. Who did you say makes out the vouchers for articles supplied for the hospital? I generally find the dispenser. He does not make out the voucher; he furnishes a list of articles.
667. He furnishes the clerk with a list of articles supplied during the month, and you make out the vouchers? I see whether it tallies with the ration book, and whether they have been entered as they ought to have been.
668. When are these accounts sent in—monthly or quarterly? They are sent in monthly.
669. About the end of each month? Yes, on the first day or so of the next month.
670. Who are they forwarded to? To the Sheriff.
671. Does the Visiting Justice sign them before they are sent to the Sheriff? No.
672. *By Mr. Lackey*: Whose duty is it actually to receive the goods when they come to the gaol? One of the turnkeys comes in and sings out "bread," or whatever it may be, and then the principal turnkey goes out to see to it.
673. Is it their duty to make a memorandum of the quantity received? They see that it is according to the quantity ordered.
674. And the order is the check in the books of the establishment? Yes.
675. Does not the Visiting Surgeon sign the vouchers at all? Yes, those connected with his department.
676. That is what I asked you—if he signed them before they go to the Sheriff or afterwards? Before they go to the Sheriff.
677. *By Mr. Dangar*: Who writes the requisitions? The prison clerk.
678. Every night? Yes.
679. For the next day's supplies? Yes.
680. *By Mr. Lackey*: Supposing the quantity should be more or less, as I imagine it is sometimes? It is never more to my knowledge.
681. *By the Chairman*: But if there are twenty prisoners more in the gaol one day than on another the supply would have to be greater? We should see it in the requisitions.
682. *By Mr. Lackey*: That necessitates a fresh order, does it not? No; these requisitions are made out in the evening—at five o'clock. The requisition so made out remains until the Visiting Surgeon has been.
683. *By Mr. Dangar*: Supposing prisoners came in in the morning—on the next morning—how are they provided for during that day? I never saw them send out a requisition again. They have generally gone on until the evening, and then had a supply ordered for them.
684. You sent for extra supplies from the contractor perhaps? Mr. Green may have sent down an order of that kind without it coming near me.
685. *By Mr. Lackey*: I suppose the duty devolves upon some particular individual to receive these supplies as they come in? The gaoler receives them.
686. In the absence of the gaoler who receives them? The principal turnkey.
687. Then I suppose it is always the case, that either the gaoler or the principal turnkey is there? I believe they cannot both be off the establishment together.
- 688.

Mr.
H. Hargrave.

10 Dec., 1862.

- Mr. H. Hargrave.
10 Dec., 1862.
688. *By the Chairman*: I understand you, that in preparing these articles for the hospital the course of proceeding is simply this—you obtain from the dispenser a memorandum of what things he says have been supplied? I can get that if I ask for it.
689. What do you do—Supposing the end of the month arrived, and you were about to send your accounts, what course would you pursue? I should go to the dispenser and see what he has had by his requisition book.
690. Do you make a memorandum yourself on receiving it from him? If it does not tally with the book, I go over it and see what has been put down that ought not, and what has been missed that ought to be included.
691. Do you examine this dispensary book yourself, or do you take it on the dispenser's word? I take it on his word.
692. Does he supply you with a memorandum of the various articles that have been furnished for the hospital during the month, and do you from that memorandum make out the vouchers, having compared it with your own book? I make out the vouchers as they lay before you. I leave it until Saturday, the dispenser looks over it and says it is right, and on his stating that it is correct, the Visiting Surgeon signs it, and it comes back to the office.
693. After that it goes to the gaoler? Yes.
694. In point of fact, it passes through the hands of the Visiting Justice and comes to the gaoler? The Visiting Surgeon, I said. The gaoler then signs it, but if it has not the signature of the Visiting Surgeon the return comes back.
695. Then before it reaches the hands of the gaoler for his signature, it has to pass through the hands of the Visiting Surgeon, through your hands, and through those of the dispenser; it goes to the Visiting Surgeon and then to the gaoler, and who does it go to afterwards? To the Sheriff.
696. I presume that after it has passed through those hands no alterations are permitted to be made? None, to my knowledge.
697. Have you never seen anything of that kind done? I have never seen anybody touch them. They are folded up in my presence and sealed down.
698. *By Mr. Cowper*: You have no knowledge yourself, personally, whether the accounts during Mr. Allen's time were correct or incorrect? I never noticed any further than that book. I never had anything to do with those accounts.
699. *By the Chairman*: Who took charge of the office after Mr. Allen was suspended? Mr. M'Cormick would be the head.
700. *By Mr. Cowper*: You were there during a short time when Mr. Allen was gaoler? Yes, but it was a very short time.
701. *By Mr. W. Forster*: You do not know anything of the circumstances of the case now before the Committee? Nothing further than that I was present when the Sheriff suspended Mr. Allen.
702. Were you present? Yes.
703. Had you heard beforehand of the circumstances at all? Not the slightest.
704. This was the first knowledge you had of the matter at all? Yes.
705. Will you state what occurred in your presence? Well, Mr. Hargraves, the gold finder —
706. Who were present? Mr. Hargraves, Mr. Taylor, the Sheriff, and Mr. Allen, and I think there was only myself beside.
707. Were the doors shut? There were no doors to the room.
708. It was in the office? Yes; it was closed in with green baize, and a space was left for a door, but there was no door there.
709. Did this opening, then, open into the yard? No, into a larger room.
710. Was there anyone looking on from the outside? Not to my knowledge.
711. Will you state what occurred? Mr. Hargraves came in with the Sheriff, and sat down in the chair the gaoler had hitherto occupied, and Mr. Taylor sat opposite him. I was also sitting in a chair, and Mr. Allen was sent for. He came in, and the Sheriff said he was very sorry to have to pursue such a course, but that he must suspend Mr. Allen for obtaining money—I do not know whether he went so far as to say "under false pretences"—for obtaining money from Mr. Taylor.
712. Was this the first remark made? To the best of my knowledge.
713. Before any question was asked? No; Mr. Taylor was first examined.
714. Go to the beginning, if you please—state all the proceedings as they occurred? Mr. Hargraves, turning to Mr. Taylor —
715. Was that after Mr. Allen was brought in? Yes.
716. Did he sit down with the others? No.
717. He stood up? Yes.
718. All the other persons were sitting? Yes; Mr. Uhr had a chair to sit upon.
719. But Mr. Allen stood? Yes, and Mr. Taylor gave his evidence.
720. Was that the beginning? That was the commencement.
721. On Mr. Allen going into the room Mr. Taylor was examined? Yes, so far as that statement went which was written down.
722. That was a statement from his lips, and taken down? Yes.
723. Who wrote it down? I wrote it myself.
724. How was it taken—by questions from Mr. Hargraves? No, Mr. Taylor was asked to state the circumstances of the case.
725. And from Mr. Taylor's lips you took it down as he stated it? Yes.
726. Was there any cross-examination? I do not think there was; there might have been one or two questions.
727. Was Mr. Allen asked any questions, or were any remarks made to him? I think the Sheriff made one or two.

728. Was that before or after? It was after Taylor's statement.
729. You took down Mr. Taylor's statement, and Taylor signed it, I presume? I think he did. Mr.
H. Hargrave.
730. Before you? Yes. 10 Dec., 1862.
731. And did Mr. Hargraves sign it? I do not think he did.
732. Who else signed it? No one else, I think.
733. Did you see the oath administered? No.
734. It was a statement not on oath? Yes.
735. What remarks were made to Mr. Allen? The Sheriff said he was very sorry to have to pursue such a course in reference to an old servant of the Government.
736. After Taylor's evidence was taken and put down on paper, Mr. Uhr commenced in that way—did he not ask Mr. Allen if he had any explanation or defence to offer? I think he did, but I think Mr. Allen said that what was stated was perfectly correct—that he did receive that money from Taylor.
737. He said he admitted receiving the money? Yes.
738. Did he question any of the circumstances? No.
739. Did he state anything in his defence otherwise or by way of explanation? He said he believed he was justified in taking it.
740. He said that? He said so, I believe.
741. Was Mr. Allen's statement taken down on paper? No.
742. Mr. Uhr then proceeded to ———? Suspend Mr. Allen.
743. He told him? Yes, he said, in the presence of Mr. M'Cormick and myself, that Mr. Allen was suspended, and you must take charge.
744. He said that to Mr. M'Cormick—that he was to take charge? Yes.
745. Did Mr. Allen make any remark? He said he was extremely sorry if he had done wrong.
746. Did Mr. Hargraves make any remark? No; I think Mr. Hargraves got up, and they then showed him round the gaol.
747. Was there anything said about a roll of notes being in the possession of Taylor at the time he paid Mr. Allen? I saw nothing about that.
748. And you did not hear any remarks made about "five-pence in coppers"? I have heard about it.
749. But was anything said about it on this occasion? No.
750. Was there nothing said about 5d. in coppers? I did not notice it.
751. Does the statement say anything about 5d. in coppers? I think it does.
752. Just tell us whether that (*printed statement*) is the statement you wrote down, as well as you can recollect? I think part of it is what I said; he brought a writ on that day to Mr. Allen. I do not remember anything about the coppers. The latter part I know nothing about.
753. You are not quite sure whether that is the statement you wrote down? Not the latter part of it.
754. Do you mean to say that you do not know anything about it? Yes.
755. That is a matter of some consequence? I do not recollect Taylor saying it was fraudulently obtained.
756. Do you think, then, from your recollection, that this is not exactly what you wrote down? I could tell in a minute if I saw my own writing.
757. Yes, but without seeing it you are not quite certain whether this is what you wrote down or not? Not the latter part of it.
758. Well, Mr. Allen, you say, did not question the truth of the statement as you wrote it down at the time? He did not attempt to deny it.
759. Did he make any remarks about a roll of notes, or about 5d. in coppers? He did not make any remarks about a roll of notes—he may have said something about 5d. in coppers.
760. After this what occurred? After that the Sheriff told Mr. M'Cormack to show Mr. Hargraves round the gaol, and they all left the office, and I went home myself.
761. You say you were clerk for a time while Mr. Allen was there? Yes, for a short time.
762. Do you know whether it has been the habit of the gaoler of Parramatta Gaol to keep fowls or pigs? Not that I am aware of.
763. You do not know? No; I never saw a pig on the premises.
764. Is there not always a quantity of refuse upon the establishment of one kind or other? Yes, I believe there is.
765. What becomes of that? I do not know.
766. Have you any idea? I have never seen it taken away.
767. You know nothing about it? No.
768. Were you there on the 22nd of November, 1860? No.
769. Do you know anything of a man named Patrick Irwin? He was let out last week.
770. *By Mr. Cowper*: He had finished his term? Yes.
771. *By Mr. W. Forster*: Under what sentence was he? Two years and a fine.
772. Do you know whether he paid the fine? Oh, yes, Mr. Green remitted it down.
773. That you are aware of? Yes.
774. Was it two years' imprisonment or one? Two years.
775. Did you see the money paid? No.
776. But you know it was a transaction which really took place? Yes.
777. Do you know whether there was any money taken from Irwin, when he entered the gaol, in excess of the amount he paid as his fine? No; that was in Mr. Dobbins's time, the late clerk.
778. Did you ever hear him make any complaint of any money having been stopped? Yes, he was grumbling.
- 779.

- Mr. 779. What about? Because he could not get the balance, £6 12s. 6d.
H. Hargrave. 780. Oh, he claimed a balance, did he? Yes, out of the money he brought in.
10 Dec., 1862. 781. Why was it not paid him? Because we had not got it.
782. Who ought to have it? The clerk.
783. Then Dobbin went away with it? I suppose so.
784. There was a balance due to this man? Yes, the books kept by Dobbin show it.
785. Who was responsible for it, the clerk or the gaoler? I could not say.
786. Suppose such a thing occurred in your time, would you be responsible? We have to furnish every month an account of the moneys which the prisoners bring in.
787. You are in Mr. Dobbin's place? Yes.
788. Would you hold yourself responsible for such a balance? No, because every month we have to furnish an account.
789. Who receives the money? I receive it, and sometimes Mr. Green receives it; but every month we have to furnish to the Sheriff a statement of the amount of money we have belonging to the prisoners.
790. And you pay the balance over? No, the book is signed by the gaoler, and the money is remitted to Mr. Uhr.
791. Who retains the money? I hold the money.
792. Well, then, are you not responsible for the money you hold? Mr. Green can get it whenever he likes.
793. But at any time after a prisoner is discharged, I presume you would be called upon to pay any money that you hold on his account? I certainly should, in a manner of speaking; but the way it is is this—Mr. Green, having the use of my keys, and that statement being furnished—I never heard of it before —
794. That is a new regulation? Yes.
795. This was adopted in consequence of Mr. Dobbin's defalcation—you look upon it as a check upon the honesty of the clerk? Well, if he likes to be dishonest he could be so now.
796. You are responsible for the money you hold, are you not? Certainly, but Mr. Green keeps the keys of it.
797. Keeps the keys of what? Of the cash-box.
798. Oh, the money is put into a cash-box, which is in your charge, but you do not keep the keys? I have the keys in the morning.
799. But if the cash-box were robbed, you would not hold yourself blamable? I should hardly think myself responsible.
800. The gaoler always keeps the keys? No.
801. But no money is taken out of this cash-box without your knowledge? No, not without my knowledge or concurrence.
802. The two of you must be cognizant of all moneys taken out of this cash-box? Yes.
803. You say that you and Mr. Green are always present when money is taken out? Yes; but there is a fresh regulation, that prisoners shall be let out at 7 o'clock in the morning, and I am not there until 9.
804. In that case the money might be taken out in your absence? It is taken out overnight. I leave the prisoner's warrant on the table, with the money belonging to the prisoner, and Mr. Green comes in and says, "This warrant is to go out to-morrow," and he puts it in his drawer and locks it up.
805. He takes possession of that money? Yes; and when the prisoner goes out he signs the book.
806. But no money is taken out of the cash-box without your knowledge? Or Mr. Green's.
807. And you are both present when the cash-box is opened? Yes; sometimes I am there and he is out in the yard.
808. There is only one key? There is only one key.
809. *By Mr. W. Forster*: What is the average amount of prisoners' money kept in this cash-box? £8 or £10.
810. Not more than that? No.
811. Altogether? Yes, including watches and trinkets the women bring in.
812. *By Mr. Dangar*: Mr. Dobbin was short £150, was he not? No, I think not so much as that.
813. *By Mr. Lackey*: You keep the accounts of the moneys held? Yes.
814. And supposing Mr. Green takes any particular amount from this cash-box during your absence, he intimates that to you, and you make a memorandum of it? Yes, I go to my book and check it off.
815. Were you in Parramatta Gaol on 12th February, 1862? No.
816. Is it the custom, within your knowledge, ever to allow a prisoner to come to Sydney, who at the time is supposed to be confined in the gaol? I never knew it.
817. You have never heard of such a thing? No.
818. Have you heard of such a thing being done before your time? No.
819. *By Mr. Dangar*: Do you keep a cash-box—do you account for your cash every month? Yes.
820. You show the balance in hand? No, we merely furnish the amount.
821. Do you not count your cash to see if it agrees with the statement? No; if I have an hour to spare I might.
822. *By Mr. Cowper*: Were you in the habit of going into the cells? I never was in a cell in my life.
823. And you do not know how the prisoners are treated there? No.
824. Have you ever heard of any charge of cruelty alleged to have been exercised by Mr. Allen, or his subordinate officers, towards the prisoners? No.
825. Do you live in the gaol? No.

826. How far away from it? I live near the Domain gate.
827. And you go into your office in the morning, and perform your duties, and leave the prison in the evening? Yes. Mr.
H. Hargrave.
828. Do you never go amongst the cells and the prisoners? No, not further than when I have occasion to go down into the yards, that is all. 10 Dec., 1862.
829. *By the Chairman*: How often did the Visiting Surgeon visit the gaol? Twice a week, and sometimes oftener.
830. Can you speak of your own knowledge as to what he does when he comes? No.
831. Do you know if it is his duty to visit the prisoners and their cells, and all that? I do not know.
832. *By Mr. Dangar*: Was John McCallaghan in irons when you went to the gaol? No, I never saw him.
833. You never saw him in irons? No.
834. Have any prisoners been placed in irons since you have been there? There was a prisoner named John Williams put in irons, but they were struck off some time ago.
835. Does the gaoler keep his horse in the gaol? No, he does not keep a horse at all.
836. *By the Chairman*: Did I understand you to say that the money belonging to the prisoners, in hand, is very small? Yes.
837. You said, I think, that it was not more than £8 or £10? Yes.
838. That is since you have been there? Yes.
839. Have you ever looked through the records of moneys taken from prisoners before your arrival? I could show you Mr. McCormick's book.
840. Of what date? From 1860.
841. Let me see it? I have not got it with me.
842. *By Mr. Dangar*: Does the prisoner McCallaghan behave well now? Yes.
843. Then the punishment he has received has made him a better man? Yes, I suppose so.
844. Did he come from Darlinghurst Gaol to Parramatta Gaol, or how did he come into the Parramatta Gaol? I could tell you if I was in the office.
845. I thought you might be able to tell me from memory? I could not say from memory.
846. *By Mr. Cowper*: Did you ever hear it alleged that Mr. Allen's conduct towards him was unnecessarily harsh? I never heard anyone say so.
847. *By Mr. Dangar*: Are you aware whether Mr. Uhr ordered the irons to be taken off McCallaghan, or whether they were ordered to be taken off by the Visiting Surgeon? The letter book would tell that.
848. Were the irons ordered to be put on by the Visiting Surgeon? I think it was a sentence from the Court. It was for some affair at Darlinghurst, I think.
849. He had the irons round his waist—is that the way they generally iron prisoners in the gaol? As far I have seen them.
850. This charge that was read out from the book a short time ago—"violent conduct in striking the gaoler and tearing the coat off his back"—was that done in your time? Yes, that was on a Sunday, I think. Mr. Allen showed me the coat on the Monday, and the man was punished before the Visiting Justice and Mr. Langley.
851. Was he in irons then? I think not at the time that he was brought up.
852. Was he then put in irons? No, he was ordered into close confinement for a month.
853. In the cells I suppose? Yes, by himself—on confine rations.
854. *By Mr. Dangar*: Is Mr. Hayes confined in Parramatta Gaol now? No.
855. *By the Chairman*: Can you tell me whose writing this is (*voucher*)? It is written by the prison clerk.
856. The man in the gaol now? No, he is at Darlinghurst now.
857. Whose writing is that (*voucher*)? Mr. Dobbin's.
858. It is January, 1862—who made out the accounts of January, 1862? That was before my time.
859. Dr. Pringle is the Visiting Surgeon? Yes.
860. What is Dr. Greenup? Visiting Magistrate.
861. Does Dr. Pringle ever sign these vouchers for the hospital? Yes.
862. Would you just look at the returns for the month of January, 1862, and let the Committee hear if there are any, and what, items set down there as ordered for the hospital? There is a bottle of oil.
863. On what date? On the 4th.
864. On the 4th January, a bottle of oil? Yes; three bottles of brandy on the 11th, and one dozen boxes of matches; on the 13th there is half a gallon of vinegar, and on the 23rd, 44 lbs. of soap.
865. These items are in the ration book? Yes.
866. As having been ordered for the hospital? Yes.
867. Will you look again at the accounts you showed me a while ago, for January, 1862;—what is this entry here? A bottle of oil and three bottles of brandy.
868. Is that (*entry*) merely a copy of this (*voucher*)? That is all. Some of these things the surgeon said he never had; but that I know nothing about, because it was before my time.
869. The butts of the requisitions are in the hands of the dispenser? Yes; they would be a guide; but, as I said before, when I made an account of that character I sent it over—
870. I am not asking you about that;—did I understand you to say that the butts of the requisitions in the hands of the dispenser will show what articles were ordered for the use of the hospital? Yes.
871. And when those articles are furnished, to whom have they been delivered since you

- Mr. H. Hargrave. have been in the gaol—suppose vinegar or oil was ordered? The requisition comes into the office, and is laid on the table —
- 10 Dec., 1862. 872. I asked you to whom are the articles delivered? To the dispenser.
873. Then the gaoler has to take the dispenser's word for whatever is received? Before that requisition goes it has to have the Visiting Surgeon's signature, or else it would be signed by Mr. — for the Visiting Surgeon.
874. Who would have these requisitions? The contractor.
875. Is the gaoler communicated with at all as to signing these requisitions? Not at all—he has nothing to do with the hospital; the surgeon orders the things, and it is not disputed.
876. Then, as I understand you, the things are ordered, the requisition goes out, the vouchers are made out by you, or the prison clerk and the dispenser, signed by the Visiting Surgeon, and merely sent to Mr. Allen to carry out this form? Mr. Green or Mr. Allen would sign them.
877. And have no opportunity of telling what he had signed? He would sign it; it has Dr. Pringle's signature to it.
878. He takes it for granted, I suppose, when he sees the Visiting Surgeon's name to the paper, that it is correct, and signs the document? Yes.
879. The responsibility, according to your statement, should lie on the shoulders of the Visiting Surgeon? He would not sign it without having the assurance that it was correct.
880. He would not communicate with the gaoler? No.
881. Then the gaoler knows nothing except what this document would show? No.
882. *By Mr. Lackey*: Does the gaoler certify to the accuracy of the contractors' accounts at the end of the month? No, the clerk.
883. You say that the proof he has as a safeguard is merely seeing the signature of the Visiting Surgeon? Yes.
884. If the gaoler finds that attached to the form he signs it —? As correct.
885. But if it turns out to be wrong? I do not know.
886. You say it sometimes happens that the entries in the ration book are made on different dates to those on which the entries are made by the dispenser, is it not so? I have never seen it.
887. I understood you to say a while ago, that it sometimes happens that the entries made by the dispenser differ from the entries you have here? I have never noticed it; it comes over, and I take care that Mr. Hoskins sees it. After it has gone through the necessary forms it comes to my office, and is closed up and sent to the Sheriff.
888. Is it you, the clerk of the gaol, and the dispenser of the hospital, who test the accuracy of these hospital accounts? As far as the hospital goes. I do not notice the requisition when it comes in. It is laid on the table, and sent out with the others. At the end of the month, when the hospital account is made up, I see it sent over to Mr. Hoskins, and if those articles have been had, Dr. Pringle signs it upon his word.
889. If you have more articles or less than he has had? I trust to what he says. That (January) account has come to me since I have been there, and sent back from the Audit Office saying that they wanted the surgeon's signature, and I forwarded it back to Mr. Uhr.
890. It was sent back for the surgeon's signature? Yes; he would not sign it because he said there were things there which he knew nothing at all about.
891. That he would not sign it, or that he had made a mistake in signing it incorrectly? He would not sign it at all.
892. Perhaps you are not aware that the surgeon has admitted that he did sign accounts and found them afterwards to be wrong? I know that that account was sent back from the Sheriff's Office, and I made it out afresh.
893. When did you get notice to produce these books and documents? A letter came up the other day, addressed to Mr. Green.
894. Was it delivered by hand? It came up by post.
895. Has Mr. Ennis been up at the gaol since then, from the Sheriff's Office? He has been up there; he came up the day I received the first letter to attend here.
896. He came up on that day? Yes, he was in the gaoler's house.
897. Did he examine the gaol books on that day? He looked over them. I said, "What books are you going to take away—not those that I use every day?" He said, "They are past books I want," and he took away three of the books.
898. He took away three of the books belonging to the gaol? Yes.
899. What did he do that for? I do not know.
900. Who authorized him to take them out of the gaol? He came with Mr. Green and asked to see them.
901. Is there any record of his having taken them away? Both Mr. Green and I saw him.
902. But supposing you left the gaol, and Mr. Green was also away, and any inquiry were made about the books? It might be —
903. *By Mr. Lackey*: He might have had some authority from the Sheriff to Mr. Green? He might.
904. *By the Chairman*: But are not these filed in the office? No.
905. Is it usual to send up to the gaol and take away public books in that way? I never saw it done before.
906. What were these books that he took away? The book containing the stone-work in Mr. Dobbin's time, I think it was. I do not know, though, whether I am correct in saying that it was stone-cutting in Mr. Dobbin's time. I could point out the books if I saw them, and I know that they were for past years, and did not interfere with me.
907. *By Mr. Lackey*: In your notice to attend here you were asked to bring certain books? Yes.

908. Were any of those books included to which you refer? No. I was not going to let him touch the books I should require. Mr.
H. Hargrave.
909. Do you know what those books are—did they form a portion of the official records of your office, or of the gaol? They were records, decidedly, but I should never require the books at all. 10 Dec., 1862.
910. So far as you know? So far as I know, I have never had any occasion for them.
911. They contain records of the transactions of the gaol? Yes.
912. *By Mr. Dangar*: Are those books all you have under your charge? Oh, no.
913. You were ordered to bring all your books, were you not? No.
914. *By the Chairman*: Did Mr. Ennis look through these books, any of them? Not that book.
915. Did he look through any of the gaol books? Yes, he glanced through some of them.
916. *By Mr. Dangar*: He was clerk before you? Yes, he was there before Mr. Dobbin.
917. *By the Chairman*: What books did he examine? The account of the work done by the female prisoners. I said, "You must not take that." He examined also the book in which we keep the account of moneys given to prisoners when they go out.
918. Did he make any extracts from these books? No.
919. Has he been up at any other time examining the books since Mr. Allen was suspended? I never saw him.
920. Has anyone else been up, from the Sheriff downwards, including the Sheriff? I never saw anyone there beside Mr. Ennis.
921. Have you got the requisition book there? No.
922. We can get that, of course? Yes.
923. And the gaol regulations? Yes.
924. And the hospital regulations? Yes.

FRIDAY, 12 DECEMBER, 1862.

Present:—

| | |
|-----------------|-----------------|
| MR. SUTHERLAND, | MR. W. FORSTER, |
| MR. LACKEY, | MR. DANGAR, |
| MR. HOLROYD, | MR. MORRICE. |

ROBERT H. M. FORSTER, ESQ., IN THE CHAIR.

George Hogarth Pringle, Esq., Visiting Surgeon, Parramatta Gaol, called in and examined:—

925. *By the Chairman*: You are aware, I suppose, that this is a Committee appointed at the request of Mr. Allen, to inquire into the cause of his dismissal from the office of gaoler at Parramatta Gaol? I am. G. H. Pringle,
Esq.
12 Dec., 1862.
926. We have sent for you to give evidence in this matter. Are there any fixed regulations with reference to the supply of extras for persons in the hospital at the gaol? There are no fixed regulations—at least I have never received a copy of any such regulations. I have been guided by the practice of my predecessor. The plan adopted is this: When I see that a person requires anything beyond his regular rations I make an entry opposite that man's name, and he receives it. At the end of the month a voucher is brought to me of such extra things as have been required, and that is signed by me.
927. Is there a diary kept of your visits? I have a book in which the names of the patients are entered opposite to the medicines prescribed, and any alteration I think it necessary to make in the diet, such as an allowance of milk, or eggs, or wine.
928. In the event of your absence from the gaol and anything being required, has the dispenser authority to procure it? He would order anything that was absolutely necessary for the time being, but his order would only extend to that day, and it would have to be confirmed by me on the following morning.
929. Who keeps that book to which you have referred? It lies on my desk in the surgery, and in it the general entries are made. For instance, if one of the prisoners requires spoon diet, or half diet, I make an entry to that effect after his name.
930. Is that book in the custody of the dispenser? Yes.
931. When are the returns made out for payment to the parties who supply these articles? Once a month, I believe. The vouchers are brought to me every month to sign for the different things supplied under the head of medical comforts.
932. Do you know if the vouchers are made out from this book? From the requisitions made up by the dispenser from this book. Twice a month I make a point of going over the different allowances, to see that there is nothing allowed that, according to my idea of what is required, ought not to be allowed.
933. When you make an order for anything, what is the next thing done in reference to the matter? The dispenser issues it.
934. If you order anything for the hospital, how is that carried into effect? The dispenser sends a requisition for what is required.
935. To whom? I believe to the gaoler. I have only been in charge of the gaol less than two years, and I have gone on in the routine I found prevailing at the time of my appointment.
936. Who signs that requisition? The dispenser, I believe; I have never been called upon to sign any requisition of that kind. At the end of the month I certify to the correctness of the vouchers presented to me.

- G. H. Pringle, 937. I presume it would be from that requisition that the gaoler would get the first intimation of what was ordered for the hospital? Yes.
Esq.
- 12 Dec., 1862. 938. Do you know who makes up the weekly or quarterly accounts? I understand the clerk of the gaol, but I do not know.
939. When the accounts are made up, to whom are they submitted in the first instance? I do not know; the vouchers are brought to me. When I first went to the gaol, and the vouchers were brought to me, I occasionally found that small items, ordered in cases of emergency, such as a bottle of brandy, or thread, or tapes, were included among things supplied to other departments of the gaol. I signed them, testifying to the correctness of the vouchers as far as I was concerned; but in that I believe I was in error, and I now insist on having the hospital vouchers distinct. This last month I sent one back in which the clerk had inserted things not required for hospital use along with those required for the use of the hospital.
940. After you sign the vouchers what becomes of them? I do not know; the clerk brings them to me, and I sign them, generally about the end of the month.
941. Are you the first person that should sign these vouchers? I think, as a general rule, the gaoler signs below to testify that the things have been received, and there is a blank left for my signature.
942. Does your signature come before the gaoler's? It comes above it in the account, and as a general rule the voucher is signed by the gaoler before it comes to me.
943. Would it not be more regular for him to sign first? I believe it would. There are different forms for different institutions.
944. You have not the book with you, I suppose, that you keep your diary in? No, that is a very large book—a sort of day book; I received no instructions to bring such a book. In the course of twelve months, at least two, and sometimes three, sets of books are expended. Everything prescribed is entered in the book.
945. When you are called upon to sign the requisition, who lays it before you—the dispenser? No, generally the master of the gaol, or the clerk of the gaol.
946. What are the steps you take then? I look over the vouchers to see if, in my opinion, they are correct; then they are referred to the dispenser. If I have any doubt as to the quantity—if anything seems to be excessive, if there seems to be a larger number of quarts of milk, or a larger quantity of eggs—I call for the list of the clerk, and see if they have been supplied according to order.
947. You mean the dispenser, I presume, when you say “clerk”? No, one of the prisoners acts as assistant to the clerk, and he keeps a statement of the medical comforts. If I see a larger quantity, I make him refer to his accounts, to see to whom they were given and by whose order they were served.
948. Then it would seem that, so far as these necessaries for hospital purposes are concerned, the gaoler would have nothing to do with it—that, generally speaking, it is simply a carrying out of your orders? Simply a carrying out of my orders.
949. How long have you been Visiting Surgeon of Parramatta Gaol? I believe my appointment dates two years back; I know it was in November.
950. Who was your predecessor? Dr. Bassett.
951. Do I understand you to say that there are no regulations for your guidance published by the Government? None that I have ever had. When I first joined the gaol I asked for them, but received none. I asked Dr. Bassett if he had any, but he said “no.” He said he would let me see the course he pursued, and I have followed that as nearly as possible; but latterly I have been more strict in regard to the vouchers.
952. Have you ever read the gaol regulations? I do not know that I have; I have read the regulations regarding turnkeys and so on.
953. Have you noticed whether there is any reference to you in those regulations? I do not think there is; it has never been brought under my notice.
954. Have you received any circular letter from the Government? None; I received a letter notifying my appointment, and that is the only letter I received.
955. Did I understand you to say that the dispenser is a prisoner? No, the dispenser is not; but there is a man appointed as assistant to the clerk who is a prisoner.
956. And the dispenser ———? Is a gentleman employed by the Government.
957. He is a Government officer in the establishment? Yes.
958. It is he who makes the requisitions? He makes the demands for whatever I require. After my visits he goes over the entries, and sees what is ordered for the day. If I order a man, say six ounces of wine, that goes on uninterruptedly until I stop it; it becomes part of the daily issue.
959. He receives these articles? Yes, he receives those articles.
960. Then it would be he only who could check what was received? Yes.
961. It would be from these books that the returns would be made of articles required? Yes, from those books.
962. In the custody of the dispenser? Yes.
963. If the clerk of the gaol desire to make out these accounts, he would have to make application to the dispenser? But he would have the requisitions sent to him by the dispenser, and the account of what had been received from the store.
964. The requisitions are sent to the clerk of the gaol? Yes, or to the master of the gaol.
965. And they could make an entry of it there? Yes.
966. Has it ever happened, do you know, that things have been sent for that have never been received? Not that I know of. A case of the kind may have occurred when I have made a late order for beef tea, and there has been no beef and something else has been substituted. I have never had reason to find fault in consequence of anything I have ordered not being supplied.

967. There is an account here for things supplied which it seems you considered wrong,—do you recollect that circumstance? I recollect it being referred to me what these things were required for. I saw that the circumstance had occurred which I have mentioned before—that things belonging to the hospital and things not belonging to the hospital had been put in the same voucher, and I had signed it in the belief that I was merely signing for the things received in my own department; but I believe now that I ought to have had a separate voucher.

G. H. Pringle,
Esq.
12 Dec., 1862.

968. You do not intend, then, to convey by the note you sent that the things were not received, but that they did not form part of the things required in the hospital? Certainly. I merely meant that in that voucher there were some bottles of brandy, and that with that exception the things were not required in my department.

969. Do you know whether there has been any wood supplied for the hospital? There has.

970. Which you have not issued a requisition for, or signed an order for, yourself? There is a certain allowance of wood made for the hospital use, and I believe that on some occasions (I have no notes of the matter, and cannot tell when), when the nights have been cold, I have ordered wood for the use of the prisoners beyond the limits supplied by the Government; but how often I have done so I have no notes to tell me, but there will be an entry in the book to show when it has been made.

971. Where? In my diary.

972. Do you know whether a fire is kept up all night in any of the wards? In the hospital wards, where I have people suffering from inflammation of the lungs, some nights in the year there are fires all the night.

973. *By Mr. Jockey*: How often have you been in the habit of visiting the gaol? Certainly three times a week always, and I should think on an average five times a week.

974. Is it ever your duty to visit any of the prisoners in the gaol who are in close confinement? It is, when I am requested to do so by the gaoler, or by the prisoners themselves.

975. Do you recollect the circumstance of a man named M'Callaghan being in the gaol? I do.

976. He was confined in irons, I think? He was.

977. Did you observe, at any time during your visits there, any unnecessary harshness or cruelty on the part of Mr. Allen? No, I did not observe any harshness; but on one occasion I remarked that the chain was too tight, and it was loosened at my request.

978. Was that the chain on his arms, or round his body? Round his body.

979. Only on one occasion? Only on one occasion.

980. You never had any other instance? I never had.

981. On this occasion was that chain removed at the suggestion of a third party, or at your own request? It was loosened, I believe, at my own request. I had seen the man the day before, when he had a leathern belt. I was told that he had cut the leathern belt with a knife he had manufactured with a hoop off his kit. He feigned to be a lunatic. I remarked that I thought the chain was too tight, and that it was galling the man.

982. You did not notice at any time that his skin was cut or bruised from the effect of the irons? Never. I did not observe any recent bruises; I saw the marks of old bruises.

983. But not on his body or arms, from the tightness with which the chain was fixed on? No.

984. Had you any knowledge of the general character of this man, M'Callaghan? I have no knowledge at all, except that he feigned madness for a period—I cannot say how long, but certainly for some weeks he obviously feigned madness. He refused his medicine from everybody but from me. He never showed any violence towards me. I could go to him at all times and give him medicine. He would do what I told him when he was feigning madness at the worst. I heard of him being violent, but I never saw him commit any act of violence. He was very impertinent occasionally until he was brought to order.

985. *By the Chairman*: The fact of him refusing to allow anyone to administer anything to him showed anything but a pacific disposition? He was an excessively turbulent man in that respect. I could always, by simple persuasion, make him do what I wanted.

986. It was absolutely necessary that you should do the work the dispenser would have done if he had conducted himself like an ordinary man? Certainly.

987. Did any other instance come within your knowledge of persons in confinement having chains on them, or being treated with harshness or unnecessary severity? I cannot say that there has. I have seen men in irons, and I have been appealed to by prisoners as to whether the irons were not too tight. I remember on one occasion that they were. In that instance the prisoner was a remarkably large made man, and he had the largest shackles on; but I thought they were too tight, and they were removed. If there had been any cruelty I think I should have noticed it, and —

988. Do you know if this man M'Callaghan had irons on him at any other time than this occasion to which you have referred, when you ordered them to be removed? I did not order them to be removed; I merely suggested that they should be slackened.

989. Slackened? Yes. He was for a long time shamming insanity, and refusing to work or to do anything. I fancy that on one or two occasions I must have seen him with irons on, but I cannot speak as to how often.

990. Did Mr. Uhr, the Sheriff, have any conversation with you in reference to the treatment this man had to submit to? I had no conversation with Mr. Uhr.

991. At the time? No.

992. Mr. Uhr did not ask you whether you thought the treatment was not warranted? Certainly not.

993. Nor did Mr. Uhr suggest to you the propriety of pointing out to the gaoler the necessity of loosing the irons? No.

994. *By Mr. Morrice*: Do you know if Mr. Uhr was aware that the prisoner was in the state

G. H. Pringle, Esq., state you speak of? I cannot say. I have had no conversation with Mr. Uhr on the subject at all until this morning, when I saw him on the steamer, and he told me he thought the man had been harshly treated.

12 Dec., 1862.

995. I mean at the time you speak of? At the time I had no conversation except with Mr. Allen and the prisoner himself. I was requested by Mr. Allen to see him, and I saw him for some weeks while he was shamming. It became a delicate question whether he was really insane or shamming. I saw him every visit. I never saw anything that I thought wrong, except on that occasion to which I have referred, when I believed the irons were too tight upon him. I believed the man, using threats as he did, required coercion at the time.

996. *By the Chairman*: You were about to say, a short time ago, that if there were some cruelty you would have noticed it, and brought it under the notice of the Visiting Justice? Yes, I should have considered it my duty to do so, and have entered it in my book.

997. Did you ever make such an entry? No.

998. Then it is scarcely necessary to ask the next question, because I presume that no cruelty has been exercised? I should have mentioned it if I had seen any cruelty.

999. Did the gaoler ever complain to you of having his coat torn off his back by this man, and of being struck by him? I cannot recollect whether his coat was torn. I recollect the gaoler or the turnkey complaining that the man had assaulted him, and I knew that the prisoner was a very powerful man.

1000. Do you know whether he has been in the habit of breaking handcuffs? I do; I had ocular demonstration of that. On one occasion he was handcuffed and perfectly naked. He had torn his clothes to pieces, and was walking about the cell; he had plastered figures all over the wall, and altogether he was in a beastly condition. It was observed that he had spilt all the water over the floor; I thought at first that he had made water on the floor. He jumped up from the floor; and on going afterwards I was shown the handcuffs he had had on; he had worn them nearly through by grinding them on the floor.

1001. You saw them? Yes, I saw them, and I believe they were within the thickness of a halfpenny, having been worn down by friction.

1002. I presume you do not know who gave the order for his being fastened up? I do not.

1003. From what you have seen of his general conduct—the beastly way in which he disfigured the walls—the way in which he tore the clothes off himself—his going about naked—and his breaking the handcuffs—do you think he was a safe man to have loose? Not at that time. I believe his passions were roused. It is not for me to say whether gentler means might not have been more useful. At that time it was absolutely necessary to confine him. From what he said himself, he was determined to wreak vengeance on some of those whom he supposed to be injuring him—on Mr. Allen or the principal turnkey. To me he was always docile; but I think he required confinement of some kind.

1004. Might not all the things in this voucher (*produced*) have been supplied to the hospital without an order from you, or a requisition;—there is oil mentioned there—is that used in the hospital? I do not know what it could have been used for. We do not use lamps, nor do we use oil for dressing blisters. These matches might have been used, but the dispenser assures me that he did not order them, and I did not. There are 4 lbs. of liquorice and 1 lb. of tow. The dispenser tells me that a portion of the liquorice was ordered by him, as well as the brandy, for medical purposes.

1005. Look at the next voucher? Here is liquorice, which we are constantly using in the preparation of different mixtures.

1006. You never ordered them, but the dispenser told you that this was correct? Yes.

1007. There is an item for vinegar—do you use vinegar in the hospital? It might be used in cases of head affections, as a cooling lotion. I inquired of Mr. Austin whether he had ordered it, and he told me that he had not. Of course, when I am not there he has the power to order such things as this when they are absolutely required.

1008. There is also soap—is that used in the hospital? Of course soap is used.

1009. In that particular month was there any ordered? I never order soap for the hospital, that comes under the general supplies of the gaol. It may have been considered part of the medical requisites.

1010. Do you know what quantity of soap is allowed for the hospital? No, I do not; it varies I suppose from one week to another. Sometimes there are only two or three men in the hospital, and sometimes all the wards are full.

1011. Is it apportioned according to the number of people in the gaol, or according to the number of rooms? I do not know what the regulation is. My duty is to see that the things are kept clean.

1012. Will the gaol regulations inform me? Of course soap must be used. If I found the hospital dirty I should make a report upon it.

1013. You know, then, of no regulation regulating the quantity of soap, or whether any quantity of soap is allowed for the hospital? I do not.

1014. But you know that it is absolutely necessary to have such an article? I do.

1015. And as you say properly, if it was not there—? I should report.

1016. You have heard a remark made by Mr. Allen to me just now—that it is required for blankets and bedding and such things? Yes.

1017. And scrubbing the floor? Yes.

1018. And for washing articles of clothing? Yes, there are many things which require to be washed.

1019. Under those circumstances, then, that soap may have been supplied? It may have been supplied without any order from me or the dispenser.

1020. Your objection to certifying to that voucher being correct, was not because you thought the soap had not been used, but because you did not find that you had ordered such

a thing? I did not order it, and I had no recollection of such a requisition being handed to me before for soap; it might have been, but I declined to sign for anything I was not certain of.

G. H. Pringle,
Esq.

12 Dec., 1862.

1021. You have no doubt at all that it is regularly used? I know that it is.

1022. You cannot tell me what was the character of the complaints from which the patients in the hospital were suffering? I cannot. It is ten months back, and upwards of 2,000 cases come under my care during the twelve months. I cannot recollect individual cases.

1023. *By Mr. Holroyd*: Is there any record or diary kept of what the prisoners are brought into the hospital for? Yes.

1024. A case book? Yes, a book in which I make entries, when persons are sent to the hospital, of the treatment, and what alterations are made from day to day.

1025. *By the Chairman*: Is vinegar used for more complaints than the one you named just now—affections of the head? I do not know; many use it as a disinfectant, but we use chloride of lime or chloride of zinc, and have no use for vinegar except for the purpose I have mentioned. It might have been used in making medicines, but the dispenser assured me that it was not ordered by him for that purpose.

1026. *By Mr. Holroyd*: Who? The dispenser.

1027. The dispenser of the gaol? Yes.

1028. What is his name? Mr. Austin.

1029. *By the Chairman*: During the time you have been attached to the gaol have you ever heard any unkindness or harshness on the part of Mr. Allen towards the prisoners? No.

1030. What has been the character of his conduct towards the prisoners? I think he has been always kind towards the prisoners, as far as I can judge. I have heard them invariably speak well of Mr. Allen and his kindness—of course with the exception of such men as M'Callaghan, and where actual coercion is required. I can only speak of what I have heard and what I have not heard. I have never heard any complaints against Mr. Allen of unkindness to the prisoners; on the other hand, I have heard them speak well of him.

1031. *By Mr. Holroyd*: You have never seen any cases of harsh treatment towards the prisoners? I have seen none, except the one case where I asked that the chain should be loosened a little. I do not think that that was unnecessary harshness. I merely thought that the chain was too tight, and I had it loosened.

1032. M'Callaghan was the man's name? Yes.

1033. Is he there now? Yes.

1034. Was he under your treatment for any of the alleged injuries he received? Never for any injury.

1035. In Mr. Allen's time? In Mr. Allen's time.

1036. Neither from the chain nor from the handcuffs? Neither from the chain nor from the handcuffs.

1037. Did you see him when he was on the chain, or when he had the handcuffs on? I saw him frequently during that time.

1038. When he had the handcuffs on? I did.

1039. Did he make any complaint to you that he was unable to attend to the usual duties of nature? Never.

1040. He did not? He did not.

1041. *By the Chairman*: You mentioned just now about the wall of the cell being smeared over—was that with human ordure? It is difficult to say; it was plastered in so many places that I cannot say. He said he had done it with soap; he had a small piece of soap, with which he could make marks, but I do not think he had sufficient to make so many.

1042. Did you notice any offensive smell? No, the cell had the close smell which cells often have; there was no particularly offensive smell.

1043. Did you notice these violent turns more than once? It is so long ago that I cannot recollect distinctly, but I think I did.

1044. Was it the first time you saw him that you noticed this piece of soap? I rather think it was.

1045. Can you tax your memory as to the size of the piece of soap? It was a small piece, not much thicker than a penny-piece.

1046. You could speak with certainty as to that? I do not know what size it was when he had it.

1047. When you saw the walls smeared the second time, could it have been with the same piece of soap? Not the same piece he had before.

1048. *By Mr. Holroyd*: As far as you have formed an opinion, you think the marks were made with soap? I do not think so; he took the soap and showed me a small mark, but my impression is that it was not done so.

1049. Your impression is that it was done in some other manner—from filth? Yes.

1050. *By the Chairman*: And beyond this simple tightening of the chain there was nothing about his person that indicated that he had been harshly treated? There was nothing about his person that he ever called my attention to; he was generally perfectly naked, and walking up and down the cell in an excited state.

1051. Did you, at any time you went in when he was in that way, see any of his clothes lying about? Yes; it is difficult to recollect. Sometimes he certainly had no clothes on when he was walking about; on one occasion he had a jumper, partly torn, tied on by the sleeves, the other part of his body being naked; once he had a pair of trousers with one leg on and the other uncovered.

1052. You have seen his clothes torn? Yes, but I cannot say that I have seen them torn on more occasions than one.

1053. You recollect that portion of your examination where I asked you about Mr. Allen or some one of the officers complaining of being struck? Yes.

1054.

- G. H. Pringle, Esq.
12 Dec., 1862.
1054. You could not say whether it was the chief turnkey or the gaoler? I cannot.
1055. Can you recollect who it was that disclosed marks on the face of ill-treatment—you said something about one of them having received wounds on the face? I can merely say that I have an impression that such was remarked to me; but it was a thing I did not pay much attention to at the time. I do not think I prescribed anything for it; if I did there will be a record of it. There were a number of bruises, but I knew that the man was in the habit of being violent, and I was not surprised.
1056. Do you know whether the night-tubs, or any of the utensils in the cells, were broken? I have mentioned that this man, M'Callaghan, on one occasion made a knife out of a hoop of one of the night-tubs, and that with this knife he divided the leather belt by which he was attached to the chain.
1057. Do you recollect whether you have been informed by any of the officers of the gaol that he destroyed the bedding? I recollect being told that he had destroyed the bedding, and that he conducted himself as a furious lunatic, evidently with the idea of passing himself off as a lunatic.
1058. Can you tax your memory so as to say that you recollect seeing these things? I cannot.
1059. It is possible they might have been removed before you came to the gaol? Yes, they may have been removed before my time.
1060. Do you recollect whether you ever had occasion to dress the wounds of any of the turnkeys? I know that I have dressed some of the turnkeys for slight wounds from the prisoners, but I cannot remember now whether they were inflicted by M'Callaghan. I could have probably refreshed my memory in that respect by referring to the diary, but I know that I have on either one or two occasions dressed wounds for turnkeys; but, as I said before, whether they were in connection with M'Callaghan or not, I do not know.
1061. To return to these vouchers—articles may have been supplied to the hospital without your knowledge or without the knowledge of the gaoler, because the dispenser (you say) has authority to obtain articles? Yes, he has authority to send out a requisition; but that requisition would have to come in some way for a voucher to be presented for signature, through the clerk's hands, at any rate.
1062. Oh! the articles would be delivered to him? At the gaol; probably they would be delivered to the dispenser at once. For instance, in an urgent case the dispenser might send for twelve leeches, and the messenger would go for them at once, and the leeches would probably be brought in without delay. The voucher for the payment of these things would be produced afterwards in some way or other.
1063. Exactly, the general voucher; but you would have to depend upon the statement of the dispenser whether things had been received which you had not specifically ordered? Yes, but at the same time I could satisfy myself generally.
1064. In the absence of any suspicion of any impropriety, I suppose the usual course would be, that the dispenser would simply tell you that these articles have been received? I should ask him, if I saw anything I had not ordered myself, why it was there.
1065. Do you recollect ever dressing the head of a turnkey named Connor, for a blow from a stone? I recollect dressing the head of a man for a wound inflicted by a stone, but I cannot recollect whether his name was Connor or not.
1066. *By Mr. Holroyd*: Do you recollect whether he was one of the turnkeys? Yes.
1067. *By the Chairman*: Can you recollect by whom the blow was inflicted? I cannot.
1068. *By Mr. Dangar*: Did you see the prisoner John M'Callaghan in irons? I did.
1069. Where was the chain placed? I saw him on different occasions. One time he had a belt round his waist, and on another occasion he had a large chain.
1070. Was it tight on? On one occasion it was so tight that I asked to have it loosened.
1071. Are you aware who ordered that chain to be placed on the man's body? I am not.
1072. You are not the Visiting Surgeon now? Yes, I am the Visiting Surgeon now.
1073. Then you have seen this man I allude to, recently perhaps? I have not; he has not been on my list for the last two or three months. His name was down yesterday for me to see him, but he had recovered. He may have been sick from the heat of the sun, but he had gone to work in the morning.
1074. Are you aware if the punishment which has been inflicted has been the means of his becoming a better subject? Certainly; his confinement in the cell, his being kept on bread and water, and his finding out that he could not palm himself off as a lunatic, have restored him to his senses; but as to whether he has become more docile by being severely treated, I cannot say. For several weeks he simulated violent madness during his treatment in the cells. One time he refused to take food for several days, but he gradually grew tired of that, and came to his senses.
1075. Your opinion, as a medical gentleman, is, that the punishment he was sentenced to was necessary? I think it was necessary to put him in the cells; I can hardly give an opinion as to the necessity of putting a heavy chain upon him; he certainly required confinement of some kind. I think had he not been confined he would have done some injury to Mr. Allen or to some of the turnkeys.
1076. *By Mr. Holroyd*: You looked upon this as a case of simulated madness? Yes.
1077. *By Mr. Dangar*: When he was brought up and the Visiting Magistrate and Surgeon had occasion to punish him —? I do not know anything about the Visiting Magistrate; I have only to do with the health of the prisoners.
1078. But, as Visiting Surgeon, you know that he was frequently punished? I knew that he was frequently in the cells; and on this occasion he was in the cells for a considerable period. I believe there was a necessity for punishing the man, and that he required severe treatment.

Richard Greenup, Esq., M.D., called in and examined:—

R. Greenup,
Esq., M.D.

1079. *By the Chairman:* You are Visiting Justice of the Parramatta Gaol, I believe? Yes.

12 Dec., 1862.

1080. How long have you been Visiting Justice of that gaol? Three years to-day; that is, the first visit I made as Visiting Justice of the gaol was on the 12th December, 1859.

1081. How often do you visit the gaol? My regular visits are twice a-week, but I visit besides at irregular times.

1082. What do you do when you go to the gaol on your visits? The regular duties of the Visiting Justice are in the printed rules; they are principally to see as to the state of the prisoners. I do not know that he has strictly any other duty than to see in what state the prisoners are. I see the gaoler has got the gaol regulations here.

1083. These (*documents referred to*) are instructions for Visiting Magistrates? They are taken from the Act of Parliament, I believe.

1084. Do you recollect a prisoner of the name of M'Callaghan? Yes.

1085. Was he confined in the gaol? Yes, he has been there twice, I think, since I have been there, on two different charges.

1086. Where did he arrive from first, do you recollect? I do not know, I do not see the warrants; I find them there, and if there is any inquiry about the prisoners I refer to the warrants, but not necessarily or generally.

1087. Are you aware that this man has been confined in one of the cells? Yes, he was confined in the cell by my order occasionally. All punishments, I beg to observe, are entered in the punishment book.

1088. We have already taken notice from this book that he received a sentence of six months in irons from two Justices, yourself and Mr. M'Crea, I think? Yes.

1089. Do you recollect him being confined in a cell, with a chain round his body? I dare say he was, I am not certain. The gaoler, without reference to the Visiting Magistrate, has power to keep a man in irons for forty-eight hours—that you will see in the gaol regulations. And as to the chain being round his body, to be handcuffed in that way to a chain is not so severe as having the handcuffs on the wrist. If a man has a chain or strap round his body, and is handcuffed with his hands near, he can use his hands better than when his wrists only are chained together.

1090. What was the conduct of this man? Generally very bad.

1091. Has it ever been reported to you that he has assaulted the officers of the gaol, or torn his clothes or bedding? I think he was twice before me for assaults. I think the sentence in irons was for assaults; once or twice afterwards he was up for similar offences. He was a very violent tempered man.

1092. Do you recollect ever seeing any of the officers of the gaol with wounds on their faces or persons, said to have been inflicted by him? I do not know in the face, but certainly on the head. I am not quite certain that I have not seen one with wounds on the face too.

1093. Do you know who it was that exhibited these marks? I do not recollect his name, but it is all in the Petty Sessions book.

1094. Do you know whether he ever destroyed any of the utensils he had in the cells, or the irons that were on him—whether he broke them? I do recollect that perfectly.

1095. Will you state what you remember in reference to that circumstance? He was fastened with handcuffs. He and others had power of snapping their handcuffs. If he found he could not snap them he would rub them on the ground. I think I have seen two or three pairs of irons that were shown to me as having been broken by him, but I never saw him break them.

1096. Have you ever seen any violence in his conduct when you have been present yourself? In the conduct of M'Callaghan?

1097. Yes? No, I cannot say that I have seen any violence; generally when I was there, there was force enough to put it down. I have seen him very insolent, but I do not think I ever saw him attempt to strike anybody.

1098. Was he considered a lunatic or otherwise? Well, he was certainly considered a lunatic. He was taken before the surgeon, as showing what might be lunacy, and he was visited by the surgeon several times, I think, for what the surgeon considered, and what I considered, simulated mania.

1099. Do you know whether you had occasion to give any order to fasten him with a leather belt, at any time, round the waist, in consequence of his violence? I do not remember that I gave any order of that kind, but I was cognizant of the fact that he was in irons—I do not recollect the length of time.

1100. Did you ever see any marks on his body from wearing iron round his waist? No.

1101. Did you ever observe whether it was unnecessarily tight on him? If he had complained of it to me, I should have examined him. The only tightness required is that he should not be able to slip it over the hips. If it were fastened so tight that he could not slip it over the hips, it would be tight enough. I do not know that my attention was ever called to the state of the tightness of it.

1102. Did you ever notice his wrists? Yes, I believe his wrists were chafed.

1103. How long is that ago? I cannot tell how long; but I believe his wrists were chafed, and when I asked how it was, I was told that he was in the habit of rubbing the irons on the ground.

1104. *By Mr. Holroyd:* Then his wrists were not chafed on account of the handcuffs being too small, but in consequence of his rubbing the handcuffs on the ground and attempting to destroy them? Yes.

1105. *By the Chairman:* You say he was one of those men who could snap the handcuffs?

R. Greenup,
Esq., M.D.

12 Dec., 1862.

Yes, I have seen a man show me how he could do it; he would require a few minutes' preparation, and then slip his hands out of the handcuffs.

1106. Do you recollect having your attention drawn to the walls of his cell being smeared with filth? Yes, I think I saw it; I know it was reported to me, and I think I went to look at it too—I think I must have done.

1107. Do you recollect at any time before this chain was put round his waist whether he had a leather belt on? I do not remember.

1108. Do you recollect whether a report was made to you of the night-tubs in the cell being damaged—did you ever hear of a hoop being taken off one of the night-tubs, and sharpened so as to cut? I do not remember.

1109. Have you at any time seen his clothes or his bedding torn? Yes, I am pretty certain that I have seen his clothes torn.

1110. Do you know whether the blankets he had were torn? I think on one occasion they were brought to me as torn, but I would not be quite positive of that; if it were so, it ought to have been put down in the offence book, and I dare say it is.

1111. You say if he had ever complained to you of this chain being too tight, you would of course have ordered it to be loosened? Certainly.

1112. But no complaint of that kind was made? No, I believe not; I do not remember any. It is my duty to attend to any complaint made by the prisoners, and I have no doubt that I should have attended to this had the complaint been made.

1113. During the three years you have been Visiting Justice of the gaol, what is your opinion in regard to Mr. Allen's conduct as a humane man towards the prisoners, or otherwise? Mr. Allen is what most people are who have been very much with prisoners—he certainly was a strict gaoler.

1114. Do you think it is not necessary in that position to be strict? Yes, I certainly think it is. It would have been my duty to have objected to any undue strictness or severity, and if ever I had seen it I should at once have spoken of it.

1115. But with reference to this man,—did you ever hear that Mr. Allen was unnecessarily severe in his treatment towards him? I do not remember that I ever thought him unnecessarily severe; McCallaghan was a very difficult man to manage. I remember when he was first brought up before me, after my appointment, he was said to be a man of that character that he would commit offences for the purpose of being punished; and I said, "Then I will disappoint him," and I did not punish him.

1116. They seemed to be generally satisfied with the discipline he was carrying on? There was not much complaint; and so far as the prisoners are satisfied —

1117. They are not very easily satisfied, are they? No, it is a very difficult matter indeed to satisfy them sometimes; I do not know a more difficult position.

1118. Have you had any complaints made by the Sheriff of the conduct of Mr. Allen? I do not remember that I have.

1119. Did he ever complain to you about a horse being kept there—about Mr. Allen's horse being kept in the gaol, and a horse belonging to the Government being kept outside the gaol—do you recollect that being mentioned? No.

1120. By Mr. Uhr? No, neither by the Sheriff nor by anybody else.

1121. Used you to see Mr. Uhr occasionally up there? Yes, occasionally.

1122. You say you visited the gaol twice a-week? Yes.

1123. Had you stated days for your visits? Yes, Tuesdays and Fridays.

1124. And you have been in the habit of going at stated hours? Yes, within half an hour or an hour of the time; generally about eleven o'clock in the morning.

1125. At other times you visited it without any warning or preparation on the part of the gaoler? Yes; all that can be shown in the visitors' book. I write my name in the visitors' book every time I go.

1126. And the hour of your visit, I suppose? No.

1127. Only the day? Only the day. Last night I went at 4 o'clock; I just walked round the gaol, because I could not go to-day. I used first to hear any cases which might be entered in that book (*punishment book*).

1128. That is the book which contains charges preferred against the prisoners? Yes. It is shouted out that anyone who wants to see the Visiting Magistrate may do so—that he is ready to hear them. Then a number of them come in. Those are not all put down; but as many of them came very frequently, I had a book to put down their names in and any trifling request they might make.

1129. Have you heard any complaint on the part of the prisoners about the rations? Oh, yes, frequently.

1130. I know it is a fertile source of complaint—have these complaints been as to the quality or the quantity, or both? Both.

1131. I presume you then investigate as to the quality and quantity also? I do not investigate as to the quantity so much as to the quality; it is the gaoler's business to see to the quantity. It is generally, I believe, handed over to the principal turnkey; it may be his business (but of this I am not quite certain) to weigh everything that comes in. By the ration scale the gross quantity is clearly marked. If there is any complaint of quality I generally hear of it.

1132. Is there any fixed regulation with reference to the scale of rations for the prisoners in the gaol? There is a strict scale.

1133. Is it published? It is published in all the ration accounts.

1134. I mean, is there any printed regulation published? I do not know.

1135. I suppose you cannot tell me what the scale is from memory? I can tell you from memory what they receive, for it was before me the other day. The meat is very poor just now.

now. It is the gaoler's duty to see that the full weight is served out. Of course bony meat loses a great deal of weight in the cooking, and when I was first appointed I found that the mess of cooked meat for four men was put at one and a half pounds—that was only six ounces for each man. As I did not think it enough, I tried some experiments in the different establishments to which I belong, and I found that with the common ration of meat they ought not to have less than eight ounces of cooked meat per man. I gave that order, and wrote it out in my own memorandum book, which is kept at the gaol. What makes me know it particularly is, that it was told me that now the meat is poor they could not weigh out the eight ounces per man of cooked meat; I said then the contractor must send so much more meat to enable them to do it—that it was not fair they should have more bone than would allow eight ounces to be weighed out.

R. Greenup,
Esq., M.D.

12 Dec., 1862.

1136. Do you know what the scale of soap is? I do not know.

1137. You do not know what quantity of soap is allowed, or what is the scale of allowance? I do not know. I have seen the men with two or three bits of soap, but I do not know what the scale is; it is all on the ration paper.

1138. When was this chain put round M'Callaghan? I do not know; I do not remember.

1139. *By Mr. Dangar*: Was it ordered off in your presence? No, not in my presence; I do not think it was ordered off when I was present.

1140. You ordered it to be put on? I did not order it to be put on, but I allowed it to be kept on. As I said, the gaoler has the power of putting a man in irons, and keeping him in irons for forty-eight hours, without reference to me. When a man is guilty of striking, I have found it necessary occasionally that the irons should be kept on longer.

1141. *By the Chairman*: Can you recollect where M'Callaghan came from, or how he came into the gaol? No, I cannot; he was in the gaol, I think, when I was first appointed. He was subsequently discharged, but in three or four months he was back again.

1142. *By Mr. Holroyd*: Have you had many complaints made by the prisoners of the treatment of Mr. Allen towards them? I cannot say that I have had.

1143. Have you had occasion to complain to the contractor of the quality of the provisions sent in? Very often in the course of the three years.

1144. I mean in the course of the three years? Very often; in fact it was one of the most troublesome parts of my duty—speaking about the rations, because occasionally I thought the prisoners complained without reason, and it was very difficult to satisfy them; occasionally the contractor thought the complaint without reason, and it was very difficult to satisfy him. Now, if there is any complaint, there is generally a board called at once.

1145. A board from Sydney or a local board? A local board. Formerly, if a ration was objected to, it was generally, I think, first taken before the Surgeon, if he happened to be there, and if not it was brought before me. The bread was generally the source of complaint, and if this was bad they sent word to the contractor to take it back, and if he refused a board was called; but often he took it back without a board being called, knowing that it was bad.

1146. By whom is the board called—by you? That is in the contract papers—by the objecting party.

1147. And if a prisoner is the objecting party? The prisoner has no right to call a board. A prisoner is represented by his officers and the Visiting Magistrate and the Surgeon.

1148. If the prisoners objected to the quality of the rations would you call a board? If I agreed with them.

1149. You would not have to refer to head quarters? No.

1150. How many did the board consist of? One party chosen by the gaoler, one by the contractor, and these two must call upon a third.

1151. *By Mr. Dangar*: Have there been many complaints made to you of Mr. Allen's severity or harshness of conduct towards the prisoners? No, I cannot say there have been many complaints.

1152. Do you think he was justified as regards the treatment of this man, M'Callaghan, from time to time? Yes, I think he was.

1153. You perhaps are aware that harshness is charged against Mr. Allen? Yes, here I have been told that it is.

1154. Do you still think that Mr. Allen only did his duty as a gaoler? I think Mr. Allen was obliged to treat this man severely.

1155. In that particular case? In that particular case.

1156. *By the Chairman*: I presume if you had not thought so you would have ordered the irons to be taken off? It would have been my duty to have done so, and I think I should have done so.

1157. With reference to the Government horse—was there such a thing as a Government horse attached to the gaol at Parramatta? I think there are two; certainly there is one.

1158. Have you seen it frequently? Yes, frequently; I saw it almost every day.

1159. Do you know whether that horse has been ill-used or abused in any way whatever? It was ill-used once or twice by the messenger, who was either dismissed or severely reprimanded for it. That was in Mr. Allen's time, I think.

1160. *By Mr. Holroyd*: Did you notice if, in Mr. Allen's time, the horse fell off in condition at all? If Mr. Allen had been appointed, and the horse had been fat before and had fallen off afterwards, I should have noticed it; but Mr. Allen was there, and the horse was there, at the time I was appointed.

1161. Within Mr. Uhr's time, during the last year and a half, have you noticed whether the horse has fallen off in condition? No; it is very fat now, because they give it a portion of the waste hominy.

1162. Oh! it is placed on gaol rations now, is it? It always had rations.

- R. Greenup, Esq., M.D.
12 Dec., 1862.
1163. But not hominy? No. I am not certain, I do not think they give it hominy now, because the hominy is sold—all the waste of the gaol is sold now, I think.
1164. For the benefit of the Government? No; the Government gave it to the Benevolent Asylum at Parramatta, and it is sold for their benefit.
1165. *By Mr Dangar*: When Mr. Allen was suspended, Mr. McCormick took charge? Yes, he was put in charge.
1166. *By the Chairman*: Do you know whether there are any regulations in force for the guidance of the Visiting Surgeon of the gaol? I believe there are; I was Visiting Surgeon myself for several years, and I believe there are certain rules, but I forget what they were.
1167. *By Mr. Holroyd*: According to these regulations should not the surgeon keep a record of the state of the prisoners who are sick? We always keep a journal, in which is entered the names of the prisoners, and I think the disease from which they are suffering.
1168. Is tobacco used now amongst the prisoners in the gaol? Yes.
1169. How long has that been allowed? I do not know, but I think about three months.
1170. By whose order was it supplied? By the Sheriff; and a very good order it is, I believe.
1171. It was supplied by the Sheriff's order? Yes; I was always very anxious that it should be allowed. If you look through the punishment book, you will see that half the punishments were for getting in tobacco. By allowing tobacco in the gaol you have taken away a great element of quarrel between the authorities and the prisoners.
1172. Are you aware that it is prohibited in all the English gaols? I dare say it is; but I think it is so easily carried in, and the men are so determined to have it, that it is almost like holding out a bonus to contention to refuse it. By giving tobacco the quarrels between the turnkeys and the prisoners must be infinitely less numerous.
1173. Would you not consider that tobacco given to the prisoners in the gaol is allowed to them as a luxury? Clearly.
1174. Does not that do away with a great deal of the effect of prison punishment and prison discipline? No, I do not think it does.
1175. Do they purchase it, or do they have it given to them as a ration? Any man who works, and keeps a fair character, is allowed it; I forget whether he is allowed half a fig or a fig a-week.
1176. Then he has not to pay for it; or, if he has to pay for it, does he pay for it out of his own earnings? No, it is entirely done by the Government, and there is no charge made to the prisoners for the tobacco supplied to them.
1177. Then those who do not smoke do not get anything in lieu of the tobacco? No.
1178. Is it also allowed in the female department? I think not, but I am not quite certain.
1179. Have you noticed any boys smoking in the gaol? It is not allowed to any of the prisoners under twenty years of age.
1180. Have you seen the last work published by Mayhew, on Prison Discipline? No, but I have read through the reports of the Irish management, for six or seven years.
1181. *By the Chairman*: It has been the constant practice, I believe, to employ at work some of the prisoners in the gaol? All the prisoners committed and sentenced to hard labour must be employed in some kind of work.
1182. Is there any record kept of the quantity of work done by each man in the gaol, do you know? I do not know that there is a record; the results of the work of course appear.
1183. In what way do you arrive at the results? Against the stone-cutters there is a record, but against others I do not know whether there is a written record kept. The shoemaker has to make so many shoes, and the hatmaker so many hats, and so on.
1184. Is this done without charge, or is money received for it by officers of the gaol, on account of the Government? The things are sold.
1185. *By Mr. Holroyd*: The raw material is purchased by the Government, the manufacturing is done in the gaol, and then the things are sold by the Government auctioneer, I think, Mr. Staff? Yes.
1186. Then the prisoner gets half the profit of the Government, less a small sum for the raw material? The prisoners get nothing.
1187. *By the Chairman*: Does the whole pass to the Government? Yes, all, except Mr. Staff's commission.
1188. The proceeds of the sales will give you some idea of the work done? Oh, nothing like it, because all the stone-cutting is done for the Government—all the most expensive work done by the carpenters and blacksmiths is done for the Government.
1189. You can tell what has been realized every month by the sale of articles worked up in the gaol? Of course, we know what is realized by the sale, because the gaoler makes an affidavit in reference to that before me or some other Magistrate.
1190. And a record is kept of it, I suppose? Of course, that is in the accounts.
1191. Since Mr. Allen left, can you state from memory whether there has been an increase or a decrease in the proceeds of the sales of goods manufactured in the gaol? I cannot say; I believe it is very small now; but I cannot say whether, immediately on his going, there was an increase or a decrease. All the accounts are there, and can be easily referred to.
1192. *By Mr. Holroyd*: Is there much stone now brought in and cut in the gaol, and sent out? There is none now cut for private hands.
1193. That practice has been discontinued then? Yes; for two or three years all works for private hands have been discontinued, with the exception of that done by the sempstresses on the women's side.
1194. Is there anything done by the women, as laundresses, for the people outside? No.
1195. Since tobacco has been given to the prisoners, have you had any complaint from the prisoners themselves about the quality of the tobacco? No, I do not think I have.

1196. As to whether the Government were issuing colonial instead of American tobacco? R. Greenup, Esq., M.D.
I believe it is colonial.
1197. And have they complained about its being colonial? I do not remember that they have—I think not; if they had, I should have heard of it. 12 Dec., 1862.
1198. Who finds the pipes—the Government? Yes.
1199. *By the Chairman*: During the whole time you have been Visiting Surgeon to the gaol, has Mr. Allen had a horse of his own? Do you mean during the whole time I have been Visiting Surgeon and Visiting Justice?
1200. Do you mean the Visiting Surgeon or Visiting Justice? I have only been three years as Visiting Justice; but I have known Mr. Allen since my first appointment, ten years ago, as Visiting Surgeon, and I believe he has always had a horse.
1201. In the gaol? I do not know whether he has had it in the gaol, but he has always had a horse.
1202. Since you have been Visiting Justice? I do not know whether he has had it in the gaol;—yes, he had, he had a stable there; and it was the same when I was Visiting Surgeon. I remember that now, because there was some dispute as to whom the materials belonged—to the gaol or to Mr. Allen.
1203. *By Mr. Holroyd*: That question arose when he was being dismissed? I forget whether it was at that time, or before the stable was removed and something else put up. Nothing else was put up until the old stable was pulled down, and I think it must have been after he left.
1204. *By the Chairman*: Will you state your opinion as to Mr. Allen's general conduct and character as a gaoler? I always considered Mr. Allen a smart, strict gaoler; it is necessary, I think, to be strict with prisoners.
1205. *By Mr. Dangar*: You are aware, Dr. Greenup, that there were two charges investigated against Mr. Allen previously, but perhaps that was before your time? In my time I think there have been either two or three investigations.
1206. And he was always —? He was always acquitted.
1207. *By the Chairman*: You know Mr. Elliot, formerly Police Magistrate at Parramatta? Not since his appointment as Police Magistrate.
1208. At the time he was Police Magistrate were you resident in Parramatta? No, my first acquaintance with him was when he had some office connected with Sydney; I think Mr. Forbes was Visiting Magistrate almost all the time that I was Visiting Surgeon.
1209. Have you ever heard from Mr. Forbes an expression of opinion as to what he thought of Mr. Allen? I think so; I never heard that he was spoken of unfavourably.

Mr. James Green called in and examined:—

1210. *By the Chairman*: You are gaoler of the Parramatta Gaol? Yes. Mr. J. Green.
1211. When were you appointed to that office? On the 4th July last. 12 Dec., 1862.
1212. Do you produce the prisoners' private account book? Yes. (*Book produced.*)
1213. Is that a book which purports to contain an account of moneys found on the prisoners when they are received into gaol? Yes.
1214. Who makes these entries? Mr. Hargrave.
1215. The clerk of the gaol? Yes.
1216. This commences in the month of October, 1860? I do not know anything about that.
1217. But it does commence there? Yes.
1218. And you continued to keep up the account yourself? Yes, just in the same way. It would be entered in that book when the prisoner came in, and showed to him when it was paid to him on going out.
1219. This is called the requisition book (*book produced by witness*)? Yes, that I got done; it is during my time, the whole of that.
1220. Oh! this is all in your time? Yes.
1221. Do you know what is the quantity of soap allowed in the gaol? I would have to look at the ration book to tell you.
1222. Here is the ration book—you produce also the old requisition book in Mr. Allen's time? I produce the butts of the requisitions.
1223. Have you got any of the hospital books? No, there is no hospital book kept. Sometimes I get books from the hospital; sometimes the doctor desires me to send for things when he requires them—a dozen eggs, or the like of that.
1224. Do you make out vouchers at the end of the month? Yes, we make out vouchers at the end of the month.
1225. From the butts, and from the ration book? From the ration book.
1226. Show me where you have entered these things in the ration book (*extract referred to*)—what are these facts here? Hospital ration account—20 lbs. soap for washing purposes. A ration of soap is drawn for the prisoners.
1227. This is drawn for the prisoners to wash their clothes? It is drawn for washing prisoners' clothes or blankets.
1228. Whether they are in the hospital or not? Yes.
1229. You enter it under the head of hospital rations, although it is not for hospital purposes alone? Yes; that 20 lbs. is used for every dirty sheet.
1230. What voucher would you put that in when you wanted to get it signed for—would you put it down among the hospital accounts? I really think it is in the hospital accounts; if I saw one of the vouchers I could tell.
1231. It appears that there was no fixed principle to guide you? It must be by the heading of the vouchers. 1232.

- Mr. J. Green. 1232. An article is received and entered here under the hospital ration account, although it is not for the hospital alone, but for the general purposes of the gaol? I understand that.
- 12 Dec., 1862. 1233. Do I understand you that you do not consider it to matter whether you put it under the hospital account or under any other account for the gaol, so long as it is received and charged? Oh, no, so long as it is charged, and so long as we are sure that it has been drawn for the purposes for which it is required.
1234. And this soap, you say, was for the general purposes of the gaol, and for the hospital too? Yes.
1235. That was in the month of November—that was only last month;—have you sent in your accounts for the month of November? Yes.
1236. Can you call to mind under what particular head you charged that particular item? I cannot.
1237. How many vouchers have you sent in? We have three contractors, and there is a voucher each.
1238. Do you know, with reference to that item, whether the Visiting Surgeon would vouch for that? The Visiting Surgeon—I think he does.
1239. Are there any other things received for the use of the gaol, independent of the hospital, that are put under this head as well as this article of soap to which we have just referred, can you tell—"14 lbs. of oatmeal,"—what was that for? That was for the hospital.
1240. And "18 lbs. of tobacco"? That was drawn for the hospital in October, 1862.
1241. For the hospital? Yes.
1242. *By Mr. Holroyd*: Was that all consumed in the hospital? No.
1243. But you say it was all for the hospital? It was not all for hospital use.
1244. That is not all used in the hospital? No.
1245. Who get it besides the people in the hospital? The other prisoners—it is allowed by the Government.
1246. Under what voucher does the tobacco appear which is issued to the prisoners who are not in the hospital? I cannot answer that without I see the voucher.
1247. Can you tell what quantity was used in the hospital, and what was consumed by the general body of the prisoners? No, but that has been used.
1248. You cannot tell, by reference to this, what was used in the hospital and what by the general body of the prisoners? No; they get an ounce each.
1249. An ounce each? Yes.
1250. Have those who are not in the hospital any limited time for smoking, or do they smoke at their work? They are allowed to smoke at six o'clock in the morning.
1251. Do they smoke at any other time? Yes, at eleven o'clock they get tea and have a quarter of an hour to take another smoke.
1252. And again? And again at five o'clock.
1253. They smoke a third time? Yes.
1254. And do they smoke again after that? No.
1255. They smoke three times a-day? They smoke three times a-day.
1256. Supposing a prisoner gets tobacco and does not consume it, does he hand it over to the other prisoners? He can do so; I have nothing to prevent it.
1257. Therefore, any prisoner over twenty years of age who may draw tobacco and not smoke it, may hand it over to other prisoners? He can.
1258. *By Mr. Dangar*: Is that an ounce per week? Yes, an ounce a-week.
1259. *By Mr. Holroyd*: That would be about a fig? A fig or a little more. If it was a small fig, and you only gave them a fig, they would say that they had not their allowance.
1260. Can you give me any idea in what voucher that tobacco is included which is given to the prisoners? There is a voucher sent to the contractor for that.
1261. Who signs that? I sign that.
1262. Does it come through the medical comfort voucher or the surgeon's voucher? One comes through the medical comfort voucher and another through the surgeon's voucher; when I apply, I apply for a certain quantity of tobacco.
1263. And who supplies it? Mr. Devlin.
1264. Both to those in the gaol and those in the hospital? Yes.
1265. Is the tobacco colonial or foreign? I believe that some of it is colonial.
1266. And some of it is foreign? Yes, some is foreign.
1267. Have you not had complaints on the part of the prisoners that some of the tobacco has been colonial? Yes, it has been refused by them.
1268. Answer my question? There have been complaints.
1269. There have been complaints on the part of the prisoners that you have been issuing colonial tobacco instead of American, is that so? It is a fact.
1270. And it is only three months since it was introduced? Yes.
1271. Have these complaints been made frequently—how many times? Only once.
1272. What did you do in that case? I returned it to the contractor. I said that it was refused by the prisoners, and that he must send a better quality, because the prisoners would not use it.
1273. In your opinion would the man who complained have rather smoked colonial tobacco than not have smoked at all? I think he would.
1274. But he preferred that it should be sent back and American tobacco substituted? Yes.
1275. *By the Chairman*: Tea is provided, I understood you to say, in the middle of the day? Yes, they get tea at eleven.
1276. And a smoke? Yes.
1277. They have tea and a smoke? Yes.
1278. And do they get tea at six? No, at five.
- 1279.

1279. *By Mr. Lackey*: What is the meal at eleven? That is tea they have then. Mr. J. Green.
1280. Have they nothing to eat—no cheese? No; bread.
1281. *By Mr. Holroyd*: Then they have tea again with their tobacco at five in the evening? 12 Dec., 1862.
Yes.
1282. And are they not allowed to smoke after dinner? No.
1283. What time do they dine? At one o'clock.
1284. Do they not complain that they cannot have a smoke after dinner? No.
1285. They have not complained yet? No.
1286. I suppose if you withheld the indulgence they would complain? Yes, I suppose so.
1287. Who fixed the times for the smokes during the day? It was left to me. They were not to smoke during working hours.
1288. They do not go to work immediately they have bolted their dinner? No, they are locked up during dinner.
1289. How long are they allowed for dinner? An hour.
1290. How long do they take to eat their dinner? Half an hour.
1291. In that interval between dinner and going to work, if they required it would you object to letting them have a smoke? It would be against orders.
1292. You say you fixed the time? It would be against orders; it would be against the cleanliness of the place.
1293. But you say that you fixed the times—supposing they wished to smoke again at dinner time—the time gentlemen generally smoke—would you object to their smoking? Yes.
1294. Why? Not until I saw the Visiting Justice.
1295. You say you gave these orders? I say they might smoke three times a day.
1296. The Visiting Justice has nothing to do with the ordering of it, has he? I acquainted him with the order.
1297. That was, after you had given the order, he sanctioned it? Yes.
1298. If you allowed them to smoke after dinner, would not he sanction that? No doubt he would, and if he did I would not object to it.
1299. Well, if you had given the order, of course you could not;—do you not think it a great privation that these men should not be allowed to smoke? I believe so.
1300. Do you smoke at all? I do.
1301. Do you smoke after dinner? I do.
1302. Do you not think it would be a great luxury to the prisoners to be able to smoke as well as you? I think it would, but I think they are getting plenty.
1303. *By the Chairman*: How much tobacco do the prisoners get? An ounce weekly; about a quarter of an inch more than a fig.
1304. Is that given to them every Monday morning? Yes, every Monday morning.
1305. *By Mr. Holroyd*: Are the pipes entered in the voucher for medical comforts? I believe they are; they can't smoke without a pipe.
1306. Who finds the matches—do the Government light their pipes? I have not bought any matches; before they were allowed to have matches they had tinder.
1307. How did they get tinder? They made it of rag, by striking a light with their flint and steel.
1308. They strike lights with their flint and steel, and that is the way they light their pipes? It is.
1309. And flint and steel are permitted there? Well —
1310. *By the Chairman*: Have you noticed whether they smoke at night? I have seen a light at night, and I found that they had matches.
1311. Where did they get them from? They can get those things in spite of us at times.
1312. Are you not supposed to make a record of that kind of thing? Of trifling things of that kind I do not.
1313. You do not consider lights in the cells at night a trifling matter, surely? There was a light struck, and I called the man up the next morning.
1314. But you have no record of any such thing in your diary? No.
1315. *By Mr. Lackey*: Do you keep a diary? I have a private one of my own.
1316. *By the Chairman*: I mean, have you got an official diary, which you keep as a gaoler? No.
1317. Are you not, by the regulations, required to keep a journal of transactions—to make a record of any breaches of the regulations that occur—is it not required by the regulations? It is.
1318. *By Mr. Holroyd*: I think you say that you do not keep a journal—do you keep a journal of this kind, as provided by the 20th regulation:—"Every gaoler shall keep a journal, in which he shall record all the punishments inflicted by his authority or by that of the Visiting Justice, and the cause thereof, and the day when such punishment shall have taken place, and all other occurrences of importance within the said gaol, and such other books, inventories, &c., as shall be required of him, particularly an inventory of all fixtures and furnitures in the gaol, an account of all expenses incurred for the gaol, the number of persons daily rationed in it, and an account of all moneys or other articles received for the use of the prisoners, or taken from prisoners on their entrance into the gaol";—have you ever, since you have been gaoler at Parramatta, kept such a journal as that? Yes.
1319. Have you got it now? No. I have one here—I think this is it (*punishment book*).
1320. Does that combine all these particulars? No, not in one journal.
1321. *By the Chairman*: That is the punishment book, and not a journal? It is not.
1322. *By Mr. Holroyd*: Have you got a journal in which you record all punishments, and their dates, and all occurrences of importance within the gaol? Certainly.
1323. All these things ought to be put in one journal—the number of prisoners, the daily rations, an account of the money taken, and so forth? Certainly. 1324.

- Mr. J. Green. 1324. That is this journal? No, that journal is not here.
1325. Ought you not to enter such a circumstance as a man wishing to have American tobacco instead of colonial? No, I think not.
- 12 Dec., 1862. 1326. *By the Chairman*: You say you have seen lights in the cells at night—do you keep a record of those circumstances? I keep a private record of it.
1327. But this is to be a public book, kept by the gaoler? I have not a book like that.
1328. Have you not had any book of that kind since you have been there? No.
1329. Have you in any other book made entries (call it by what name you like) of such occurrences as that of a man refusing to take colonial tobacco and demanding negrohead; or of matches being found in the cells at night—is there any entry made of such occurrences? There is an entry made of the refusal of the tobacco; it is in the letter book.
1330. James Devlin, for extra articles—there is so much bread;—is that for the general body of the prisoners? Yes.
1331. This (November, 1862) is an account sent in to the Government of articles received for the gaol? Yes.
1332. 1,770 lbs. of bread, at so much per pound—what is that for? For the half pound of bread that every prisoner gets in the evening.
1333. $93\frac{1}{4}$ quarts of milk—is that for the hospital? Yes.
1334. One dozen eggs? That is for the hospital.
1335. $\frac{1}{4}$ lb. of tea? For the hospital.
1336. $\frac{1}{2}$ lb. of sugar? For the hospital.
1337. 20 lbs. of soap? For washing.
1338. But for what particular use? It is for washing purposes.
1339. For the purpose of washing what? Dirty clothes.
1340. What clothes? The clothes of the prisoners.
1341. In what part? Prisoners in general.
1342. Has that all gone in one account? It has all gone in one account.
1343. That is last month? Yes.
1344. All these items have gone in one account to the Government;—have you made out one voucher headed, “The Department of the Gaol at Parramatta, indebted to Mr. Devlin,” and then set out those items? I believe that 1,770 lbs. of bread is in a voucher by itself; I directed it to be done so, and not to have it mixed up with the doctor’s things.
1345. And the soap has gone into these vouchers, it appears? Yes.
1346. That is for the general purposes of the gaol as well as the hospital? Yes.
1347. Has that voucher been certified by the Visiting Surgeon? Certainly.
1348. It is necessary that the Visiting Surgeon should sign it before it can be passed? He must sign it. That item I had to leave out; I thought it was wrong to have it in the Visiting Surgeon’s voucher.
1349. These articles—milk, eggs, tea, and sugar—by whom were they ordered—can you state? They were ordered by Mr. Austin, for Dr. Pringle.
1350. *By Mr. Lackey*: That is, by the dispenser? By the dispenser.
1351. *By the Chairman*: You signed this requisition? Yes.
1352. The dispenser says he wants such a thing — ? Yes, and he comes to me; he says, “This woman is very bad, and must have some eggs,” and they are sent for. I wish to have nothing to do with the hospital work at all.
1353. Have you a requisition book? No.
1354. On the 3rd November you have a requisition—7 lbs. 5 oz. of tobacco? Yes.
1355. Is it entered in any other book;—there is an entry in the ration book of 33 lbs. 6 oz.? That is for the month—the total.
1356. *By Mr. Lackey*: What is the amount of money in your hands now? Prisoners’ money?
1357. Yes? It does not amount to £10.
1358. What is about the usual average? About that.
1359. *By Mr. Holroyd*: That money has been taken from prisoners awaiting trial? No, from every prisoner.
1360. From those who have been tried? Yes.
1361. *By Mr. Lackey*: What becomes of that money afterwards? When the prisoner is going out he comes into the office, and I give it to him again.
1362. Is that kept in a cash-box? Yes.
1363. Who has charge of it? Mr. Hargrave has charge of the small amount; I have in a safe what money is paid for work done in the gaol.
1364. But that is a different account? Yes.
1365. Does Mr. Hargrave always keep charge of the prisoners’ cash? Yes.
1366. It is the duty of the clerk to do so? Yes; but when he is going home at night he leaves me the keys.
1367. The clerk is responsible for it? Yes.
1368. *By Mr. Holroyd*: Are you not aware that in a conviction for felony, all the money of the prisoner, and watches and things of that kind, are forfeited to the Crown? I am.
1369. Then why have you not given these moneys to the Sheriff? I do.
1370. I thought you said you had got money belonging to prisoners under sentence? Yes.
1371. For felony? Some for felony.
1372. How do you retain this money when it belongs to the Crown and not to the prisoner? I make a return of it to the Sheriff.
1373. *By Mr. Lackey*: Monthly? Yes; I do not pay any of these for felony.
1374. *By Mr. Holroyd*: You told me that you paid the moneys you received from prisoners, when they went out;—were those prisoners convicted of felony or misdemeanor? Not for felony—I said so a while ago, without thinking.
1375. Have you ever refunded any money that any prisoner has had on him who has been convicted

- convicted of felony and confined in the Parramatta Gaol—have you ever paid such money over to the Sheriff? I have not. Mr. J. Green.
1376. Not on any occasion? Not on any occasion. 12 Dec., 1862.
1377. Then you have money now in hand that belongs to felons—not to misdemeanants, but to persons convicted of felony? No, Mr. Dobbin made away with it.
1378. Mr. Dobbin was not in your time? I have not a penny in my hands belonging to prisoners committed for felony.
1379. I would ask Mr. Green to produce at the next meeting the names of all prisoners whose money is deposited in the gaol, the amount he has belonging to each prisoner, and also the crime for which each prisoner has been convicted, as well as an account of the moneys he received from his predecessor, and the date of their receipt;—do you know Mr. Ennis in the Sheriff's Office? Yes.
1380. Have you seen him within the last few days? I have.
1381. Where? About eight days ago.
1382. Where? In Parramatta.
1383. He came to see you? He came from the Sheriff.
1384. Was it in reference to this inquiry? Yes, he asked for the books.
1385. What books? The ration book and two money account books.
1386. Of your time or of Mr. Allen's time? Of Mr. Allen's time.
1387. Did you produce them to him? I did; I gave them to him.
1388. What do you mean by giving them to him? I handed them over to him, and he took them away with him. The Sheriff sent for them.
1389. Did he send an order? No.
1390. You gave them up on the verbal representation of Mr. Ennis? I did.
1391. Have you ever received those books back again? Not yet; they are in the Sheriff's Office—this is one of them.
1392. That has come out of the Sheriff's Office to-day then? Yes.
1393. *By Mr. Lackey*: You knew Mr. Ennis previously? Yes, I knew him to belong to the Sheriff's Office.
1394. *By Mr. Holroyd*: These books properly belong to the Parramatta Gaol? Yes.
1395. *By Mr. Lackey*: Had you any experience in the management of a gaol before you came to Parramatta? I was four years at Bathurst as principal warder.
1396. Was it customary there to indulge prisoners by giving them tobacco? No, and they didn't have it in Parramatta Gaol until I came; it was allowed by the Government.
1397. Recently? Yes.
1398. *By Mr. Holroyd*: I suppose you smoked before you went to Parramatta Gaol? I smoked before I ever saw this country at all.
1399. *By Mr. Lackey*: Have you ever known an instance of a prisoner being sent for on a writ of *habeas corpus*, to attend to give evidence at Sydney or any other Court? No, that did not occur while I was at Bathurst.
1400. *By Mr. Holroyd*: Did you succeed Mr. O'Brien at Bathurst? Yes.
1401. Had you been a turnkey under him before? No.
1402. Were you in any other gaol before you went to Bathurst? No.
1403. *By Mr. Lackey*: Is the prisoner M'Callaghan in Parramatta Gaol? Yes.
1404. Have you found him troublesome since you have been there? No.
1405. He has not given you trouble at any time, or made complaints? No.
1406. You have not had occasion to inflict summary punishment upon him? No.
1407. *By Mr. Holroyd*: Does he smoke? Of course he does.
1408. *By Mr. Lackey*: And work? Yes, he works very well indeed; I have seen him work.
1409. *By the Chairman*: Does he feign madness now? No.
1410. *By Mr. Holroyd*: Does he attend school? He does.
1411. Are there many of the prisoners who attend school? About forty a day.
1412. How long do they attend? Two hours in the morning, and two hours in the evening.
1413. Then, in fact, these four hours are taken from the time when they would otherwise be employed in hard labour? Yes.
1414. *By Mr. Lackey*: How long has the school been carried on at Parramatta? Two months.
1415. *By Mr. Holroyd*: Mr. Kendall is the master, is he not? Yes.
1416. *By Mr. Lackey*: Have you had an opportunity of marking the progress made by the scholars? Most of them seem to be getting on very well. I have seen one or two write who could not write before.
1417. Have you noticed whether they are diligent at their studies? They seem to be diligent.
1418. They do not take advantage of those particular hours to indulge in the luxury of a smoke? No.
1419. *By Mr. Holroyd*: Are they not allowed to smoke in school? No.
1420. *By Mr. Lackey*: Does the schoolmaster smoke at all? I do not know.
1421. Is M'Callaghan making much progress at school? I do not think he is.

THE UNIVERSITY OF CHICAGO

PHILOSOPHY DEPARTMENT

PHILOSOPHY 101

LECTURE NOTES

BY

DR. J. H. ...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

...

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PRISONS.

(LETTER FROM HENRY PARKES, ESQ., RELATIVE TO THE PRISONS AT WORCESTER, LEICESTER AND WARWICK.)

Ordered to be Printed by the Legislative Assembly, 11 September, 1862.

HENRY PARKES, ESQ., to THE COLONIAL SECRETARY.

London, 12 November, 1861.

SIR,

The extent to which the management of Colonial Prisons had been brought under my notice as a Member of the Legislature before leaving Sydney, had so impressed upon my mind the importance of the general question, that I have availed myself of such opportunities as have offered to inspect the prisons of England, with the view of affording to the Government of New South Wales the information I may thus be enabled to obtain. I am favoured with many facilities for this purpose, through introductions to influential persons connected with the improvements that have taken place of late years in the prison discipline of Great Britain. As yet, however, I have only visited three large prisons, as my time has been too much occupied with the duties with which I am specially charged for me to act upon the orders to inspect other establishments which I have in my possession; and these three visits have been made on days when I have had to address public meetings in the evening. Before returning to Australia I hope to visit the principal prisons of the United Kingdom, and also to find occasion for a careful examination of the system introduced by Captain Crofton in Ireland, which is still eliciting much discussion here.

2. On the 20th September, through the kindness of Richard Padmore, Esq., M.P., I visited the Worcester County Gaol, which is situated within the boundaries of the city, and is partly a modern erection of castellated brickwork, retaining a number of the old-fashioned cells of a former building. I found this prison so scrupulously clean, that there was no single spot in any of the cells where you would fear to place an article of the most delicate texture. It is of singular construction, arising from the incorporation of the old and new buildings in adapting the premises to the modern rules of discipline. The criminal corridors all open into a semi-circular corridor, from which they radiate similarly to the wings in Darlington Gaol, the advantage at Worcester being that the prisoners, while under one roof, are all brought under one view of the officers, without having to pass into the open air.

3. The size of the new cells (to which I shall confine my observations) is about 7 feet by 13 feet, with a height of 9 feet. In one corner of each cell there is a neat contrivance sustaining a metal wash-hand basin about three feet from the floor, and a metal pan for night use at a lower height, the water, which is kept in constant supply by pipes, passing from one to the other and carrying away all filth. On the occasion of my visit both these utensils in every case were bright and without a spot of soil, and presented a strange contrast to the horrible, air-poisoning night-tubs in the gaols of New South Wales. Each cell contains a neat table, an octagon-shaped block of wood for a seat, a bed neatly rolled up in the day time and placed on a corner shelf, and such articles for table use as are necessary for cleanliness and decency. Every prisoner is supplied with a Bible, and the prison regulations are posted on his cell wall, and also a notice from the Prisoners' Relief Society offering assistance to discharged prisoners who are disposed to reform. I append a copy of the prison regulations, marked A, and a copy of the Society's notice, marked B. In the ventilation of the cells the air is forced downwards by means of a fire in the roof of the building, to prevent injury to the prisoner's health from the rising particles of dust lodging in his system.

4. The last precaution may at first sight appear to evince an undue care for the prisoner's health, but the system of separate confinement is strictly enforced in this prison, as in the other prisons I have visited, which necessitates the working of the men in their cells, and some of the work, such as weaving coarse mats, is very dusty in its execution. It will be admitted by most persons that the right of society to deprive an offender against its laws of his liberty does not include the right to injure his health.

5. In the corridors of the Worcester County Gaol, and also in the prisons at Leicester and Warwick, there are gongs fixed against the walls, with wires communicating to them from each cell. The prisoner, if he require to see the gaoler, can strike the gong by pulling the wire in his cell, which at the same time throws out a small sign-plate containing his number, so that the officer in charge discovers at a glance who it is that strikes. The food and other articles of weight are conveyed to the upper stories by the lifting apparatus now generally introduced into large storied buildings in England, to save loss of time and labour in travelling up numerous stairs.

6. On the day I visited this gaol, the criminal division contained 184 males and 39 females, and the debtors' division contained 14 males and 2 females. The work carried on was chiefly rug-weaving, shoemaking, knitting stockings, and tailoring. The governor informed me that he had sold in 1860 mats and hearthrugs to the value of £2,000. Many of the hearthrugs are very handsome, such as are often seen in well-furnished rooms.

7. The warders in this gaol are all dressed in uniform which is made by the prisoners, and each officer wears a strong belt from which his keys are suspended. There is attached to the gaol a schoolmaster, who teaches the uneducated among the prisoners to read and write; and the governor reports that nearly all manifest much anxiety to learn. I was permitted to speak to a boy eighteen years of age, who had learnt to read and write (and to read and write well) and also the trade of shoemaking during his imprisonment. The boy expressed his gratitude for these advantages, and his determination to profit by them when he obtained his release. The Prisoners' Relief Society is a great help in cases like his. I append a copy of the Society's rules, marked C. It would be a great benefit if private gentlemen in the Colony would form a similar society.

8. The female department of the Worcester County Gaol contains an extensive and well-organized wash-house. The women stand at their tubs with their faces to the wall in separate stalls, where it is impossible for them to be seen or to see each other. Among other improved arrangements, a large iron clothes-horse runs upon a railway into a drying stove, adding greatly to the expedition of the work, and, I presume, to the facilities of bleaching.

9. The prison chapel is so constructed that the women cannot be seen by the men, either during divine service or on entering and leaving the room, an overhanging screen completely concealing them. Prayers, I was told, are read twice every Sunday, but a sermon is preached only in the morning.

10. On the 23rd September I was accompanied through the Leicester Borough Gaol by the Mayor of Leicester, E. J. Ellis, Esq. The arrangements here are much the same as at Worcester, but do not appear to be so complete, and the building is faulty in construction from the same cause, the old prison having been extended to adapt it to the new system. The very full and explicit prison regulations, a copy of which I append, marked D, will furnish much information respecting the discipline and order of this gaol. The paper also contains the scale of prison diet, a piece of information I omitted to obtain at Worcester; the prisoners here numbered 44 males and 9 females.

11. Mr. Marshall, the Governor of the Leicester Gaol, showed me several detective photographs, which appear to be generally used in the system of communication maintained between the authorities of different prisons; the prisoner's chances of confounding the traces of his identity by a change of name are, by this means, greatly circumscribed. A man was pointed out to me who had been received on a charge of robbery under the name of White; his photograph was secretly taken, and, accompanied by a written description, sent the round of the other prisons; at Nottingham it was identified as the portrait of a former prisoner there of the name of Black. Thus, while the arrest of the criminal is hastened by the electric telegraph, the art of sun-painting is made the discoverer of his history.

12. I visited the Warwick County Prison on the 8th October. This is a new, commodious, handsome brick building a short distance out of the town, the well-known gaol of former times being no longer used for such purpose. It is built in the form of a cross, dividing itself interiorly into four three-storied corridors, the prisoners being all under one roof, and, when out of their cells, all within the range of observation of any person standing in the centre; one corridor, however, appears to be wholly occupied by waiting-rooms and offices. The corridors assigned to prisoners contain a total of 241 cells, for male criminals; a balcony of blue slate and ironwork runs along on each side before the doors of the upper cells, the opposite front railings forming a polished railway, on which a kind of carriage-tray travels with the food and other requisites for the prisoners; all articles of weight are raised from the ground floor by a lifting apparatus as in Worcester.

13. The cells at Warwick are about 6 feet by 11 feet, with a height of 10 feet; the arrangement and fittings are much the same as at Worcester. I noticed that the prisoner's hammock is slung at night across his cell from iron rods fastened along the walls for that purpose, and that his bedding consists of a straw mattress, a pillow, one pair of sheets, one blanket, and one rug, with two leather straps that serve as stays to the hammock at night, and to secure the whole when rolled up during the day. Besides a copy of the prison regulations a card is hung up in the cell of each convict, containing his name and the particulars of his offence and sentence.

14. Underground there are ranges of store-rooms, bath-rooms, punishment cells, workshops, and kitchens; there were some men and boys here picking oakum. The day's task

task is 2lbs., and the oakum, when ready for use, is pressed into tubs of 56lbs each, and in that state sent to the dockyards. There are six baths, and the men are all bathed, six at a time, on a Saturday. I noticed in one of the workshops an ingenious plan of guarding against the abstraction of tools; the shape of every tool was painted on the back of the tool-rack in the place where it ought to be, so that, if it were missing when closing the shop, the overseer could not fail to notice the exposed picture. There were several men in this prison employed weaving strong calicoes; and all the cotton cloth used in the gaol is made by the prisoners. The rations served out vary according to the sentence of the prisoner, but appear to be of good quality, and sufficient in quantity. On the day of my visit the gaol contained on the criminal side, 190 males and 24 females, and on the debtors' side, 30 males and 2 females.

15. In the chapel of the Warwick prison, which is a fine commodious room, a complete division, extending to the interception of sight, is effected between the criminals and debtors as well as between the males and females; and the seats are so arranged that the officer on duty can see the face of every prisoner.

16. I append copies of the regulations referring to criminal prisoners, marked E and F, and copies of the regulations referring to debtors, marked G and H.

17. I have given but a very imperfect description of these prisons, as my time did not allow of my making myself thoroughly acquainted with any one of them. The same system of discipline is carried out in all three, and the main feature of this system is complete separation. The prisoners are not only confined in separate cells, but, when out of their cells, in the exercise ground, or working in the corridors, or in the garden, they are not permitted to communicate one with another by word or sign; when in muster they must stand with their faces to the wall, and their voices are only heard in answer to their gaolers. The visiting-room at Warwick is fitted up with two iron cages on opposite sides; the prisoner appears in one, and the friend who desires to see him in the other, several feet apart, and a warder remains in the space between during the interview; so rigorously is the principle of separation enforced. It will be observed that this severity of discipline is accompanied by every precaution for the preservation of the prisoner's health, and that his natural wants are provided for by pure air, wholesome food, and sufficient bedding. There is no attempt whatever at moral classification, which indeed is scarcely practicable under the separate system; and the industrial economy of these prisons appears to me capable of much improvement.

I have, &c.,
HENRY PARKES.

APPENDIX.

A.

WORCESTER COUNTY GAOL.

Rules and Regulations for Prisoners sentenced to Hard Labour.

If convicted of felony, they shall be clothed in a party-coloured prison dress; if not convicted of felony, in a plain grey prison dress.

They shall be employed, unless prevented by sickness, at such hard labour as can be provided, not exceeding ten hours daily, exclusive of the time allowed for meals, except on Sundays, Christmas Day, Good Friday, or Public Fast and Thanksgiving Days. They shall not be allowed any portion of their earnings, neither shall they receive any extra allowance in consequence of any labour performed by them.

They shall not receive any food, clothing, bedding, or other necessaries, other than the prison allowance, except by order of the Surgeon, or under special circumstances, to be judged of by one or more of the Visiting Justices.

The general rule as to visitors for these prisoners shall be as follows:—They shall not be permitted to see any relation or friend until after the expiration of the first three months of their imprisonment, but subsequently to that period they shall be permitted to receive one visit in the course of each successive three months. The days for admission of visitors shall be Wednesdays and Saturdays, between the hours of ten and twelve o'clock in the forenoon, and in the afternoon between two and three in winter, and three and five in summer. They shall not be permitted to send or receive more than one letter in the course of every three months.

Rules and Regulations for Prisoners committed for Trial or Examination.

THEY shall not be compelled to work or labour, but, at their own request or with their own consent, may, when practicable, be supplied with any work or employment not severe. But nothing in this rule shall prevent the Governor from requiring prisoners of this class to make their own beds, and clean the cells, wards, yards, and passages of the division of the prison to which they belong.

They shall be permitted to maintain themselves, and to procure for themselves and to receive, at proper hours, a reasonable quantity of cooked provisions and malt liquor, not exceeding one pint in any one day of twenty-four hours, and any linen, bedding, or other necessaries (subject to a strict search, and under such regulations as may be deemed expedient in order to prevent extravagance and luxury in a prison) and such articles so procured may be paid for out of the moneys belonging to such prisoner in the hands of the Governor. No part of such food, malt liquor, or other articles, shall be given to or exchanged with any other prisoner; and any prisoner transgressing this rule shall be prohibited from procuring any food or other articles for such a period as a Visiting Justice may direct, and be liable to punishment.

They shall not receive the prison allowance of food on the days whereon they procure or receive food under the foregoing rule.

Prisoners for trial shall be permitted to see their relations and friends on Wednesdays and Saturdays, without any order, between the hours of ten and twelve in the forenoon, and in the afternoon

noon between three and five in summer, and two and three in winter, and at any other time on a week-day by an order in writing by a Visiting or Committing Justice; and they shall be permitted to see their Legal Adviser on any week-day, at any reasonable hour, except during the hours of meals, and in private if required. Prisoners of this class may write or receive letters, to be inspected by the Governor.

Prisoners for trial, upon a representation by two Visiting Justices to the Secretary of State, and with the sanction of the Secretary of State, may be placed under the rules provided for misdemeanants of the first division.

—
Caution.

Every prisoner shall fold up his blankets neatly and strap them in his hammock as soon as convenient after he rises, and on no account unfold them during the day without permission. He must at all times be clean in his person, and keep his washing bowl, closet, table, and all other articles provided for his use perfectly clean, or he will be liable to punishment. Any prisoner guilty of the following offences, viz. :—

- Assault by one prisoner on another;
- Exchange of food or other dealing;
- Irreverent behaviour at Chapel;
- Making use of profane or indecent language;
- Speaking to, making signs to, or in any way attempting to communicate with another prisoner;
- Refusing to obey the orders of any officer of the prison;
- Insolence or incivility to any officer;
- Refusing to work;
- Idleness or neglect of work;
- Wasting or damaging any article intrusted to him to manufacture;
- Altering or damaging clothing, bedding, or prison property of any kind;
- Writing on or defacing the walls, or any part of the prison;
- Singing, whistling, rapping on the cell walls, or making any unnecessary noise;

shall suffer such punishment as the Visiting Justices or the Governor may award under the Prison Rules.

—
B.

PRISONERS' RELIEF SOCIETY.

ANY prisoner who may wish, on leaving the prison, to "earn an honest livelihood," and who may be recommended to the Visiting Magistrates by the Chaplain, on account of good behaviour during imprisonment, will obtain relief from the above-mentioned Society for a few weeks.

Application must be made through a warder to the Chaplain, a week before leaving the prison.

—
C.

WORCESTERSHIRE PRISONERS' RELIEF SOCIETY.

AT the Annual Meeting of the "Worcestershire Prisoners' Relief Society," held this 8th day of October, 1853—

Right Hon. SIR JOHN SOMERSET PAKINGTON, BART., M.P., in the Chair.

RESOLVED—

That the following be the Rules of the Worcestershire Prisoners' Relief Society :—

1. That the public be respectfully solicited to give their support to the objects of the Society by donations or annual subscriptions. Subscriptions to be due on the first day of January in each year, and to be paid in advance to the Treasurer, or into some Bank in the County of Worcester.
2. That every donor of Five Pounds, or annual subscriber of Ten Shillings, be a Governor.
3. That the Governors shall meet on such Saturday of October in each year as the Honorary Secretary may appoint, to receive the Report, to examine and pass the accounts of the preceding year, and to transact other business connected with the Society.
4. That the President shall call a special meeting of Governors at any time he shall see fit, or on the requisition of three Governors.
5. That the Chaplain of the gaol, or in the event of the prisoner not being a member of the Established Church, the Minister who shall attend the prisoner whilst in gaol, be requested to report to the Visiting Magistrates the name of any prisoner about to leave the prison, upon whom he shall have reason to hope that the discipline of the gaol, and his own admonitions, have had their due effect in producing repentance for the past, and resolutions of good conduct for the future.
6. That on receiving such report, the Visiting Magistrates, or any two of them, should they concur in the view taken by the Chaplain or other Minister, do communicate with the Clergyman of the Parish to which the prisoner is about to go, one week at least before he is discharged, or if the prisoner shall not be a member of the Established Church, to the Minister he shall name, remitting such sum of money as they shall deem necessary, and requesting the kind offices of the Clergyman or Minister to lay out the money sent, either in part payment of labour, if procurable, or for maintenance during such period as shall be prescribed—the sum allowed not exceeding Four Shillings weekly.
7. That the weekly allowance shall be paid so long as the Visiting Magistrates, or two of them, shall approve; but if the person so relieved shall, through misconduct, cease to be worthy of assistance, the Clergyman or Minister will be pleased to acquaint the Visiting Magistrates at the County Gaol, Worcester, with his opinion of such unworthiness, and withdraw the allowance until he shall receive further instructions respecting it.
8. That when the imprisonment of young persons under the age of sixteen shall terminate, they shall be forwarded by a public conveyance to their respective homes, and that the parents, or next of kin, of such released prisoners, shall be informed of their being so forwarded.
9. That the Visiting Magistrates be empowered to draw on the Treasurers of the Society for the sum remitted under Rule 6, as also for the money expended under Rule 8.
10. That a Bible and Prayer Book, not exceeding the cost of 4s., be given to such prisoners, upon their leaving the gaol, as the Chaplain shall deem worthy of receiving the same.
11. That Sir John Somerset Pakington, Bart., be appointed permanent President of the Society, and that the Secretary for the ensuing year be appointed at the annual meeting.
12. That Messrs. Berwick, Lechmere, and Co., be appointed Treasurers.
13. That the Rules of the Society may be altered by a majority of Governors, at the annual or special meetings, as occasion shall require.
14. That the Banks in the different towns in Worcestershire be requested to receive subscriptions, and to transmit the same, with the names of subscribers, on each quarter-day, to the Treasurers.

JOHN PEARSON,
Honorary Secretary.

Worcester.

Rev. Sir,

Worcester County Gaol,

day of

On the day of month

will be released from prison, and will leave for the parish of . Whilst in prison h conduct has justified the expectation, that, if an opportunity shall be afforded h , he will return to honest industry. We have, therefore, to request that you will be pleased to carry out the provisions of Rule No. 6, in h behalf, by which means you will oblige the subscribers to the Prisoners' Relief Society, and we trust essentially benefit the individual by forwarding h views of moral and religious improvement.

You will be pleased to pay over to or h employer, weekly, for weeks, for which amount we enclose a cheque. Should you consider further relief necessary, we shall feel obliged by your applying to us.

We remain, Reverend Sir,
Your obedient Servants,

} Visiting
Magistrates.

D.

PRISONERS ARE REQUIRED TO PAY STRICT ATTENTION TO THE FOLLOWING REGULATIONS.

Silence must be strictly observed by day and by night.

Opportunities of communicating with the officers are afforded by means of a bell, which, on being rung by the prisoner, will immediately bring an officer to his cell; an important advantage in case of accident, or when any necessary communication is to be made by the prisoner; but if this privilege be abused, and the bell rung unnecessarily or under frivolous pretences, it will be punishable as a prison offence.

What Prisoners are required to do.

They are to rise, every morning, on the ringing of the bell. An hour, after unlocking, is allowed for cleaning their cells and their persons, and to prepare for work; during which time they must strip, well wash themselves, and comb their hair neatly; fold up, strap together, and place on the upper shelf their bed, bedding, and hammock, after airing the same as directed. The washbasin, tin ware, hammock staples, and cell numbers to be polished. The water closet pans well scoured and cleansed, allowing a sufficient quantity of water only for that purpose to run through them, and the cleansing materials and all other articles in use to be put in their proper places. To open the ventilators after they have used the water closet. They are required at all times to keep their persons and clothing clean and tidy, and their cell in perfect order; and when allowed sheets, to sleep in them, not in the blankets, and always to place the sheets over the pillow in order to keep it clean.

At all times to be respectful in manner and language to the officers and servants of the prison.

At all times to be ready to leave the cell immediately after the bell has been rung for chapel or exercise, and on no account to leave the cell without their number; and, upon all occasions, when quitting their cells, to leave the ventilators and doors wide open, and on returning, to shut the doors gently without slamming.

Instantly to report to the officer in charge if they have by accident damaged or broken anything, and also any repairs required in their cells or clothing, or the absence of water for their use.

If prisoners have any complaint to make of deficiency in the weight of their food, it is to be made immediately the meal is served, and before any portion of it is eaten. The time allowed for meals is half-an-hour for breakfast, one hour for dinner, and half-an-hour for supper. After dinner to place in their dinner tin any bits of bone, potato peel, &c., remaining, which, with the knife, are to be returned to an officer.

When at exercise to walk at a brisk pace, keeping one uniform step, and at least three yards behind another prisoner.

Prisoners employed on the tread-wheel are required to pay strict attention to the signal bell, and to take their proper turn either on or off the wheel, without hesitation or delay. When going on the wheel to hang the number plate in the place previously pointed out by an officer. When sitting down to wear the number on their breast. If they have any communication to make to the officer on duty, to hold up one of their hands, until observed by him. To instantly obey the orders of the officer on duty at all times. Prisoners employed at crank labour, &c., &c., to perform the work allotted to them, in the time set apart for that purpose.

Prisoners employed at shoemaking, tailoring, matmaking, weaving, or at other industrial occupations, are required to execute their work with diligence and despatch. As soon as the work in hand is finished they are to ring their bell in order to be supplied with more. When the bell rings at a quarter before nine in the evening, to prepare to go to bed, by first hanging up their hammock, and placing the mattress and pillow properly thereon, and the bed clothes, as previously directed by an officer.

School.—Prisoners having the privilege of attending school are to be orderly, attentive, and respectful; and any disposition on their part not to profit by the instruction given them, or being insolent, careless, or inattentive, will forfeit the indulgence.

Chapel.—They are to proceed to, and return from chapel, as directed by an officer. They are invariably to be decorous and attentive, to face the Minister during the whole of the service, and utter the responses in an audible and reverent tone of voice. Prisoners able to read must, during the service, pay strict attention to their books.

If a prisoner should be taken ill and finds it necessary to leave the chapel, he is to hold up his hand until observed by an officer.

What Prisoners are not to do.

The fittings of the cells having been arranged with a view to the health, comfort, and cleanliness of the prisoners, prisoners are desired not to destroy, damage, deface, soil, scratch, or mark any part thereof, nor the bedding, clothing, furniture, or implements therein; not to tear up, draw upon, nor otherwise mutilate or deface any books, or to write on anything except their copybooks and slates; not to waste any portion of their daily food, nor the water supplied to their cells, nor to leave their closet pans open; not to spit on the floors of their cells, or any part of the prison; nor commit any kind of nuisance therein.

Not to make any noise by talking, singing, whistling, knocking, shouting, reading aloud, nor in any other way to disturb the quiet of the prison. Not to attempt to communicate with another prisoner by signs, or in any other way whatsoever; not to take any article out of their cells except what may be required for use in chapel or school.

Not to leave their cells without their numbers on their breast; not to wear their caps in their cells; not to enter another prisoner's cell without permission to do so; not to interfere with or misuse the

PRISONS.

the gas burners; not to place any article against the ventilating plates in their cells, nor to hang anything over nor to interfere with the inspection holes in the door.

Not to pass shreds of cloth, shavings, any portion of their daily food, or the bones or potato peel, the sweepings of the cells, or any article whatsoever except water and waste paper down the closets or sinks; nor in any way intentionally to destroy, mutilate or injure any of the prison property.

Not to exchange food, clothing, bedding or any other article whatsoever belonging to the prison or prisoners.

Not to approach near to each other while at exercise or in going to and from chapel or school, or while at work in the corridors, or any other part of the prison; not to turn round to look about, nor attempt to speak to one another; not to run, but only walk at a brisk pace; not to let go the rope, when used at exercise; not to walk with their hands behind, nor in their pockets, nor to leave the ranks when at exercise, or when passing from one part of the prison to another.

Not to purloin, wilfully waste, destroy, cut up, or appropriate to their own use, any materials of prison manufacture, nor any other article whatever of however trifling value; not to alter or repair their clothing without orders or leave to do so; not to be idle or negligent in their work, nor wilfully mismanage the same. Not to be in possession of any article not supplied or allowed by the Visiting Justices or an officer of the prison.

School.—Not to answer a question put to another prisoner, nor to speak until spoken to.

Chapel.—Not to sit when at chapel except at the proper times; not to turn round or stare about, nor to lounge, or bury their faces in their hands while at prayers; not to mark the seats or fittings, nor attempt to communicate with any other prisoner.

Labour.—The work and labour in the prison to cease at a quarter before eight o'clock in the evening, at which hour the knives, tools, implements, and all materials, are to be withdrawn from the cells; and before finally locking up for the night, the wearing apparel of each prisoner to be carefully folded up, and with the tables and stools placed outside the cell door.

Duties of the Governor.

The Governor shall direct that a prisoner, before trial, who does not receive the prison allowance of food, may procure for himself, or receive at proper hours, a reasonable quantity of cooked provision, and malt liquor not exceeding one pint in any one day of twenty-four hours, and any linen, bedding, clothing, or other necessaries, subject to a strict search, and under such regulations as may be deemed expedient, in order to prevent extravagance and luxury in a prison. But he shall not permit such prisoner to receive the prison allowance of food, on the days whereon he procures or receives food under this rule.

He shall provide useful employment with the necessary materials and instructions for all prisoners, in order that all convicted prisoners sentenced to hard labour, but not placed on the treadmill, and all prisoners sentenced to simple imprisonment, be set to work; and that all prisoners before trial may have the option of employment.

He shall on the acquittal of any prisoner, or when no bill is found against him, pay to such prisoner on his discharge, such an allowance out of his earnings as the Visiting Justices may think fit and reasonable; but he shall not allow convicted prisoners any portion of their earnings, nor any extra allowance, in consequence of any labour or work performed by them.

He shall allow prisoners, committed for examination or for trial, to see their legal advisers at all reasonable times, and in private, if required, unless a Committing or Visiting Magistrate shall have issued an order to the contrary, or unless he shall know any sufficient cause why such legal adviser should not be admitted. He shall also allow convicted prisoners to see their legal advisers on an order from a Visiting Justice. Every person, however, claiming admission as a legal adviser, must be a certificated attorney or solicitor, or his authorized clerk.

He shall allow prisoners, for trial, to see their relations and friends, at reasonable hours, twice a week without any order, or oftener by an order in writing, from a Visiting or Committing Magistrate, unless a Visiting or Committing Magistrate shall have issued an order to the contrary, or unless he shall know any sufficient cause why any person should not be admitted.

He shall not allow convicted prisoners to see their relations and friends until after the expiration of the first three months of their imprisonment; but subsequently to that period, he shall allow them to receive visits once in the course of each successive three months. In case of sickness, or other special circumstance, however, he shall allow convicted prisoners, and prisoners committed for non-payment of penalties, or for want of sureties, to see their relations and friends at other times.

Upon the special application of a prisoner of a religious persuasion differing from that of the Established Church, he, the Governor, shall allow a Minister of such persuasion, at the special request of any such prisoner, to visit him in order to give him the instruction and counsel which he would otherwise receive in his class or private cell from the Chaplain, under such restrictions imposed by the Visiting Justices as shall guard against the introduction of improper persons, and as shall prevent improper communications.

He shall see that no prisoner who is a Jew be compelled to labour on his Sabbath.

He shall not permit the admission of visitors on a Sunday, except in special cases, by a written order of a Committing or Visiting Justice, and except in the case of a Minister visiting any prisoner of a religious persuasion differing from that of the Established Church.

He shall allow prisoners, for examination or for trial, to send and receive letters, unless a Visiting or Committing Magistrate shall have issued an order to the contrary, or unless he shall know a sufficient cause why any such letter should not be sent or received. He shall, under the same restrictions, allow convicted prisoners to send and receive one letter in the course of each quarter of a year.

He shall have power to hear all complaints, touching any breach of the Prison Rules, or of common assaults by one prisoner upon another, or against prisoners guilty of profane cursing and swearing. He may examine any persons touching such offences, and may determine thereupon, and may punish all such offences, by ordering any offender to close confinement in a refractory or solitary cell, and by keeping such offender upon bread and water only, for any term not exceeding three days.

In case any criminal prisoner shall be guilty of any repeated offence against the rules of the prison, or shall be guilty of any greater offence than the Governor is by the Act, 4 Geo. IV, c. 64, empowered to punish, he shall forthwith report the same to the Visiting Justices, or one of them for the time being, and any one such Justice, or any other Justice, acting in and for the Borough, shall have power to inquire upon oath, and to determine concerning any such matter so reported to him or them, and to order the offender to be punished by close confinement, for any term not exceeding one month, or by personal correction in the case of prisoners convicted of felony, or sentenced to hard labour.

The following are the prescribed Rates of Diet.

CLASS 1.

Convicted prisoners confined for any term not exceeding Seven Days:—

| | Breakfast. | Dinner. | Supper. |
|--|---------------------------|---------------------|--------------------------|
| | 1 pint of oatmeal gruel.. | 1 lb of bread | 1 pint of oatmeal gruel. |

CLASS

PRISONS.

7

CLASS 2.

Convicted prisoners for any term exceeding Seven Days, and not exceeding Twenty-one Days :—

| | Breakfast. | Dinner. | Supper. |
|--|--|------------------------------|--|
| | 1 pint of oatmeal gruel, 6 ounces of bread. | 12 ounces of bread | 1 pint of oatmeal gruel, 6 ounces of bread. |

Prisoners of this class employed at hard labour to have in addition 1 pint of soup per week.
Females to have 6 ounces of bread less at dinner.

CLASS 3.

Convicted prisoners employed at hard labour for terms exceeding Twenty-one Days, but not more than Six Weeks; and convicted prisoners not employed at hard labour for terms exceeding Twenty-one Days, but not more than Four Months :—

| | Breakfast. | Dinner. | Supper. |
|---|---|---|--|
| Sunday } Thursday } | 1 pint of oatmeal gruel, 6 ounces of bread | 1 pint of soup, 8 ounces of bread | 1 pint of oatmeal gruel, 6 ounces of bread. |
| Monday } Wednesday } Friday } | Ditto | 8 ounces of bread, 1 lb. of potatoes | Ditto. |
| Tuesday } Saturday } | Ditto | 3 ounces of cooked meat, 8 ounces of bread, $\frac{1}{2}$ lb. of potatoes | Ditto. |

Females to have 2 ounces of bread less at dinner.

CLASS 4.

Convicted prisoners employed at hard labour for terms exceeding Six Weeks, but not more than Four Months; and convicted prisoners not employed at hard labour for terms exceeding Four Months :—

| | Breakfast. | Dinner. | Supper. |
|---|---|---|--|
| Sunday } Tuesday } Thursday } Saturday } | 1 pint of oatmeal gruel, 8 ounces of bread | 3 ounces of cooked meat, $\frac{1}{2}$ lb. of potatoes, 8 ounces of bread | 1 pint of oatmeal gruel, 8 ounces of bread. |
| Monday } Wednesday } Friday } | Ditto | 1 pint of soup, 8 ounces of bread | Ditto. |

Females to have 2 ounces of bread less at each meal.

CLASS 5.

Convicted prisoners employed at hard labour, for terms exceeding Four Months ;—

| | Breakfast. | Dinner. | Supper. |
|---|--|---|--|
| Sunday } Tuesday } Thursday } Saturday } | 1 pint of oatmeal gruel, 8 ounces of bread. | 4 ounces of cooked meat, 1 lb of potatoes, 6 ounces of bread. | 1 pint of oatmeal gruel, 8 ounces of bread. |
| Monday } Wednesday } Friday } | 1 pint of cocoa, 8 ounces of bread. | 1 pint of soup, 1 lb of po- tatoes, 6 ounces of bread. | Ditto. |

Females to have 2 ounces of bread less at breakfast and supper, and to have 3 ounces of cooked meat and $\frac{1}{2}$ lb. of potatoes, instead of 4 ounces of cooked meat and 1 lb. of potatoes; and $\frac{1}{2}$ lb. of potatoes on soup days.

CLASS 6.

Prisoners sentenced by Court to solitary confinement :—
The ordinary diet of their respective Classes.

CLASS 7.

Prisoners for examination before trial and misdemeanants of the First Division, who do not maintain themselves :—

The same as Class 4.

CLASS 8.

Destitute Debtors.
The same as Class 4.

CLASS 9.

Prisoners under punishment for prison offences for terms not exceeding Three Days :—
1 lb. of bread per diem.

CLASS

CLASS 10.

Prisoners in close confinement for prison offences, under the provision of the 42nd Section of the Gaol Act:—

| Breakfast. | Dinner. | Supper. |
|-------------------------------------|--------------------|-------------------------------------|
| 1 pint of gruel, 3 ounces of bread. | 8 ounces of bread. | 1 pint of gruel, 8 ounces of bread. |

Females to have 2 ounces of bread less at each meal.

NOTE.—The soup to contain per pint, three ounces of crooked meat, three ounces of potatoes, one ounce of barley, rice, or oatmeal, and one ounce of onions or leeks, with pepper and salt. All the meat to be without bone. The gruel to contain two ounces of oatmeal per pint. The gruel, on alternate days, to be sweetened with $\frac{3}{4}$ oz. of molasses or sugar, and seasoned with salt. The cocoa to contain per pint $\frac{3}{4}$ oz. of flaked cocoa, or cocoa nibs, sweetened with $\frac{3}{4}$ oz. of molasses or sugar. In seasons when the potato crop has failed, 4 oz. of split peas made into a pudding may be occasionally substituted; but the change must not be made more than twice in each week. Boys under 14 years of age to be placed on the same diet as females.

These Rules are to extend to female prisoners, so far as they are applicable.

By order,

Leicester Borough Gaol,
February 20th, 1860.

EDWARD MARSHALL,
Governor.

E.

COUNTY PRISON, WARWICK.

Rules for the Treatment and Conduct of Prisoners.

ALL prisoners on admission shall be placed in a reception cell, strictly searched, and all knives or other sharp instruments, or dangerous weapons, or articles calculated to facilitate escape, taken from them; except as hereinafter provided with respect to debtors and misdemeanants of the first division; but in no case shall any prisoner of any class whatever be searched in the presence of any other prisoner.

As soon as possible after the admission of a prisoner, except in the case of debtors, the prisoner's name, age, height, features, &c, shall be taken. The Governor shall take charge of, and enter, or cause to be entered, in the prisoner's property-book, an inventory of all money, clothes, and other effects which the prisoner may have on his admission, or which from time to time may be sent to the prison for his use. He shall take charge of them for safe custody only, and for the purpose of being restored, as directed by one or more of the Visiting Justices; or, (in the case of misdemeanants of the first division,) as directed by the rules for that class.

Every prisoner shall wash himself thoroughly, at least once every day, and his feet at least once each week; and each prisoner shall have a sufficient supply of soap, towel, and comb.

All prisoners, except debtors and misdemeanants of the first division, or unless they are excepted by the medical officer, shall be washed in a bath on their admission into the prison, and afterwards go into a tepid bath at least once in each month; but no prisoner shall be stripped or bathed in the presence of any other prisoner.

In no case shall the hair of any female prisoner be cut, except when necessary on account of vermin or dirt, or when the medical officer deems it requisite on the ground of health; and the hair of male prisoners shall not be cut except for the purpose of health and cleanliness. All male prisoners shall be shaved at least once a week.

All convicted prisoners shall be supplied with a complete prison dress, and all such prisoners, except misdemeanants of the first division, be required to wear it; and all prisoners before trial, and misdemeanants of the first division, shall be allowed to have the prison dress, if they desire it, and be required to wear it, if their own clothes be insufficient or unfit for use, or necessary to be preserved for the purposes of justice. The prison dress for prisoners before trial shall be of a different colour from that of convicted prisoners.

Every prisoner shall be supplied with clean linen, including shirt (whether of linen, cotton, or flannel), stockings, and handkerchief, at least once in each week.

The distribution of food shall be according to the prescribed scales of diet. Any article of food shall be weighed or measured, if so required by a prisoner.

Prisoners before trial who do not receive the prison allowance of food, may procure for themselves, or receive at proper hours, a reasonable quantity of cooked provision and malt liquor, not exceeding one pint, in any one day of twenty-four hours; and any linen, bedding, clothing, or other necessaries, subject to a strict search, and under such regulations as may be deemed expedient, in order to prevent extravagance and luxury in prison; and such articles so procured may be paid for out of the moneys belonging to such prisoner, in the hands of the Governor. No part of such food, malt liquor, or other articles, shall be given, sold to, or exchanged with any other prisoner; and any prisoner transgressing this rule shall be prohibited from procuring any food or articles for such a period as a Visiting Justice may direct. But the prisoner shall not be permitted to receive the prison allowance of food on the days whereon he procures or receives food under this rule.

No prisoner shall be set to work immediately after any meal.

Hard labour, and employment with the necessary materials and instruction for prisoners, shall be provided, in order that the sentences of all prisoners sentenced to hard labour be carried out, and in order that all prisoners, sentenced to imprisonment without hard labour, be set to some work or labour not severe, except such prisoners as maintain themselves, according to the provisions of 4 Geo. IV., cap. 64, sec. 38; and misdemeanants, adjudged to the first division, under the provisions of 3 and 4 Vict., cap. 25, sec. 2. Prisoners before trial, debtors, and misdemeanants of the first division, shall have the option of employment.

No prisoner who is a Jew shall be compelled to labour on his Sabbath.

Every prisoner shall obey the orders of the Governor, and of every other officer of the prison, and shall strictly observe all rules and regulations made from time to time for the better government of the prison.

The Governor shall have power to hear all complaints touching any of the following offences; that is to say,—disobedience to the rules of the prison; common assaults by one prisoner upon another; profane cursing and swearing; indecent behaviour, or any irreverent behaviour at chapel; remissness or negligence in performing what shall be reasonably required of him; all of which are declared to be offences, if committed by any description of prisoners; absence from chapel without leave; idleness or negligence in work, or wilful damage or mismanagement of it; which are also declared to be offences if committed by any prisoner under charge or conviction of any crime. He may examine any persons touching such offences, and may determine thereupon; and may punish all such offences, by ordering any offender to close confinement in a refractory or solitary cell, and by keeping such offender upon bread and water only for any term not exceeding three days; but he shall not determine any of these cases without previous examination; neither shall he delegate his authority in these matters to any other person.

No

No punishments or privations of any kind shall be awarded except by the Governor, or by a Visiting or other Justice.

Prisoners committed for examination, or for trial, may see their legal advisers at all reasonable times, and in private, if required, unless a Committing or Visiting Magistrate shall have issued an order to the contrary; or unless the Governor shall know any sufficient cause why such legal adviser should not be admitted. Convicted prisoners may see their legal advisers on an order from a Visiting Justice. Every person, however, claiming admission as a legal adviser must be a certificated attorney or solicitor, or his authorized clerk.

Prisoners committed for examination may see their friends and relations at reasonable hours, unless a Visiting or Committing Magistrate shall have issued an order to the contrary, or unless the Governor shall know any sufficient reason why such person should not be admitted.

Prisoners committed for trial may see their friends and relations twice a week, on such days and hours as may be fixed by the Visiting Justices, without any order, or oftener, by an order in writing from a Visiting or Committing Magistrate, unless a Visiting or Committing Magistrate shall have issued an order to the contrary, or unless the Governor shall know any sufficient cause why any person should not be admitted.

Convicted prisoners may see their relations and friends after the expiration of the first three months of their imprisonment; and, subsequent to that period, once in the course of each successive three months. In cases of sickness or other special circumstances, however, convicted prisoners, and prisoners committed for non-payment of penalties, or for want of sureties, may see their relations and friends at other times; and no convicted transport remaining for a time in the prison shall be allowed to receive more than one farewell visit from his friends, except under a special written order of a Visiting Justice; such visit not to exceed twenty minutes in duration.

Upon the special application of a prisoner of a religious persuasion differing from that of the Established Church, the Governor shall allow such prisoner to absent himself from chapel; and, in accordance with the spirit of the law with respect to prisoners of a religious persuasion differing from that of the Established Church, he shall allow a Minister of such persuasion, at the special request of any such prisoners, to visit him, in order to give him the instruction and counsel which he would otherwise receive in his class or private cell from the Chaplain, under such restrictions imposed by the Visiting Justices as shall guard against the introduction of improper persons, and as shall prevent improper communications.

The admission of visitors to prisoners on a Sunday, Christmas Day, or Good Friday, shall not be permitted, except in special cases by a written order of a Committing or Visiting Justice, and except in the case of a Minister visiting any prisoner of a religious persuasion differing from that of the Established Church.

Prisoners committed for examination, or for trial, may send and receive letters, unless a Visiting or Committing Magistrate shall have issued an order to the contrary; or unless the Governor shall know a sufficient cause why any such letter should not be sent or received. Convicted prisoners shall, under the same restrictions, be allowed to send and receive one letter in the course of each quarter of a year.

Every letter to or from a prisoner under charge or conviction of any crime, shall be inspected, except such letters as are addressed to a Visiting Justice or other proper authority. Prisoners under examination, or committed for trial, may deliver personally to their legal advisers (such being certified attorneys), or their authorized clerks, any confidential written communications prepared as instructions for their defence, without being previously examined by any officer of the prison; but all such written communications, *not personally* delivered to the legal adviser, or his clerk, are to be considered as letters, and are not to be sent out of the prison without being previously inspected by the Governor.

In case any criminal prisoner shall be guilty of any repeated offence against the rules of the prison, or shall be guilty of any greater offence than the gaoler, or keeper, is by this Act (4 Geo. IV., c. 64) empowered to punish, the said gaoler, or keeper, shall forthwith report the same to the Visiting Justices, or one of them, for the time being; and any one such Justice, or any other Justice acting in and for the county, or riding, or division of a county, or for the district, city, town, or place to which such prison belongs, shall have power to inquire, upon oath, and to determine concerning any such matter so reported to him or them, and to order the offender to be punished, by close confinement, for any term not exceeding one month, or by personal correction, in the case of prisoners convicted of felony or sentenced to hard labour.

The Magistrates, Governor, Chaplain, and Surgeon, are always ready to hear anything any prisoner may have to say.

[Adopted by the Court of Quarter Sessions at Easter, 1860, and confirmed by the Secretary of State for the Home Department.]

F.

PRISONERS ARE REQUIRED TO PAY STRICT ATTENTION TO THE FOLLOWING REGULATIONS:—

Silence must be strictly observed by day and by night.

The principal object of the discipline of the prison is "complete separation," and the consequent prevention of all evil communications. Opportunities of communicating with the officers are afforded by means of a bell, which, on being rung by a prisoner, will immediately bring an officer to his cell—an important advantage in case of accident or necessity; but if this privilege be abused, and the bell rung unnecessarily, or under frivolous pretences, it will be punishable as a prison offence.

What Prisoners are to do.

You are to behave yourself at all times in a respectful and becoming manner; closely to observe the rules, encourage cleanly habits, and a cheerful compliance with all orders and directions of those in authority over you, so as to obtain and preserve a good character as a respectable prisoner.

When the first bell rings in the morning, you are to rise and make up your bedding. Half an hour is allowed to clean your cell and prepare for work, during which time you must wash yourself well, and comb your hair neatly, and the furniture of your cell to be cleaned and polished, and the floor and water-closet pan well scoured and cleansed, and when finished, put all the cleaning materials in their proper places. You are at all times to keep your person and clothes neat and tidy, and your cell in perfect order, and when allowed sheets, to sleep between them, and not the blanket, and always place the sheet over the pillow, in order to keep it clean.

You are to respectfully salute the Visiting Justices, Governor, Chaplain and Surgeon, and Principal Warder, by raising your right hand to your cap when visited, passed, or addressed by either of them. When visited in your cell by any person except a warder, as soon as the door is opened, to stand upright, with head uncovered, under the window facing the door, placing your heels together, and your hands close to your sides. When a stranger enters your cell, immediately face the wall under the window, unless otherwise directed.

At all times to be ready to leave your cell directly after the bell has been rung for chapel or exercise, and never leave the cell without your number on your jacket, and always leave the cell door wide open.

At chapel, to place your books on the right of your seat; to be orderly and decorous; face the chaplain, and stand upright at the proper times, and when not standing, always to sit upright, with your hands placed together before you, unless reading, when you are to hold your book well before you, say the responses in a proper tone of voice, and not whisper or hide your face in your hands, so as to prevent the view of the officers, and to avoid, as much as possible, coughing, blowing your nose, &c., and never turn your head to look at another prisoner. If taken ill, so as to render it necessary for you to leave the chapel, hold your hand above your head, when you will be attended to by an officer. Rise to quit the chapel when signalled by an officer, move smartly off to your cell, and close the door quietly after you.

Instantly to report to the officer in charge if you have by accident damaged or broken anything.

What Prisoners are not to do.

You are not to destroy, damage, deface, soil, scratch, or mark any part of the fittings of the cell, nor the bedding, clothing, furniture, or anything therein; not to tear up, draw upon, or mutilate any books, or write upon anything except your copy-books and slate; not to waste the water, nor leave your closet pan open; not to spit upon the floor of your cell, or any part of the prison, nor commit any kind of nuisance therein.

Not to make any noise, nor in any way disturb the quiet of the prison; not to attempt to communicate with another prisoner by signs, or in any other way whatever; not to take any article out of your cell except what may be required for use in chapel or school.

Not to leave your cell without your number on your left breast; not to wear your cap in your cell; not to go into another prisoner's cell without permission to do so; not to interfere with or misuse the gas burners; not to place anything against the ventilating plate of your cell, nor to hang anything over nor interfere with the inspection hole in the door.

Not to pass anything whatever except water and waste paper down the closet or sink.

Not to approach near to any other prisoner while at exercise, or in going to and from chapel or school, or while at work in the corridors, or any part of the prison; not to turn round to stare about; not to run, but always walk at a brisk pace; not to keep your hands in your pockets; not to leave the rank at any time out of your turn.

Not to purloin, waste, cut up, or appropriate to your own use, any materials of prison manufacture, nor any other article whatever, of however trifling value; not to alter or repair your clothing without orders, or leave to do so; not to be idle or negligent in your work, or wilfully mismanage the same; nor to be in possession of any article not allowed by the establishment.

When at school, not to answer a question put to another prisoner, nor to speak until spoken to.

Not to look about when waiting to be admitted into a cell, but to stand upright facing the door, and close to it, with your heels close together, and your arms to your sides.

Not to fold your arms in chapel, nor at any other time.

Not to take your cap to chapel, nor have your jacket unbuttoned or unfastened.

G.

COUNTY PRISON, WARWICK.

RULES for the Classification and Treatment of Debtor Prisoners committed under the several provisions of the 8th and 9th Vict., cap. 127, the 9th and 10th Vict., cap. 95, and the 12th and 13th Vict., cap. 101; also, for Debtors adjudged under the 77th, 78th, and 96th clauses of the 1st and 2nd Vict., cap. 110, as not entitled to the benefit of the Act, and adjudged to be discharged at some future period; for Debtors in Prison, refusing or neglecting to file a Schedule of their property when ordered to do so by the Court for the relief of Insolvent Debtors, as provided by the 36th section of the 1st and 2nd Vict., cap. 110; and Bankrupts against whom a warrant may be issued and lodged by the Commissioners of Bankruptcy for fraud or contempt of Court; and Bankrupts committed in execution whose certificate shall be suspended, and to whom protection has been refused under the 256th section of the 12th and 13th Vict., cap. 406, intituled "An Act to amend and consolidate the Laws relating to Bankrupts."

They shall be placed on admission in a reception room by an officer appointed for the purpose, where they shall be examined, but not in the presence of any other prisoner, in order to ascertain that they have no dangerous weapons or articles calculated to facilitate escape, spirituous liquors, tobacco, or other prohibited articles. After examination, they shall be placed in the class to which they shall belong, and the cell or room, or part of the cell or room, they are respectively to occupy, shall be assigned to them.

They shall make their beds, and clean their sleeping-cells, day-rooms, and airing-yards every morning. They shall also keep the furniture and utensils appropriated to their use clean and neatly arranged, in the intervals between their meals. They shall be required to keep themselves clean and decent in their persons, and to conform to such regulations for that purpose as the Governor may lay down.

They may, when not receiving any allowance from the prison, receive from their friends, or purchase, food or clothing; but no debtor of this class, or classes, shall be allowed to receive or purchase more than one pint of malt liquor in any one day of twenty-four hours. Articles of food shall only be received between the hours of eight in the forenoon and four in the afternoon, and shall be subject to the inspection of the Governor or subordinate officers, and to such restrictions, both as to quality and quantity, as the Visiting Justices may deem proper, in order to prevent extravagance and waste. No part of such food, malt liquor, or other articles, shall be given, sold to, or exchanged, with any other debtor; and any debtor transgressing this rule shall lose the privilege of receiving or purchasing any malt liquor, for such a time as the Visiting Justices may deem proper, and be subject also to such other privations or restraints as the said Justices may lawfully impose.

They shall not be allowed the use of tobacco, spirituous liquors, or wine, under any pretence whatever, unless by a written order of the medical officer, specifying the quantity, and for whose use; and no beer, cider, or other fermented liquors, shall be admitted for their use, except in such quantities, in such manner, and at such times, as may be allowed by the rules.

They may be permitted to work and follow their respective trades and professions, provided their employment does not interfere with the good government of the prison; and such debtors as shall find their own implements, and shall not be maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as shall be furnished with implements, or shall be maintained at the expense of the prison, shall be subject to a moderate deduction, to be determined by the Visiting Justices, for the use of implements and the cost of maintenance.

They shall attend Divine Service, when performed, unless prevented by illness, or other reasonable cause, to be judged of by the Governor; but no debtor so exempted from attendance shall be permitted to leave his ward or room during Divine Service.

They shall, as a general rule, be allowed to see their friends and relations on three days in the week; the hours of visiting to be fixed by the Visiting Justices, and subject to such regulations as may be necessary to prevent improper communication, especially between persons of different sexes, and to prevent the introduction of forbidden articles. Any exceptions which may be made to the regulation

for

for restricting visits, either in consequence of the illness of a prisoner, or other reasonable cause—to be determined by the Governor—shall be recorded, with the grounds of such exceptions, in the Governor's journal.

No visit shall be allowed from a person of bad or suspicious character—to be judged of by the Governor—who shall record the grounds of such exclusion in his journal.

They shall be allowed to see their legal advisers at all reasonable hours, and in private, if required.

They may write to and receive letters from their relations and friends; but the Governor, if he deem it necessary, may inspect and withhold any letter to or from any prisoner when he has reason to believe that it relates to an escape, or attempt at escape, or any breach of the rules of the prison; and, whenever he shall open or withhold a letter, he shall mark it with his initials, record the fact in his journal, and report it to the Visiting Justices.

They shall be separated from other debtors, and, when the construction of the prison shall admit of it, be divided into two classes, viz. :—

The first class to be comprised of those who maintain themselves, and the second class of those who are destitute.

Debtors unable to maintain themselves shall be provided with the following articles of diet and bedding :—

DIETARY.

| | Males. | Females. |
|---|--|--|
| | Breakfast,—1 pint of oatmeal gruel; 8 oz. of bread. | } 1 pint of oatmeal gruel; 6 oz. of bread. |
| Monday, Wednesday, Friday, Sunday, | } Dinner,—1 pint of soup; 8 oz. of bread. | } 1 pint of soup; 6 oz. of bread. |
| Tuesday, Thursday, Saturday. | } Dinner,—3 oz. of cooked meat, with- out bone; $\frac{1}{2}$ lb. of potatoes; 8 oz. of bread. | } 3 oz. of cooked meat, without bone; $\frac{1}{2}$ lb. of potatoes; 6 oz. of bread. |
| | Supper,—Same as breakfast. | Supper,—Same as breakfast. |

Ingredients of soup and gruel.—The soup to contain, per pint, 3 ounces of cooked meat, without bone, 3 ounces of potatoes, 1 ounce of barley, rice, or oatmeal, and 1 ounce of onions or leeks, with pepper and salt. The gruel to contain 2 ounces of oatmeal per pint, and on alternate days to be sweetened with $\frac{3}{4}$ oz. of molasses or sugar, and seasoned with salt.

Bedding.—Bedstead, mattress, and pillow, a sufficient number of blankets, a rug, and a pair of sheets.

The surgeon may direct the supply of such additional allowance of food to debtors, who do not maintain themselves, as in their particular cases may appear necessary to him for the preservation of health.

The Governor, or keeper, has power to hear complaints against debtors touching any of the following offences, that is to say :—Disobedience of the rules of the prison, assaults committed by one prisoner confined in such prison upon another, when no dangerous wound or bruise is given; profane cursing and swearing; any indecent behaviour, and irreverent behaviour at chapel; and may punish such offences by ordering any offender to close confinement in the refractory or solitary cells, and by keeping such offenders upon bread and water only for any term not exceeding three days.

In all other respects, the rules for the government of debtors in general shall be applicable to those of the classes here provided for.

[Adopted by the Court of Quarter Sessions at Easter, 1860, and confirmed by the Secretary of State for the Home Department.]

H.

COUNTY PRISON, WARWICK.

Rules for the treatment and conduct of Debtors.

THEY shall make their beds, or cause them to be made, and clean their rooms, or cause them to be cleaned, every morning. They shall be required to keep themselves clean and decent in their persons, and to conform to such regulations for that purpose as the Governor may lay down.

They shall be placed on admission in a reception room, where they shall be examined, in order to ascertain that they have no dangerous weapons or articles calculated to facilitate escape, no spirituous liquors, or other prohibited things; such examination to be in no instance conducted in the presence of any other prisoner. After examination they shall be placed in the class to which they belong, and the room, or part of the room, they are respectively to occupy, shall be assigned to them.

They may, when not receiving any allowance from the prison, receive from their friends, or purchase, food or clothing; but no debtor shall be allowed to receive or purchase more than one pint of wine, or one quart of beer, in any one day of twenty-four hours. Articles of food or clothing shall only be received between the hours of eight in the forenoon and four in the afternoon, and shall be subject to the inspection of the Governor or subordinate officers, and to such restrictions as the Visiting Justices may deem proper, in order to prevent extravagance and waste. No part of such food, wine, malt liquor, or other articles, shall be given, sold to, or exchanged, with any other debtor; and any debtor transgressing this rule shall lose the privilege of receiving or purchasing any wine or malt liquor for such a time as the Visiting Justices may deem proper, and be subject also to such other privations or restraints as the said Justices may lawfully direct.

They shall, after a declaration to that effect, and on making it appear to the satisfaction of the Visiting Justices that they have no other means of support, receive the allowance of food and bedding provided by these rules.

They shall be permitted to work and follow their respective trades and professions, provided their employment does not interfere with the good government of the prison; and such debtors as shall find their own implements, and are not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison, shall be subject to a moderate deduction, to be determined by the Visiting Justices, for the use of implements and the cost of maintenance.

They shall attend Divine Service, when performed, unless prevented by illness or other reasonable cause; to be judged of by the Governor.

They shall, as a general rule, be allowed to see their friends and relations only during broad daylight, under such regulations as may be necessary to prevent improper communication, especially between persons of different sexes, and to prevent the introduction of forbidden articles; and all exceptions which may be made to the regulation for restricting visits to the time of broad daylight shall be recorded, with the grounds of such exceptions. No visit shall be allowed from a person of bad or suspicious character; to be judged of by the Governor. And no visitor shall be admitted into the debtors' wards, nor allowed to remain therein during Divine Service.

All

All casual benefactions of articles liable to damage by keeping, sent to the prison for the benefit of debtors, shall be distributed at the discretion of the Governor, and as soon as convenient after they have been received. All other charitable donations, and all donations or bequests in money, shall be reserved to be distributed under the direction of the Visiting Justices, except such as may have been specifically appropriated by the donors, and which, if not contrary to the rules of the prison, shall be applied as directed.

Debtors unable to maintain themselves shall be provided with the following articles of diet and bedding:—

| | | DIETARY. | |
|---|--|---|---|
| | | Males. | Females. |
| | | Breakfast,—1 pint of oatmeal gruel ; 8 oz. of bread. | 1 pint of oatmeal gruel ; 6 oz. bread. |
| Monday, Wednesday, Friday, Sunday, | } Dinner,—1 pint of soup ;, 8 oz. of bread. | | 1 pint of soup ; 6 oz. of bread. |
| Tuesday, Thursday, Saturday, | | | |
| | Supper,—same as breakfast. | Supper,—same as breakfast. | |

Ingredients of soup and gruel.—The soup to contain, per pint, 3 ounces of cooked meat, without bone, 3 ounces of potatoes, 1 ounce of barley, rice, or oatmeal, and 1 ounce of onions or leeks, with pepper and salt. The gruel to contain 2 ounces of oatmeal per pint, and on alternate days to be sweetened with $\frac{3}{4}$ oz. of molasses or sugar, and seasoned with salt.

Bedding.—Bedstead, mattress, and pillow, a sufficient number of blankets, a rug, and a pair of sheets.

The Surgeon may direct the supply of such additional allowance of food to debtors who do not maintain themselves, as in their particular cases may appear necessary to him for the preservation of health.

The Governor, or keeper, has power to hear complaints against debtors touching any of the following offences, that is to say:—Disobedience of the rules of the prison ; assaults committed by one prisoner confined in such prison upon another, when no dangerous wound or bruise is given ; profane cursing and swearing ; any indecent behaviour, and irreverent behaviour at chapel ; and may punish such offences by ordering any offender to close confinement in the refractory or solitary cells, and by keeping such offenders upon bread and water only for any term not exceeding three days.

Female Prisoners.

The foregoing rules for male prisoners shall extend, as far as they can be applied, to female prisoners.

[Adopted by the Court of Quarter Sessions at Easter, 1860, and confirmed by the Secretary of State for the Home Department.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

NAVAL ALLOWANCE.

(DESPATCH RESPECTING DISCONTINUANCE OF.)

Ordered by the Legislative Assembly to be Printed, 10 October, 1862.

SECRETARY OF STATE FOR THE COLONIES to SIR JOHN YOUNG.

(Circular.)

*Downing-street,
July, 1862.*

SIR,

I have the honor to acquaint you that I have been in communication with the Lords Commissioners of the Admiralty, on the question of Allowances voted for Her Majesty's Navy by the Governments of Australia and New Zealand.

Her Majesty's Government are of opinion that it is not desirable that the Colonies should be called upon to contribute towards the expense attending the employment of Her Majesty's vessels in their waters, except in cases where any extra expense is occasioned to this Country, or where it is desired to recognize the advantages derived from the employment of the sailors in duties not properly belonging to them—as in forming a Naval Brigade, or in aiding to suppress an internal disturbance.

You will, therefore, understand that the practice of giving a Colonial Allowance to particular ships merely because they happen to be within the limits of the particular Colony voting that allowance is objectionable, and is to be discontinued, and that such an allowance is only to be given when the Legislature of that Colony may vote it as a reward for some special services such as those in the late War in New Zealand.

I have, &c.,

NEWCASTLE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

COLONIAL ALLOWANCE TO THE MILITARY.

(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 16 September, 1862.

SCHEDULE.

| NO. | PAGE. |
|---|-------|
| 1. The Duke of Newcastle to Sir John Young, respecting an alteration in the rates of Colonial Allowance to the Military. 22 November, 1861 | 2 |
| 2. The Major General Commanding the Troops to Sir John Young, on the same subject. 30 January, 1862.. .. . | 3 |
| 3. Under Secretary to the Brigade Major, forwarding a copy of the Duke of Newcastle's Despatch to Sir J. Young. 4 February, 1862 | 3 |
| 4. Brigade Major to the Under Secretary, in reply. 6 February, 1862 | 3 |
| 5. The Lieutenant Colonel Commanding the Troops in New South Wales to His Excellency the Governor, enclosing a copy of a communication from the Assistant Military Secretary at Melbourne, on the subject of the proposed revision of the Allowances. 6 February, 1862. | 4 |
| 6. Colonel Kempt to His Excellency the Governor, forwarding a copy of the Report of a Board on the Allowance to the Troops. 17 February, 1862 | 5 |
| 7. Under Secretary to Colonel Kempt, enclosing a copy of a Minute of the Executive Council, intimating that the desire of the Home Authorities should be carried out. 19 February, 1862 | 8 |
| 8. Colonel Kempt to the Under Secretary, requesting the suspension of the proposed alteration in the Scale of Allowances. 20 February, 1862 | 9 |
| 9. The Major General Commanding to His Excellency the Governor, suggesting the postponement of the contemplated reduction, pending a reference to the Home Government. 22 February, 1862 | 9 |
| 10. Brigade Major to the Under Secretary, in continuation. 10 March, 1862 | 10 |
| 11. Under Secretary to the Brigade Major, stating that, for the present, payment is to be made to meet the Allowances, according to the existing scale. 25 March, 1862 | 10 |
| 12. Lieutenant Colonel Hamilton to Sir John Young, requesting that the payments may be continued at the same rates until an answer has been received to the reference to England on the subject. 16 June, 1862 | 11 |
| 13. Sir John Young to Lieutenant Colonel Hamilton, in reply. 7 July, 1862 | 11 |
| 14. Major General Commanding to Sir John Young, communicating the answer from the War Department to his representation. 14 July, 1862 | 11 |
| 15. The Duke of Newcastle to Sir John Young, on the same subject. 24 May, 1862 | 12 |
| 16. Lieutenant Colonel Hamilton to the Colonial Secretary, respecting Lodging Allowance of the Brigade Major. 21 July, 1862 | 13 |
| 17. Under Secretary to Lieutenant Colonel Hamilton, in reply. 30 July, 1862 | 13 |
| 18. Sir J. Young to Major General Pratt, 5 August, 1862, enclosing copy of Minute of the Executive Council, advising that the reduced Allowances to the Military should take effect from 1 August, 1862 | 14 |
| 19. Sir J. Young to Lieutenant Colonel Hamilton, ditto, ditto. 5 August, 1862. | 14 |
| 20. Brigade Major to the Under Secretary, forwarding an Estimate of the Rates of Colonial Allowances to the Military, revised in accordance with the communication from the Secretary of State and the decision of the local Government. 9 August, 1862 | 14 |

COLONIAL ALLOWANCE TO THE MILITARY.

No. 1.

THE DUKE OF NEWCASTLE to SIR JOHN YOUNG.

(No. 75.)

*Downing-street,
22 November, 1861.*

SIR,

You are aware that on account of the great and sudden increase in the price of all articles of consumption at the time of the discovery of gold, large special allowances were granted to Her Majesty's Troops serving in Australia, and also to those in New Zealand. Special allowances, but of smaller amount, have likewise been assigned, on account of local circumstances, to the Troops serving at the Cape of Good Hope.

After much inquiry and deliberation, the Secretary of State for War has come to the conclusion that the rate of allowances in Australia and New Zealand, established as it was at a peculiar crisis, has become excessive; and further, that on account of the manifest objections to any needless inequalities in the advantages granted to Regiments called upon to serve in different parts of the Empire, these allowances should be assimilated to those at the Cape of Good Hope.

13 Nov., 1861.

I transmit to you an extract of a letter from the War Office, with its enclosure, from which you will more fully learn the views of the Secretary of State for War.

You will perceive that it is his intention to introduce the change at once in those of the Colonies where the special allowances are paid from Imperial Funds. For the sake of the important object of uniformity, in order to guard against jealousies amongst the Troops, and out of fairness also to the Colonial Exchequer, it is very desirable that the same change should be effected simultaneously in the remaining Colonies which provide for these allowances from their own funds.

The Officers in command of the Troops at the several stations have been instructed, by the Secretary of State for War, to afford every co-operation in their power to the Civil authorities in carrying these measures into effect, and to put your Government in possession of them, with a view to any communication which may be requisite to the Legislature, in order to accomplish the objects which I have explained.

I have, &c.,
NEWCASTLE.

[Enclosure in No. 1.]

*Extract of a letter from Sir B. Hawes to the Under Secretary of State, Colonial Office, dated War Office
13th November, 1861.*

The Secretary of State for War having for some time past had under consideration the special allowances issued to Her Majesty's Troops in the Australian Colonies, with the view to their reduction or abolition, it has been determined, for the present, to place the Troops serving in New Zealand, Tasmania and Western Australia, where these allowances are defrayed from Imperial funds, on the same footing as the Troops at the Cape, thereby reducing the allowances to an average of about one half the present amount.

The reasons for this change, and the nature of the new allowances, are detailed in the accompanying draft of a circular despatch which it is proposed to address to the Officer in Command at each of the Stations above named, and are such as, it is believed, will ensure the desired reductions being effected without delay.

In connection with the general question, and also in reference to your letters of the 7th May and 2nd instant, on the subject of the allowances of the Head Quarter Staff in Victoria, it is considered very desirable (in order to prevent jealousy on the part of the Troops) that simultaneous reductions should be effected in the allowances provided out of Colonial funds in Victoria, New South Wales, South Australia, and Queensland; and I am accordingly to request that this subject may be brought under the notice of the respective local Governments, with a view to an early and, if practicable, an uniform revision of these allowances.

[Sub-Enclosure.]

*Draft of Circular Despatch to the Officers in Command of the Troops at New Zealand, Tasmania, and
Western Australia.*

*War Office,
November, 1861.*

Sir,

The question of the issue of special allowances to Her Majesty's Troops serving in the Colonies having been under consideration, I am directed by the Secretary of State for War to acquaint you, that he has come to the conclusion that there are no longer any just grounds for continuing in any of the Australian Colonies the allowances which were some time since sanctioned, in order to meet the special and exceptional circumstances which existed during the earlier years of the gold discoveries, and the continuation of which, now that these circumstances have passed away, gives rise to dissatisfaction and well founded complaints in other Colonies where no such allowances are issued, and where the expenses of living are now on a par with those in Australia.

Pending

COLONIAL ALLOWANCE TO THE MILITARY.

3

Pending further inquiry, however, into this subject, the Secretary of State does not propose altogether to abolish these allowances; but he considers that the Troops throughout Australasia should now be placed on the same footing as those at the Cape of Good Hope, thus reducing the money allowances of officers from 5s. to 3s. per diem, that of employes in the several departments in proportion; and in the case of the soldier, resuming the stoppage of 3 $\frac{1}{2}$ for the ordinary ration, granting in lieu an extra ration of bread and groceries, for which no stoppages will be required. And I am accordingly to request that the change, as respects the money allowances, may take effect from the 1st of the month succeeding the receipt of this instruction, and that the payment of the stoppage by the Troops may be resumed, so soon as the Commissariat, to whom the necessary instructions will be forwarded, shall be prepared to commence the issue of the extra ration. This ration will consist of 4lb. bread, 3oz. coffee, 4oz. tea, 2oz. sugar, 4oz. salt, 3oz. pepper per man per diem; and it is considered that with this addition to the ordinary ration, the requirements of the Troops will be fully and liberally met, and in a manner which, while less costly to the Government, is likely to conduce more to the health and comfort of the Troops than the present allowance. It is therefore expected that no delay need arise in effecting the desired change.

I have, &c.,

No. 2.

MAJOR GENERAL PRATT to SIR JOHN YOUNG.

Victoria,
Head Quarters,
Melbourne, 30 January, 1862.

SIR,

With reference to letters received from the Colonial and War Office, dated as ^{22 Nov., 1861.} per margin, and addressed to the Governors of New South Wales, South Australia, and ^{13 " "} Queensland, relative to a reduction and proposed uniform scale of pay and allowances in ^{23 " "} those Australian Colonies where all, or a portion thereof, are defrayed by the Colony, I have directed the Officer Commanding in New South Wales, in communication with your Excellency, to carry into effect the same measures I have adopted here, to come to a just conclusion whether the measure proposed by the Home Authorities regarding a reduced scale of pay and allowances can be, and to what extent, made applicable in the respective Colonies; and I would solicit your Excellency's co-operation in this matter, and would further venture to suggest that the Governors of the respective Colonies above enumerated should communicate with each other on the subject.

I have, &c.,
T. S. PRATT,
Major General Commanding.

No. 3.

THE UNDER SECRETARY to BRIGADE MAJOR.

Colonial Secretary's Office,
Sydney, 4 February, 1862.

SIR,

I am directed by the Colonial Secretary to request, that you will state to the Colonel Commanding the Troops that, by the last mail, His Excellency the Governor has received a Despatch from the Secretary of State for the Colonies, of which the enclosed is a copy, forwarding an extract of a communication from the Department of the Secretary of State for War, intimating that it has been determined at once to place the Troops serving in the Colonies, paid from Imperial funds, on the same footing, as regards special allowances, as the Troops at the Cape; and that it is desirable, that simultaneously a reduction should be effected in the allowances paid from Colonial funds. No. 1.

I have, &c.,
W. ELYARD.

No. 4.

BRIGADE MAJOR to THE UNDER SECRETARY.

Sydney, 6 February, 1862.

SIR,

I have the honor, by direction of the Lieutenant Colonel Commanding, to acknowledge the receipt of your letter of the 4th instant, with copy of Despatch (with enclosures) to His Excellency Sir J. Young, in which His Grace the Duke of Newcastle shows that the Officers Commanding the Troops at certain stations in Australia had been directed to co-operate with the Civil Authorities, with the view that the military allowances granted by the respective Colonial Legislatures, may by those Legislatures be revised; and I am to state, for the information of the Honorable the Colonial Secretary, that in accordance with instructions received from Head Quarters, Melbourne, a communication has been made by the Lieutenant Colonel Commanding to His Excellency Sir J. Young.

I have, &c.,
WM. HEYWOOD,
Captain, M. B.

No. 5.

No. 5.

COLONEL KEMPT to HIS EXCELLENCY THE GOVERNOR.

*Brigade Office,
Sydney, 6 February, 1862.*

YOUR EXCELLENCY,

I have the honor, in accordance with instructions received from Head Quarters, Melbourne, directing me to put myself in communication with your Excellency, and to forward, for your information, the enclosed copies of letters as per margin. The other documents mentioned in the Assistant Military Secretary's letter of the 14th ultimo are not included, your Excellency having received them direct from England, the whole having reference to an, if practicable, uniform revision of the allowances (voted by the Colonial Legislature to the Troops serving in this Colony), with those of the Colonies named, where the allowances are paid from Imperial Funds.

As it appears by the Despatch from His Grace the Duke of Newcastle, that he considers it is requisite that the Colonial Legislature be consulted on the subject of the proposed change; and as I am directed to co-operate with the Civil Authorities as far as possible, I have the honor to state, for your Excellency's information, that I am quite prepared to do so; and when the Civil Authorities express a wish to that effect, I am ready, should it be approved by your Excellency, to meet them, by nominating Officers to form a Board, in conjunction with such Civil Employé as may be selected, as suggested by Major General Pratt.

Your Excellency will see by the correspondence, that a Board was assembled at Melbourne.

I may also add, that should the Colonial Government not consider it expedient to nominate a Civil Officer to sit on the Board, I am authorized, by telegram from Melbourne, to assemble a Board of Military Officers.

Trusting that your Excellency will give this matter your early consideration,—

I have, &c.,

JOHN FRAS. KEMPT,

Lieut. Colonel Commanding Troops.

[Enclosure 1 in No. 5.]

*Assistant Military Secretary's Office,
Melbourne, 14 January, 1862.*

Sir,

By direction of the Major General Commanding, I have the honor to enclose copies of documents, as per margin; and am to request, with reference to their contents, that you will place yourself in communication with the Governor of the Colony, and report to me the decision which shall be arrived at, as soon as possible, for the information of the Major General.

I have, &c.,

GEO. DEAN PITT,

Major, Ass. Mil. Secretary.

The Officer Commanding the Troops,
Sydney, New South Wales.

[Enclosure 2 in No. 5.]

*War Office,
23 November, 1861.*

Sir,

I transmit to you herewith, for your information, the copy of a letter which I have caused to be addressed to the Officers in Command of the Troops in Tasmania and Western Australia, on the subject of placing the Troops serving in those Colonies on the same footing, in respect to special allowances, as the Troops serving in the Cape of Good Hope.

I also transmit an extract of a letter, addressed to the Colonial Office, suggesting the adoption of a similar arrangement in the case of New South Wales, Victoria, South Australia, and Queensland, where these allowances are provided at the expense of the several local Governments.

The Duke of Newcastle having signified His Grace's concurrence in this proposal, and being about to convey the requisite instructions to the Governors severally concerned, it only remains for me to request that you will do what in you lies to co-operate with the local authorities in the revision of the allowances in question, and that you will direct the Officers Commanding in New South Wales, South Australia, and Queensland, to adopt a similar course.

I have, &c.,

G. C. LEWIS.

Major General T. S. Pratt, K.C.B.

[Enclosure 3 in No. 5.]

*Ass. Mil. Sec.'s Office,
Melbourne, 30 Jan. 1862.*

Sir,

Referring to the documents forwarded from my office on the 14th instant, and again, in duplicate, on the 29th instant, I am directed by the Major General Commanding, to convey to you the course he has adopted here, to come to a just conclusion whether the measure proposed by the Home Authorities regarding a reduced scale of pay and allowances can be, and to what extent, made applicable to this Colony; and to request that, in communication with His Excellency the Governor, to whom a letter has been addressed, you will adopt the same measures, informing me of the result of your inquiries.

You will be pleased to forward to the Governor copies of documents from the War Office, sent to you with my letter of the 14th and 29th instant.

The

Ass. Mil. Sec.
Office, Mel-
bourne, 14
January, 1862.

War Office,
No. 633, 23
November, 1861.

Ass. Mil. Sec.
Office, Mel-
bourne, 30
January, 1862.

War Office,
No. 633, 23rd
November, 1861.

War Office, 23rd
November, 1861.

Extract, War
Office, 13th
November, 1861.

The Major General has directed the assembly of a Board of Officers, including one employé of the local Government, and a copy of the instructions given them for their guidance is herewith enclosed; and he desires me to add, that on application to the Governor, you will doubtless be able to procure a copy of the letters addressed to Governors of Colonies relative to this subject.

G. D. PITT.

The Officer Commanding the Troops in
New South Wales, Sydney.

[Sub-Enclosure in foregoing.]

General Instructions for the Board assembled to report on the Scale of Colonial Allowances to Troops in Victoria, in reference to the enclosed documents from the War and Colonial Offices.

The Board will make strict inquiry, from persons best competent to give evidence, as to the price of house rent, servants' wages, average rates of wages for unskilled labour, and general expenses of living in the Colony.

The Board will ascertain how far the expense of living in this Colony has varied since 1857, and if practicable, how far the expense is similar to that at the Cape of Good Hope.

The Board, taking the documents furnished them as their guide, will frame scales of pay and lodging allowances, in accordance with the views expressed and the peculiar circumstances of the Colony, and for all ranks, as laid down in the relative rank Warrant Cir. 641.

The attention of the Board is particularly directed to the wish of the Government, that a uniform system should be adopted throughout the Colonies, and that in reducing the allowance to the Troops, a proportionate reduction should be made in those of the Officers.

The views of the Home Government were taken when the allowances granted for 1861 were in force; since then a reduction of 25 per cent. has been made for all ranks, but the former must be taken as the basis to start from.

The reduction made in the allowances to the Troops in Colonies paid out of the Imperial Exchequer is about two-fifths that of last year, and the Board will have to consider the position of the soldier at the present time relatively with that of the labouring class in the Colony, as also what reduction can be made in the pay of Non-Commissioned Officers and Privates (as issued in 1861), to place them in the same relative position as the Troops in the other Australian Colonies and the Cape of Good Hope.

Regarding lodging allowance to Officers and others, the existing scale being taken as a basis, and the sum necessary for the junior class being ascertained by the rate of house rent generally, that for the other classes follows as a matter of course.

Colonial allowances to Regimental Officers should, it is considered, be at one uniform rate for all ranks.

For Staff Officers, the relative rank Circular 641 should be taken as a guide, and the rate of allowances sufficient to enable each class to maintain a proper position in the place should be shown.

With reference not only to the rates of wages, living, &c., but to the expenses attending outfits and passages for families out and Home, and bearing in mind that Staff appointments are limited to periods never exceeding five years.

To facilitate inquiry, reference should be made to the Estimates of the year 1861, for the Mauritius, Ceylon, and Cape of Good Hope, which can be obtained in the Office of the Chief Secretary.

No. 6.

COLONEL KEMPT to HIS EXCELLENCY THE GOVERNOR.

Brigade Office,
Sydney, 17 February, 1862.

YOUR EXCELLENCY,

In forwarding, for your Excellency's information, the enclosed copy of proceedings of a Board assembled here on the 14th instant, to inquire into and report on the Colonial allowances granted to the Troops serving in this Colony, I have the honor to say, that having received no instructions direct from England on the subject of the reduction of such allowances, I can only act under the direction of the Executive, or the authority of the Major General Commanding. I shall therefore forward to him another copy of the proceedings of the Board, by to-morrow's mail, with a request that he will be good enough to state whether he approves of the suggestions contained in the same; and also that I may be informed what measures are adopted at the Head Quarters of the Command, as if there is no reduction in Victoria, and there is one here, much jealousy and discontent would probably arise, the consequences of which might be serious.

I have, &c.,
JOHN FRAS. KEMPT,
Lieut.-Col. Commanding Troops.

[Enclosure in No. 6.]

Proceedings of a Board assembled by order of Lieutenant Colonel Kempt, Commanding Troops, New South Wales, bearing date 13th February, 1862, in accordance with instructions received from Major General Pratt, K.C.B., Commanding Troops in the Australian Colonies, to inquire into and report on the Scale of Colonial Allowance granted to the Troops serving in N. S. Wales.

PRESIDENT.

Captain William Heywood, 2-14 Foot, Major of Brigade.

MEMBERS.

Assistant Commissary General Rolleston,
Paymaster W. Olivey, 1-12 Foot,

Captain A. J. Leeson, 1-12 Foot,
Lieutenant H. D. Pitt, R.A.

The

Ass. Mil. Sec.,
Melbourne,
30/1/62.

Downing-street,
22/11/61, with
Extract, 13/11/61.

War Office,
23/11/61, with
copy of War
Office letter,
23/11/61, to Offi-
cers Command-
ing Troops in
Tasmania and
Western Austra-
lia.

The Board having assembled according to order, proceed to peruse the documents, as per margin, laid before them, and to take evidence.

Captain Heywood, Major of Brigade, informs the Board:—I find almost every article of consump-^{1st Evidence.} tion, clothing, furniture, &c. very much dearer in New South Wales than in England. I am paying £168 a year for a small furnished house; £84 a year, with board and lodging, to a married couple; and 12s. a week, with board and lodging, to a boy as groom; all of which rates are certainly more than double what I should pay in England.

I pay for beef, 5d. per lb.; mutton, 6d. per lb.; veal, 7d. per lb.; milk, 10d. per quart; potatoes, from 7s. to 12s., or 14s. a cwt.; bread, 2d. per lb.

For some months after my arrival in this Colony, last year, I lived in lodgings, and paid three guineas a week for two furnished rooms with breakfast. I know a gentleman who is paying two guineas a week for one room with breakfast, and another who is paying two guineas a week for two rooms with breakfast, but these rooms are not nearly so good as those which I occupied, and none of the lodgings I have mentioned are in the most expensive streets.

I am informed by the Quarter Master of the 1-12 Regiment, that the wives of men of his Corps living out of Barracks pay from 3s. 6d. to 7s. a week for wretched accommodation that can be procured at Home for from 1s. to 2s. a week.

I have made inquiries about labourers' (&c.) wages, and find that the Municipal Council here pays 7s. a day to its labourers; and this morning a gentleman who occupies a farm a short distance from Sydney informed me that he is paying £50 a year for labourers with board and lodging, and that he cannot get good men at a lower price, and that he has not found any alteration in the rates for several years. He also says that he cannot get female servants for less than 12s. a week with board and lodging.

I find, on comparing the latest Estimates of New South Wales with those of the Cape, that office messengers (who are of the same class in society as soldiers) receive on an average £70 a year at the Cape, but £110 in New South Wales, which is a conclusive proof that the Government of the latter Colony consider the expenses in it are greater than those at the Cape, the pay of the lower class of officials being a better test than that of the higher. I also see that at the Cape, the Governor's salary is £5,000 a year, while in New South Wales His Excellency receives £7,000 a year, which I suppose is on account of the greater expenses here. I cannot say whether the Imperial Government have proposed that the Colonial Legislature of New South Wales should reduce the salary of His Excellency to the Cape rate, on the same principle that the reduction of the pay of the military is proposed.

The only other Colony south of the Line with which I am acquainted is New Zealand. I was stationed at Auckland for a short period at the beginning of last year, and know that the expense of houses is much less there than in Sydney. There the houses are almost all small wooden cottages. There is very little entertaining, and not half as many servants are required as in Sydney. In fact the general expenses of society are much less.

As I have taken my house to the end of November of this year, on the supposition that my Colonial allowances would not be disturbed until the commencement of the next financial year, 1st January (and not even then unless altered by the Colonial Legislature), and as I have calculated my expenses for the year according to my promised income, I shall consider that I am most unfairly treated if my Colonial allowances are suddenly reduced without the slightest warning, and after they have been voted. In fact, if they are to be reduced to the rate proposed for New Zealand, Tasmania, &c., I hardly know how I am to live. As His Grace the Duke of Newcastle, in his Despatch to His Excellency the Governor-in-Chief of New South Wales, says, that after much "deliberation and inquiry," he has come to the conclusion that the allowances in Australia are excessive, I have searched in vain in the Brigade Office, and used every endeavour to discover whether any report has at any time been called for on the subject. I can find no trace of such report, and I therefore think that the Board cannot be wrong in inferring that His Grace must have been decided in his opinion by the erroneous information of persons at Home, who are guided more by their zeal to cut down the expenditure of the Imperial or Colonial Exchequers, than by a real knowledge of the subject on which they profess to give such information.

I lay before the Board a copy of a Return from the 1-12th Regiment, showing that at present the soldier in that Corps, after paying for his necessaries, clears a little over 6½d. a day, including his Colonial allowance. I also produce a leaf from the Statistical Register of New South Wales, for 1860, page 123 of which shows the rates of wages in the Colony for the last 10 years.

The Board will see, at page 123 of the Statistical Register, 1860, New South Wales, now produced the rates of wages in the Colony for the last 10 years.

As sent to the
Assistant Military
Secretary,
Melbourne, Vic-
toria.

As sent to His
Excellency the
Governor-in-
Chief.

1ST BATTALION 12TH REGIMENT.

SANITARY REPORT 4.—The weekly surplus of pay available to each rank for personal expenditure may be taken at the following average, exclusive of additional allowances for good conduct or length of service:—

| | Serjeants. | Corporals. | Drummers. | Privates. | Remarks. |
|--|------------|------------|-----------|-----------|----------|
| | s. d. | s. d. | s. d. | s. d. | |
| Stoppage for messing | 4 11½ | 3 2½ | 3 2½ | 3 2½ | |
| Do. washing | ... | 0 3½ | 0 3½ | 0 3½ | |
| Do. necessaries | ... | 0 11½ | 0 11½ | 0 11½ | |
| Other stoppages | 0 0½ | 0 0½ | 0 0½ | 0 0½ | |
| Deductions from pay | 5 0 | 4 6 | 4 6 | 4 6 | |
| Pay of each rank, less stoppage for rations .. | 18 11½ | 14 3½ | 9 0½ | 8 5½ | |
| Remains for personal expenditure .. | 13 11½ | 9 9½ | 4 6½ | 3 11½ | |

Sydney, 1 January, 1862.

JOHN FRAS. KEMPT,
Lieutenant Colonel,
Commanding 1st Battalion 12th Regiment.

2nd Evidence.

Assistant Commissary General Rolleston informs the Board:—I, when quartered in Edinburgh, occupied, in the best part of the town, a flat consisting of a drawing room, dining room, four bedrooms, kitchen, pantry, and servant's room, for which I paid £70 a year, furnished. I consider that I cannot get the same accommodation in as good a position in Sydney for less than £250 a year, unfurnished, or £350 a year furnished.

Paymaster

Paymaster Olivey, 1-12th Regiment, informs the Board:—I pay £1 a week, with board, to a man as general servant. I should pay in England about £15 a year, with board, for the same. I pay on an average 12s. a week, with board and lodging, to female servants. I have looked at many houses, by no means large ones, and cannot get a suitable one near the Barracks under about £180 per annum. 3rd Evidence.

Captain Leeson, 1-12th Regiment, informs the Board:—The men (privates) 1-12th Regiment clear about 8½d. a day, and then have to pay for their necessaries. 4th Evidence.

Captain Lord John Tylour, Aide-de-camp to His Excellency the Governor-in-Chief of New South Wales, informs the Board:—I was stationed with my Regiment (85th) at Fort Beaufort, Queens-town and Tylden, Cape of Good Hope, in the years 1857-'58-'59. I consider that no comparison can be formed between the expenses of this Colony and those of the Cape, those of the latter being as a rule much less. I pay in Sydney £250 a year for an unfurnished house, and I know that a much better house was let at Fort Beaufort for £72 a year. I paid a female servant at the Cape 30s. a month—I pay in Sydney 50s. a month to a female servant doing the same work. There were plenty of very good men servants (coloured) to be got at the Cape at infinitely lower prices than in Sydney. Meat, poultry, and vegetables were cheap, and on the coast everything much cheaper than in Sydney; of course as we were removed from the coast imported articles were dearer. I consider that I could live at the Cape in the same style as I now do here for £300 a year less. 5th Evidence.

Private George Prince, 1-12th Regiment, informs the Board:—I was stationed at the Cape, on the Eastern frontier, from 1851 to 1859. When I left, the ration consisted of 1½lb. meat, 1lb. bread, 1oz. sugar, ½oz. coffee, 2oz. rice, ¼ gill salt. The ration stoppage was 3½. We had to purchase more groceries; they were cheap, otherwise we could not have lived. We cleared about 4d. a day, but directly we got our pay we bought bread. Bread, meat, and potatoes were much cheaper than in Sydney. Labourers (white) wages about 8s. a day; clothing was much cheaper than in Sydney; we paid at the Cape, in a shop, 8s. for a pair of boots, and 12s. 6d. for the same in Sydney; a shirt at the Cape was 2s. 6d., in Sydney about double that price; a bottle of ale 8½d. at the Cape, 1s. in Sydney; Cape brandy 7d. a bottle, brandy in Sydney 7s. 6d. a bottle; gin at the Cape, 3d. a glass, in Sydney, 6d.; tobacco at the Cape, 2s. 3d. per lb., in Sydney, 5s. 6d. per lb. We clear in Sydney about 8½d. a day, out of which we have to find our regimental necessaries. 6th Evidence.

The Board regret that they have not more ample means at their disposal to enable them to institute fully a comparison between the expenses at the Cape and those in New South Wales; but from the evidence before them, they are quite satisfied that no fair comparison can be instituted between the two Colonies. The Board, however, think that it is of little importance whether the soldier is in a better or worse position in New South Wales than at the Cape, the main questions being,— Colonial pay of the soldier.

1. Is the soldier, when serving in New South Wales, in a better or worse position *relatively* to the labouring classes of that Colony, than, when serving at Home, he is to the labouring classes in England?
2. If the scale of Colonial allowance proposed for New Zealand, Tasmania, &c., is extended to New South Wales, would the soldier be *absolutely* in a better or worse position than if serving at Home?

To the first question the Board have not the slightest hesitation in saying, that the soldier in New South Wales, clearing 8½d. a day, is *relatively* in a worse position, where unskilled labour is valued at 7s. a day, and where men often refuse to work for less than 6s. a day, than he is when clearing 3½d. or 4d. a day in a country where wages are high when they reach 2s. a day.

In reply to the second question, the Board are of opinion that, if the despatches mean that the soldier is to lose 6d. a day, and to receive in place of it an extra ration (the value of which in New South Wales is about 2½d.), he will, then clearing only about 4½d. a day, be *absolutely* in a far worse position than the soldier serving at Home; for, making further allowance for the extra price of his regimental kit, he will only clear about the same as a soldier in England. This, the Board are of opinion, is quite inadequate, considering the great temptation to which the soldier is exposed in a gold-producing Colony and the generally high prices.

As regards the Colonial pay of Officers, the Board are unanimously of opinion that it would be an injustice to place Officers serving in the Colony of New South Wales on the same scale with those serving at the Cape, as, from the very high rates of house rent and lodging in Sydney (where alone Troops are permanently stationed), and the still higher rates of servants' wages, the high price of furniture and of most of the essentials of life, and from the well-known lavish expenditure of the whole community, no comparison can be drawn; and the Board consider that it is only by great economy that an Officer without private means can live as a gentleman, even with the present rate of Colonial pay. The Board also think that the great distance of New South Wales from England should be taken into consideration. By the War Office Regulations, £40 is the Government passage rate from England to the Cape, and £75 to New South Wales. Colonial pay of Officers.

Consequently, if an Officer goes Home on leave, and pays his own passage Home and out from this Colony, he must pay £70 more than his brother Officer at the Cape under the same circumstances, and to do this, he would have to lay aside 1s. a day for nearly four years.

From the evidence adduced, and from their own knowledge, the Board are of opinion that no comparison can be instituted with other Colonies, and that the class of houses in which Officers would live, are, in Sydney, more than three times as dear as in England. Lodging allowance.

The Board, therefore, recommend that the subaltern's lodging allowance be fixed at 5s. a day, that of other Officers rising according to War Office scale.

The present scale was fixed by a Board in 1851, and does not rise according to War Office Regulations. Major of Brigade, A. C. General, D. A. C. General, D. A. Supt. of Stores.

It may appear at first sight that this will cause increased expense, but practically the result will be otherwise, as those actually drawing lodging allowance, as per margin, will draw less than at present.

The Board cannot for an instant suppose that it is intended that the lodging allowance be reduced to the Home rates, and they do not know what are the Cape rates.

As regards soldiers' lodging allowance, the Board consider it should not be less than 6d. a day, or three times the Home rate, but they do not anticipate there can often be cause to issue it.

The Board regret that, though they have carefully studied the despatch from His Grace the Duke of Newcastle to His Excellency Sir J. Young, and that from the Right Honorable the Secretary of State for War to Major General Pratt, K.C.B., with their respective enclosures, still they are utterly unable to give an opinion as to what really is proposed for those Colonies in which the Colonial pay is voted by the Colony.

Is it proposed, at one blow, to reduce the Colonial pay of a Staff Serjeant from 2s. 6d., of a Serjeant from 1s., and of a private soldier from 6d. a day, to an uniform issue of a ration worth 2½d.?

Is it proposed to cut down Officers' Colonial allowances from 11s. 3d., 9s. 6d., 8s., &c., to one uniform rate of 3s.?

The Board cannot suppose that such is the intention; and are inclined to think that His Grace the Duke of Newcastle and the Right Honorable the Secretary of State for War must have been misinformed as to the actual rates current in the Colony. The Board believe that the utmost that is intended is that the reduction of Colonial pay in New South Wales should only be *proportionate* to the reduction in those Colonies where the allowances are paid from Imperial funds.

For instance; if, in New Zealand, a soldier, now receiving a free ration worth 3½d., receives *in lieu* of it another ration worth 2½d., (this is the value in New South Wales), it is very evident that, as he only loses 1½d., he loses exactly one third of what the soldier would lose in New South Wales by

receiving

receiving this ration in lieu of 6d. a day. The jealousies which the Home Authorities assume exist between various Colonies on account of the different rates of allowances (but of the existence of which jealousies the Board can find no trace—as, for instance, no jealousy exists amongst the Troops in New South Wales because the allowances in Victoria, or in India, are higher), the Board respectfully, but firmly, beg to state, would, in their opinion, be as nothing in comparison with the discontent which would be engendered in the mind of the soldier by what would to him appear an injustice.

The Board, on the whole, considering the vagueness of the instructions from Home, and also that the Colonial allowances for 1862 have passed the Colonial Legislature, recommend that the Officer Commanding the Troops in New South Wales should request His Excellency the Governor-in-Chief and the Executive Council (pending reference Home, which the Board assume will be made by His Excellency and by the Major General Commanding in the Australian Colonies) to suspend the operation of the despatches.

But if such a course should not meet with the approbation of His Excellency and the Executive Council, the Board having in view, as before stated, the great vagueness of the despatches, would recommend that the Colonial pay and allowances of H. M. Troops serving in New South Wales be reduced only in the same proportion as civil salaries have been reduced since 1852, the year in which the Colonial allowances were first granted. This course would be adopted with “fairness to the Colonial Exchequer,” as the Colonial Government can hardly wish that the military are to suffer a greater proportionate reduction than the civil employés, and it is a course which, pending reference to England for more precise instructions, would be considered fair both by officer and soldier.

WM. HEYWOOD, Capt., M.B., President.
 F. ROLLESTON, A.C.G.
 A. J. LEESON, Capt., 1-12th Regt.
 W. E. OLIVEY, Paymaster, 1-12th Regt.
 HENRY D. PITT, Lieut., R.A.

No. 7.

THE UNDER SECRETARY to COLONEL KEMPT.

*Colonial Secretary's Office,
 Sydney, 19 February, 1862.*

SIR,

With reference to my letter of the 4th instant to the Brigade Major, which enclosed a copy of a Despatch and its enclosure from the Secretary of State for the Colonies, relating to the rate of allowances made from Colonial funds to the troops in Australia, and to the communication from General Pratt and yourself, respecting the steps to be taken for carrying out the intention of the Home authorities, that these allowances should be assimilated to those of the Cape of Good Hope, I am directed by the Colonial Secretary to inform you that these documents have been laid before His Excellency the Governor and the Executive Council, and to transmit for your information a copy of a Minute of the Council on the subject.

2. You will observe that, under the circumstances therein stated, it is deemed unnecessary that the Government of this Colony should take any action in reference to directions which appear to have been well considered by the Secretary of State for War before they were issued, and, as advised by the Council in the Minute now forwarded, the Colonial Secretary desires me to communicate to you the request of this Government that you will carry out the instructions contained in the Despatch from the Secretary of State and its enclosures from the War Department, in the distribution of the money paid to you for the troops from the Colonial Treasury.

I have, &c.,

W. ELYARD.

[Enclosure in No. 7.]

PROCEEDINGS of the Executive Council on the 11th February, 1862, with reference to a Despatch from His Grace the Secretary of State for the Colonies, relative to the excessive rate of allowances granted to the Military in the Australian Colonies.

Minute No. 62/5. Confirmed 18th February, 1862.

His Excellency the Governor lays before the Council a Minute paper by the Honorable the Vice-President, submitting a Despatch from the Secretary of State for the Colonies, dated the 22nd of November, 1861, in which the Duke of Newcastle states, that after much inquiry and deliberation the Secretary of State for War has come to the conclusion that the rate of Colonial allowances to the troops in Australia and New Zealand has become excessive, and further, that on account of the manifest objections to any needless inequalities in the advantages granted to Regiments called upon to serve in different parts of the Empire, these allowances should be assimilated to those of the Cape of Good Hope.

The Secretary of State for War intends to introduce the change in those of the Colonies where the special allowances are paid from the Imperial funds, and intimates, that in order to guard against jealousies amongst the troops, and out of fairness to the Colonial Exchequer, it is very desirable that the same change should be effected simultaneously in the remaining Colonies which provide for these allowances from their own funds. The Officers in command of the troops at the several stations have been instructed by the Secretary of State for War to afford every co-operation in their power to the civil authorities in carrying those measures into effect, and a copy of the Despatch has been transmitted to Colonel Kempt, commanding the troops in New South Wales, for his information and guidance.

Accompanying this Despatch are letters from General Pratt and Colonel Kempt, with reference to the steps to be taken for carrying out the intention of the Home authorities.

The.

The General having appointed a Board of military officers, in conjunction with a civil officer, in Melbourne, to consider the matter, suggests that His Excellency Sir John Young should co-operate, and that the Governors of the respective Colonies named should communicate with each other.

2. The Council having fully considered this important matter, and bearing in mind the fact that the New South Wales Parliament has for some time shown an unwillingness to grant the military allowances now objected to by the Secretary for War, and has been mainly influenced in voting the amount to the present time in consequence of the Imperial Government upon a former occasion insisting upon the fulfilment of what was considered a compact, but which is now voluntarily given up, feel that it is unnecessary for this Government to take any action in reference to instructions which appear to have been well considered by the Secretary for War before they were issued.

They therefore advise that no steps should be taken to appoint a civil officer to co-operate with the military Board, but the Commander of the Troops in New South Wales be requested to carry out the instructions of the Secretary of State, as contained in his Despatch of the 22nd November last.

CHAS. COWPER, JUNR.,
Clerk of the Council.

No. 8.

COLONEL KEMPT to THE UNDER SECRETARY.

*Brigade Office,
Sydney, 20 February, 1862.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 19th instant (giving cover to a Minute of the Executive Council having reference to a reduction proposed by the Home authorities in the allowances made to the troops serving in this Colony), in which I am requested to carry out the instructions given to His Excellency the Governor-in-Chief of this Colony, in a Despatch (with enclosures) dated 22nd November, 1861, from His Grace the Duke of Newcastle, regarding the distribution of the money voted by the Colonial Legislature for the Military serving here. Entertaining great fears of the consequences, both by an increase of desertion and in the weakening of military discipline, if an immediate and sweeping reduction be carried out in the allowances now for some years granted to the troops, I have given expression of this fear to the Major General, and request that the Colonial Government will suspend action, as regards taking steps to carry out the instructions contained in the Despatch, pending an expression of opinion on the part of the Major General as to the extent to which he considers the rule applied to New Zealand, Tasmania, &c., can be carried out in New South Wales. After a careful study of the Despatch and its enclosures, I am led to suppose that the Home authorities were hardly aware of the differences which exist in this Colony in the allowances made to the various ranks of Officers and Non-Commissioned Officers, otherwise I cannot for an instant imagine that they wished that only two scales should for the future exist, one for Officers, the other for the lower ranks. But I think that the utmost that can be desired is a proportionate reduction: all Officers now drawing more than 5s. a day losing $\frac{2}{3}$ ths of such pay; and the Non-Commissioned Officers and Privates losing only in the same proportion as the Non-Commissioned Officers and Privates in New Zealand and Tasmania, or about one-third of their extra pay.

I have, &c.,

JOHN FRAS. KEMPT,
Lieut. Col. Comd. Troops N. S. Wales.

No. 9.

MAJOR GENERAL PRATT to HIS EXCELLENCY THE GOVERNOR.

*Victoria,
Head Quarters,
Melbourne, 22 February, 1862.*

SIR,

The proceedings of a Board held at Sydney, to report upon the projected reductions in the Colonial pay and allowances of the troops, having been sent to me, though the decision of your Excellency's Government is not known, I feel it my duty to submit for your Excellency's consideration and that of the Government, the advantage of postponing the contemplated reduction until reference be made to the Home authorities, to whom the whole case will be referred by this mail, with my recommendation that the troops in Australia should be relieved by others who have not enjoyed the larger allowances; and also that the reductions generally should be reconsidered.

I have, &c.,

T. S. PRATT,
Major General Commanding.

No. 10.

BRIGADE MAJOR to THE UNDER SECRETARY.

*Brigade Office,
Sydney, 10 March, 1862.*

SIR,

Adverting to the letter of the Lieutenant Colonel Commanding, of the 20th ultimo (on the subject of the proposed reduction of the Colonial allowances at this station), to which no answer has been received, I have the honor, by direction of the Lieutenant Colonel Commanding, to enclose for the information of the Honorable the Colonial Secretary a copy of a letter since received from the Major General Commanding, which I am to request may be favourably considered.

I have, &c.,
WM. HEYWOOD, CAPT.,
Major of Brigade.

[Enclosure in No. 10.]

*Asst. Military Secretary's Office,
Melbourne, 25 Feby., 1862.*

Sir,

Referring to your letter dated 22nd instant, just received, and to your former communications, regarding the reduction of pay and allowances suggested by the Colonial and War Departments, in which you inform me that the Government of New South Wales have decided upon carrying the proposed reductions into effect,—

I am directed by the Major General Commanding to acquaint you that he has written to His Excellency the Governor of New South Wales, earnestly soliciting that his Government should not carry the reductions into effect until a reply should be received from England to the strong remonstrances which the Major General has sent Home requesting a reconsideration of the matter, and transmitting the proceedings of the Boards held here and at Sydney, with all documents connected with the case.

The Major General would fain hope that this request will be complied with; but of this you will be able to ascertain on application.

The Major General has pointed out the ambiguity which exists regarding the extent of the reductions contemplated by the Home authorities, and requests explanation; but, after repeated perusal of the Despatches, he can only come to the conclusion, that, under imperfect information, the authorities intend to reduce all ranks of Officers to 3s. per diem, and to one rate of lodging allowance; whilst, for the soldiers, the only advantage for non-commissioned officers and privates is a grocery ration, value 2½d., in addition to Imperial pay,—rations being chargeable to the soldier.

The Major General does not feel in a position, from the statements made by the Colonial and War Office, to suspend the order and direct payment to be made out of the Imperial chest.

If, therefore, the Government at Sydney decline to accede to the Major General's request (which, as before stated, he would fain hope they will not do), there appears no resource but compliance with the orders received, and to look for compensation, should the Home authorities on reconsideration take a more favourable view of the case.

I have, &c.,
GEO. DEAN PITT, MAJOR,
Assist. Mil. Secretary.

Lieutenant Colonel J. F. Kempt,
Commanding the Troops in
New South Wales.

No. 11.

THE UNDER SECRETARY to BRIGADE MAJOR.

*Colonial Secretary's Office,
Sydney, 25 March, 1862.*

SIR,

I am directed by the Colonial Secretary to acknowledge the receipt of your letter of the 10th instant, enclosing the copy of one from the Major General Commanding, respecting the instructions recently transmitted from England for reducing the Colonial allowances to the troops in this Colony. A letter has also been received by His Excellency the Governor from Major General Pratt on the subject.

2. It appears from these documents that a representation has been made to the Home authorities, with a view to obtain a reconsideration of the instructions alluded to, and that the regiment now here should be exchanged for another which has not enjoyed the larger allowances.

3. The Executive Council having duly considered the matters urged by the Major General, I am directed to inform you that, with the advice of the Council, His Excellency the Governor has been pleased to sanction the payment, from the provision made by Parliament, to the Officer commanding the troops in New South Wales, of a sum to meet the allowances according to the existing scale, for the second quarter of the present year, or until a reply shall (if previous to the expiration of the quarter) be received from the Imperial Government to the remonstrance of the Major General.

I have, &c.,
W. ELYARD.

No. 12.

LIEUTENANT COLONEL HAMILTON to SIR JOHN YOUNG.

*Brigade Office,
Sydney, 16 June, 1862.*

YOUR EXCELLENCY,

As no answer has been received from England relative to a remonstrance sent Home against reductions proposed in the Colonial allowances of the military, I have the honor to request that your Excellency will, with the concurrence of the Executive Council, be good enough to direct that the present scale be continued till the answer arrives.

I cannot too strongly urge on your Excellency the imperative necessity of so doing, if the almost wholesale desertion which I am induced to fear may follow the adoption of the reduced rates is to be prevented. Since the beginning of last year, upwards of sixty private soldiers (about 15 or 20 per cent.) 1-12th Regiment have deserted in this Colony. It may be estimated that each soldier landed in New South Wales costs the Imperial Government at least £100. I should therefore imagine that the military will be entirely withdrawn if steps are not taken to obviate the heavy and unnecessary loss likely to arise from increased desertion; a loss that, in a pecuniary point of view, will probably far exceed the amount paid by the Colony to the troops, which, though in itself a great boon, is hardly sufficient to meet necessary expenses.

I have, &c.,

H. MEADE HAMILTON,

Lt. Col. 12th Regt.,

Commanding Troops, New South Wales.

No. 13.

SIR JOHN YOUNG to LIEUTENANT COLONEL HAMILTON.

*Government House,
Sydney, 7 July, 1861.*

SIR,

With reference to your communication of date the 16th ultimo, I have now the honor to forward for your information a copy of a Minute of the Executive Council, from which you will perceive that this Government is prepared to continue the present scale of Colonial allowances until a further communication has been received from England.

I have, &c.,

JOHN YOUNG.

[Enclosure in No. 13.]

PROCEEDINGS of the Executive Council on the 24th June, 1862, relative to the continuance of the present scale of Colonial Allowances to the Military, pending a communication from the Home Government.

Minute 62/21. Confirmed 1st July, 1862.

His Excellency the Governor lays before the Council a Minute paper by the Honorable the Vice-President, submitting a letter from the Lieutenant Colonel Commanding the Troops, urging the expediency of continuing the present scale of Colonial allowance to the military in this Colony until the arrival of an answer to the reference which has been made to the Imperial Government on the subject, at whose instance the reduction was proposed.

It appears from this letter, that since the beginning of the last year, upwards of sixty private soldiers, or nearly 20 per cent. of the regiment, have deserted, and it is feared that, should the reduction be insisted on, the desertion will be still greater.

2. Under these circumstances, and upon the recommendation of the Honorable the Vice-President, the Council advise that the necessary authority be given for the continuance of the present scale of Colonial allowance until a further communication has been received from England.

CHAS. COWPER, JUNR.,

Clerk of the Council.

No. 14.

MAJOR GENERAL PRATT to SIR JOHN YOUNG.

*Victoria,
Head Quarters,
Melbourne, 14 July, 1862.*

SIR,

I have the honor to forward for your Excellency's consideration and that of your responsible advisers the accompanying copy of a letter from the War Office, dated 30th April last, and received by the present mail, on the subject of a reduction in the Colonial allowances in Australia, and I would solicit an early consideration of the suggestion contained in the said letter, and that whatever decision may be arrived at by your Government may be communicated to me as soon as possible, with a view of my acquainting the Right Honorable the Secretary of State for War with the result.

It will be observed that the proposed reduction is to take effect not later than the 1st July, which, with regard to the soldiers, will have a retrospective effect.

I have, &c.,

T. S. PRATT,

Major General Commanding.

[Enclosure

[Enclosure in No. 14.]

War Office,
30 April, 1862.

Sir,

I am directed by Secretary Sir George Lewis to acknowledge the receipt of your letters of the 22nd and 24th February, Nos. 62-49 and 51, with their enclosures, and to acquaint you, with reference to those portions of them which relate to the reduction of the Colonial allowances of the troops serving in Victoria, New South Wales, Queensland, and South Australia, that although it is considered that a uniform scale of Colonial allowances should be adopted as soon as convenient throughout the Australian Colonies, it is not the wish of Her Majesty's Government that the change should be brought about in such a manner as to press severely on either the Officer or the soldier, and which it is apprehended would be the case were the troops in those four Colonies, where very high allowances have for a long time been sanctioned, to be suddenly reduced to the scale fixed for New Zealand and the other two Colonies, where very much lower allowances had always obtained.

The object of Her Majesty's Government would be sufficiently met, if for the present the reductions in the four Colonies referred to were to bear about the same proportion to the scale of Colonial allowances existing in each during 1861, as did the reductions in the other three Colonies to the Imperial scale of allowances, the lodging allowances being also reduced.

The Secretary of State has always been sensible of the difficulty of deciding here upon a suitable scale of allowances for those four Colonies, where they are paid from Colonial funds—not only because of the very conflicting evidence before him of the relative expenses of living in them and in the other Colonies, but also because of the absence of any uniformity either in the amount of the allowances, or in the principle upon which they appear to have been framed; and he would therefore still prefer that the respective Governments, being apprised generally of what was being done elsewhere, should themselves, in conjunction with you, revise the existing scales. But in view of the difficulties which seem to surround this question, even on the spot, Sir George Lewis deems it advisable to offer some further suggestions for your guidance: and I am accordingly to state, that you are at liberty to submit for the consideration of the respective Governments the following scale, as one which the Secretary of State for War would be willing to see adopted as a temporary arrangement, subject to revision from 1st January, 1863, if found advisable after receipt of further reports from the Colonies:—

1. The Colonial allowance of all officers and employés in the four Colonies to be reduced to three-fifths of the rates existing in each in 1861, such reductions being in proportion to the reduction in New Zealand.
2. Lodging allowances of officers in Victoria, New South Wales, and Queensland, to be reduced to the scale existing in New South Wales previous to the gold discoveries, with 25 per cent. added to meet enhanced prices. No change is proposed in the lodging allowance in South Australia, it being already below these rates.
3. The Colonial pay and allowances of the non-commissioned officer and soldier in the four Colonies to be reduced to one-half the amount granted in each in 1861, the local Governments giving him in lieu a free grocery ration, or its equivalent in money.
4. The change to take effect not later than 1st July, 1862.

I am to add, that while the Secretary of State would view with dissatisfaction any addition to the rates here suggested for officers, he would not object to any revision of the scale which, while keeping within the proposed amounts, would provide for a better or more uniform distribution than at present, nor to any modification of the scheme as affecting the soldier which the local Government and yourself may agree upon.

From the tenor of the correspondence accompanying your letter, Sir George Lewis infers that no important reductions will have been made in the allowances either at Victoria, Queensland, or South Australia, pending your present reference; and should your anticipations with respect to the reductions being carried out at Sydney prove correct, Sir G. Lewis does not doubt that you will have no difficulty in adjusting with the local Government any claims that may arise out of the present recommendations.

I have &c.,

EDWARD LUGARD.

No. 15.

THE DUKE OF NEWCASTLE to SIR JOHN YOUNG.

Circular.

Downing-street,
24 May, 1862.

SIR,

With reference to my Circular Despatch of the 23rd November last, I transmit to you for your information a copy of a letter from the War Office, forwarding a copy of a communication addressed by Sir G. Lewis' desire to the Officer in command of the troops in Australia, on the subject of the proposed reduction of the Colonial allowances issued to the troops in the several Australian Colonies.

I have, &c.,

NEWCASTLE.

[Enclosure in No. 15.]

War Office,
30 April, 1862.

Sir,

With reference to my letter of the 13th November last, I am directed by the Secretary of State for War, to enclose for the information of the Duke of Newcastle the copy of a communication addressed to the Officer Commanding at Victoria, in reply to Despatches received from him by the last mail on the subject of the proposed reduction of the Colonial allowances issued to the troops in Victoria, New South Wales, Queensland, and South Australia, and to request, should His Grace concur therein, that copies may be transmitted by the ensuing mail to the Governors of each of the four Colonies above mentioned for their information and guidance.

I have, &c.,

EDWARD LUGARD.

Sir Frederic Rogers, Bart.,

&c.,

&c.,

&c.

[Sub-Enclosure.]

(See Enclosure in No. 14.)

No. 16.

No. 16.

LIEUTENANT COLONEL HAMILTON to COLONIAL SECRETARY.

*Brigade Office,
Sydney, 21 July, 1862.*

SIR,

I have the honor to forward, for consideration, the accompanying letter from the Major of Brigade at this station, with enclosures, on the subject of lodging allowance for the present quarter.

If your decision is favourable, I beg to recommend the cases of other Officers, who are in the same situation as the Major of Brigade.

I have, &c.,

H. MEADE HAMILTON,
Lieut. C., 12th Reg. Commanding Troops.

[Enclosure in No. 16.]

*Brigade Office,
Sydney, 19 July, 1862.*

Sir,

I have the honor to request that you will be good enough to submit to the Honorable the Colonial Secretary, for his favourable consideration, this my application, that my present rate of lodging allowance be not altered till the end of the present quarter, on the following grounds:—

By Imperial regulations (copy enclosed), when an officer, responsible for the rent of his apartments for the whole of the current quarter, is removed from his station, he receives the full lodging allowance for such quarter. As I am responsible for the rent of my house beyond the current quarter, I shall, under the proposed regulation, be a loser to a greater extent than if I had been altogether removed from the station on, say, the 2nd of this month, for then I could have drawn full lodging allowance at the higher rate to the end of September.

I have, &c.,

WM. HEYWOOD, Captain,
Major of Brigade.

Lieut. Col. Hamilton,
Commanding Troops
in New South Wales, Sydney.

[Sub-Enclosure.]

(Barracks, Foreign, No. 6.)

GENERAL ORDER.—FOREIGN STATIONS.

C.A.
386*Office of Ordnance,
31 December, 1851.*

“6. That in every case in which an officer, removed from his station upon due authority, has unavoidably become responsible for the rent of his apartments up to, or beyond the end of the current quarter, he shall be allowed lodging money for the whole of that quarter, at whatever period of it the removal may take place, but that no further claim shall be admitted, founded upon the custom of the country in respect to terms of leases.”

True Extract.

WM. HEYWOOD, CAPTAIN,
Major of Brigade.

No. 17.

THE UNDER SECRETARY to LIEUTENANT COLONEL HAMILTON.

*Colonial Secretary's Office,
Sydney, 30 July, 1862.*

SIR,

I am directed to acknowledge the receipt of your letter of the 21st instant, in which you submitted a communication from the Brigade Major, with its enclosure, requesting that his present rate of lodging allowance may not be altered before the end of the present quarter, and recommended the cases of other officers who are in the same situation.

2. In reply, I have received instructions to state, that if the amount of rent actually paid by the Brigade Major or other Officer is such that his being at once restricted to the reduced rate will, having regard to the higher rate he has been enjoying, involve loss to him to the extent of the difference between the present and the reduced rate up to the end of the present quarter, the Colonial Secretary approves of his application being complied with, but that otherwise it cannot be acceded to, as it is at variance with the spirit of the regulations, fixing such allowances, that an officer shall derive any profit from them.

I have, &c.,

W. ELYARD.

No. 18.

No. 18.

SIR JOHN YOUNG to MAJOR GENERAL PRATT.

*Government House,
Sydney, 5 August, 1862.*

SIR,

With reference to my communication to you, of date July 18th, 1862, I have now the honor to forward a copy of a Minute of the Executive Council, conveying the decision of this Government with reference to the Colonial allowances to the military stationed here, which with the exception of the month's necessary delay in bringing it into operation, will be found in accordance with the scale prescribed by Her Majesty's Government.

I have, &c.,
JOHN YOUNG.

[Enclosure in No. 18.]

PROCEEDINGS of the Executive Council on the 22nd July, 1862, with respect to the reduction of the Colonial Allowance of the Troops serving in the Australian Colonies.

Minute No. 62/25. Confirmed 31 July, 1862.

His Excellency the Governor lays before the Council a Minute Paper by the Honorable the Vice President, stating that the Secretary of State for the Colonies, in a Despatch of the 24th May, 1862, has enclosed copies of a communication from the Secretary of State for War, and of a letter to the Officer Commanding the Military in Victoria, respecting the allowance from Colonial funds to the troops in the Australian Colonies:—

In the letter to Sir T. Pratt referred to, it is stated that the object of Her Majesty's Government would be sufficiently met, if for the present the reduction in the four Colonies referred to were to bear about the same proportion to the scale of Colonial allowance existing in each during 1861, as did the reduction in the other three Colonies to the Imperial scale of allowances, *being also reduced*; and the Major General is further informed that he is at liberty to submit for the consideration of the respective Governments the following scale, as one which the Secretary of State would be willing to see adopted as a temporary arrangement, subject to revision from 1st January, 1863, if found advisable, after receipt of further reports from the Colonies.

1. The Colonial allowance to all officers and employes in the four Colonies to be reduced to three-fifth of the rates existing in 1861, such reduction being in proportion to the reduction effected in New Zealand.
 2. Lodging allowances of officers in Victoria, New South Wales, and Queensland, to be reduced to the scale existing in New South Wales previous to the gold discovery, with 25 per cent. added, to meet enhanced prices.
No change is proposed in the lodging allowance in South Australia, it being already below these rates.
 3. The Colonial pay and allowances of the non-commissioned officer and soldier in the Colonies to be reduced to one-half the amount granted in 1861, the local Governments giving him in lieu a free grocery ration, or its equivalent in money.
 4. The change to take effect not later than 1st July, 1862.
- The Honorable the Vice President recommends that the allowance in New South Wales be reduced in accordance with these suggestions, but that as the soldier has been already paid during a portion of the present month, it should not be required that anything should be refunded, as that would fall oppressively on him.

It is further proposed that the arrangement should take effect from the 1st August next.

2. The Council advise that the recommendation of the Honorable the Vice President be adopted.

CHAS. COWPER, JUNR.,
Clerk of the Council.

No. 19.

SIR JOHN YOUNG to LIEUTENANT COLONEL HAMILTON.

*Government House,
Sydney, 5 August, 1862.*

SIR,

I have the honor to forward herewith a copy of a Minute of the Executive Council, with reference to the Colonial allowance of the military in this Colony.

2. The reductions determined on are in accordance with the instructions received from the Home Government, and you will perceive that the Executive Council have complied with the wish you expressed to me as to the date of their taking effect.

I have, &c.,
JOHN YOUNG.

No. 20.

BRIGADE MAJOR to THE UNDER SECRETARY.

*Brigade Office,
Sydney, 9 August, 1862.*

SIR,

I have the honor to enclose, for the information of the Honorable the Colonial Secretary, Estimates, at the revised rates, of Colonial allowance, &c., for the several departments and corps serving in New South Wales, for the year 1863.

I have, &c.,
WM. HEYWOOD, Captain,
Major of Brigade.

[Enclosure

COLONIAL ALLOWANCE TO THE MILITARY.

15

[Enclosure in No. 20.]

ESTIMATES OF EXPENDITURE, 1863.

| No. of PERSONS. | | SALARIES AND CONTINGENCIES. | | | | |
|----------------------------------|------|---|-------|---------------------------------|---------------------------|-------|
| 1862 | 1863 | Rates for | | Amount voted for 1862. | Amount required for 1863. | |
| 1862 | 1863 | 1862. | 1863. | | | |
| No. III.—CHIEF SECRETARY. | | | | | | |
| MILITARY ALLOWANCE. | | | | | | |
| BRIGADE MAJOR. | | | | | | |
| 1 | 1 | Officer on the General Staff | 9/6 | 5/9 ² / ₈ | 173 | 104 |
| 1 | 1 | Ditto ditto | 7/- | 4/2 ² / ₈ | 128 | 77 |
| 1 | 1 | First Clerk, Brigade Office | 2/6 | 1/3 | 46 | 22 |
| 1 | 1 | Second Clerk, do. | 2/6 | 1/3 | 46 | 22 |
| 1 | 1 | Provost Sergeant | 1/- | 1/3 | 18 | 22 |
| | | Compensation in lieu of grocery ration for 3 men, 365 days each | .. | 1 ³ / ₄ | .. | 8 |
| | | Postage | .. | .. | 30 | 40 |
| 5 | 5 | | | 441 | 295 | |
| REGIMENTAL. | | | | | | |
| 1 | 1 | Senior Officer in command | 11/3 | 6/9 | 205 | 123 |
| .. | 1 | Lieutenant Colonel | 8/- | 4/9 ² / ₈ | .. | 88 |
| 1 | .. | Surgeon Major | 8/- | .. | 146 | .. |
| 1 | .. | Major | 7/- | 4/2 ² / ₈ | 128 | 77 |
| 4 | 4 | Captains | 5/8 | 3/4 ² / ₈ | 414 | 249 |
| 1 | 1 | Paymaster | 5/8 | 3/4 ² / ₈ | 103 | 62 |
| 4 | 4 | Lieutenants | 5/- | 3/- | 365 | 219 |
| 1 | 1 | Adjutant | 5/- | 3/- | 91 | 55 |
| 4 | 4 | Ensigns | 5/- | 3/- | 365 | 219 |
| 1 | 1 | Quarter Master | 5/- | 3/- | 91 | 55 |
| 1 | 1 | Assistant Surgeon | 5/- | 3/4 ² / ₈ | 91 | 62 |
| 5 | 5 | Staff Sergeants | 2/6 | 1/3 | 228 | 114 |
| 4 | 4 | Colour Sergeants | 1/- | 6 | 73 | 37 |
| 16 | 16 | Sergeants | 1/- | 6 | 292 | 146 |
| 1 | 1 | Drum Major | 1/- | 6 | 18 | 9 |
| 16 | 16 | Corporals | 1/- | 6 | 292 | 146 |
| 8 | 8 | Drummers | 6 | 3 | 73 | 37 |
| 384 | 384 | Privates | 6 | 3 | 3,508 | 1,752 |
| | | Compensation in lieu of grocery ration for 434 men, 365 days each | .. | 1 ³ / ₄ | .. | 1,155 |
| | | Postage | .. | .. | 100 | 100 |
| | | Apprehension of deserters | .. | .. | .. | 400 |
| 453 | 452 | | | 6,579 | 5,105 | |
| DEPARTMENTAL. | | | | | | |
| 1 | 1 | Assistant Commissary General | 8/- | 4/9 ² / ₈ | 146 | 88 |
| 1 | 2 | Deputy Assistant Commissaries General | 7/- | 4/2 ² / ₈ | 128 | 153 |
| 1 | 1 | Commissariat Clerk | £100 | £60 | 100 | 60 |
| | | Postage, Commissariat | .. | .. | 180 | 180 |
| 1 | 1 | Assistant Superintendent of Stores | 7/- | 4/2 ² / ₈ | 128 | 77 |
| 1 | 1 | Deputy Assistant Superintendent of Stores | 5/8 | 3/4 ² / ₈ | 103 | 62 |
| 1 | 1 | Foreman of Magazines | 5/- | 3/- | 91 | 55 |
| 1 | 1 | Barrack Sergeant | 6/6 | 5/3 | 119 | 96 |
| 1 | 1 | Barrack Librarian, @ 6d., and allowance in lieu of Stationery, £1 per annum | .. | .. | 10 | 10 |
| | | Barrack Supplies, washing and repairing bedding | .. | .. | 484 | 484 |
| | | Postage, Military Store | .. | .. | 20 | 20 |
| | | Compensation in lieu of grocery ration to Barrack Sergeant | .. | 1 ³ / ₄ | .. | 3 |
| | | | | per annum. | | |
| | | Lodging Allowance to Assistant Commissary General | £231 | £180 | 231 | 180 |
| | | Lodging Allowance to Major of Brigade | £149 | £135 | 149 | 135 |
| | | Do., Aide-de-camp | £149 | £135 | 149 | 135 |
| | | Do., Deputy Assistant Commissaries General (2) | £149 | £135 | 149 | 270 |
| | | Do., Deputy Assistant Superintendent of Stores | £61 | .. | 61 | 49 |
| | | | | 2,248 | 2,057 | |
| 8 | 9 | TOTAL | £ | | 9,268 | 7,457 |

ESTIMATES OF EXPENDITURE, 1863.

| No. of PERSONS. | | SALARIES AND CONTINGENCIES. | | | | | |
|-------------------------------------|------|-----------------------------|-------------------|------------------------|-------|---------------------------|-------|
| | | Rates for | | Amount voted for 1862. | | Amount required for 1863. | |
| 1862 | 1863 | 1862. | 1863. | £ | £ | £ | £ |
| ROYAL ARTILLERY. | | | | | | | |
| IMPERIAL PAY AND ALLOWANCES. | | | | | | | |
| | | per diem. | | | | | |
| 1 | 1 | 12/2 | 12/2 | 222 | | 222 | |
| 1 | 1 | 11/1 | 13/1 | 202 | | 239 | |
| 1 | .. | 6/10 | .. | 125 | | .. | |
| .. | 2 | .. | 6/10 | .. | | 250 | |
| 2 | 2 | 3/4 | 3/4 | 122 | | 122 | |
| 4 | 8 | 2/10 | 2/10 | 207 | | 414 | |
| 4 | 8 | 2/2 | 2/2 | 237 | | 237 | |
| 6 | 6 | 2/- | 2/- | 183 | | 183 | |
| 5 | 5 | 1/3 $\frac{1}{4}$ | 1/3 $\frac{1}{4}$ | 1,763 | | 2,273 | |
| 76 | 98 | | | | | | |
| | | | | 90 | | 90 | |
| | | 6/- | 6/- | 110 | | 110 | |
| | | 2/6 | 2/6 | 46 | | 46 | |
| | | 3/- | 3/- | 55 | | 55 | |
| | | .. | .. | 37 | | 37 | |
| | | 6 | 6 | 9 | | 9 | |
| 96 | 123 | | | | 3,408 | | 4,287 |
| COLONIAL ALLOWANCES. | | | | | | | |
| | | 5/8 | 3/4 $\frac{1}{2}$ | 103 | | 62 | |
| | | 5/8 | 3/4 $\frac{1}{2}$ | 103 | | 62 | |
| | | 5/- | 3/- | 91 | | 110 | |
| | | 2/6 | 1/3 | 91 | | 46 | |
| | | 1/- | 6 | 73 | | 73 | |
| | | 1/- | 6 | 110 | | 55 | |
| | | 1/- | 6 | 91 | | 46 | |
| | | 6/- | 3 | 694 | | 447 | |
| | | .. | 1 $\frac{1}{2}$ | .. | | 317 | |
| | | .. | .. | 209 | | 209 | |
| | | 10/- | 10/- | 183 | | 183 | |
| | | .. | .. | 27 | | 27 | |
| | | 1/- | 1/- | 18 | | 18 | |
| | | .. | .. | 30 | | 30 | |
| | | | | | 1,823 | | 1,685 |
| CONTINGENCIES. | | | | | | | |
| | | .. | .. | 1,116 | | 1,400 | |
| | | .. | .. | 170 | | 170 | |
| | | .. | .. | 100 | | 100 | |
| | | | | | 1,386 | | 1,670 |
| TOTAL | | | | | 6,617 | | 7,642 |

WM. HEYWOOD, Captain,
Major of Brigade.

H. MEADE HAMILTON,
Lieut. Col., 12 Regt.,
Commanding Troops.

1862.

NEW SOUTH WALES.

ANNUAL ORDNANCE RETURNS.

Presented to both Houses of Parliament, by Command.

No. 1.

*Military Stores Office,
Sydney, 6 March, 1862.*

A RETURN of all Moneys which have been received by, or are now payable to Her Majesty's War Department, in respect of Lands, Tenements, and Buildings vested in the Principal Officers of Her Majesty's Ordnance, under the provisions of the Act of Council 4 Victoria, No. 2.

NIL.

PERCIVAL WILKINSON,
A. S. of Stores.

No. 2.

Military Stores Office,
Sydney, 6 March, 1862.

A RETURN of all Lands, Messuages, Tenements, and Buildings vested in the Principal Officers of Her Majesty's Ordnance in the Colony of New South Wales, pursuant to the provisions of the Act of Council 4 Victoria, No. 2.

| DESCRIPTION OF PROPERTY. | CONTENTS OF LAND. | WHERE SITUATED. | | | DATE OF DEEDS OF GRANT. | PURPOSES FOR WHICH AUTHORIZED. |
|---|-------------------|-------------------|------------------|--------------------|-------------------------|--------------------------------|
| | | Parish. | Town. | County. | | |
| Part of Goat Island | a. r. p. | Petersham | | Cumberland | 30 January, 1844.... | Magazines and Stores. |
| Lands | 1 2 34 | Brisbane | Stanley | Stanley | 21 July, 1843 | } Sites for Military Barracks. |
| | 0 1 9 | St. Luke | Liverpool | Cumberland | 4 August, 1843 | |
| | 0 0 13 | St. John | Parramatta | Do. | Do. | |
| | 0 1 31½ | Do. | Do. | Do. | Do. | |
| | 0 3 39 | St. Matthew | Windsor | Do. | Do. | |
| Pinchgut Island | | St. Phillip | Sydney | Do. | 30 January, 1844.... | } For the Harbour Defences. |
| | 7 2 11 | St. Phillip | Sydney | Do. | 31 July, 1844 | |
| Land on which Dawes' Battery is erected.... | 14 3 24 | Bathurst | Bathurst | Bathurst | 18 December, 1844 .. | For Military purposes. |
| Land | 7 1 18 | St. John | Parramatta | Cumberland | 30 January, 1846.... | } Sites for Military Barracks. |
| | 16 1 25 | Newcastle..... | Newcastle..... | Northumberland ... | 5 January, 1847 | |
| | 29 2 17 | Alexandria ..... | ..... | Cumberland | 31 July, 1850 | |

Memo.—The above Lands, &c., were transferred to the Colonial Government by orders from England, 23rd January, 1850, and 11th March, 1859.

PERCIVAL WILKINSON,
A. S. of Stores.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CAPTAIN LOVELL, R. A.
(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 17 July, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 10 June, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ Copies of all Correspondence, Petitions, and other Papers
“ relating to the cancelling of the Commission lately held by
“ Captain Lovell, R. A., as Commandant of the Volunteer
“ Artillery of New South Wales.”

(Mr. Macleay.)

SCHEDULE.

| No. | PAGE. |
|---|-------|
| 1. Major General Sir Thomas Pratt to His Excellency Sir John Young, requesting, for the reasons stated, that the appointment of Captain Lovell, R. A., as Commandant of the Volunteer Artillery, may be cancelled. 20 November, 1861 | 2 |
| 2. Under Secretary to Captain Lovell, intimating that his appointment has been cancelled. 13 December, 1861 | 2 |
| 3. Notice in <i>Government Gazette</i> , that Captain Lovell's Commission has been cancelled. 13 December, 1861 | 2 |
| 4. His Excellency Sir John Young to Major General Sir Thomas Pratt, in reply to letter of 20 November (No. 1). 20 December, 1861 | 2 |
| 5. Sir John Young to Lieutenant Colonel Kempt, forwarding a copy of the letter from Major General Sir Thomas Pratt, of 20 November, 1861 (No. 1); and a copy of the Minute of the Executive Council, respecting Captain Lovell and the temporary appointment of Lieutenant Pitt, R.A., as Commandant. 23 December, 1861 | 3 |
| 6. Captain Shepherd, Volunteer Artillery, to the Colonial Secretary, forwarding a Petition to His Excellency the Governor, requesting that Captain Lovell may be reinstated as Commandant. 3 January, 1862 | 3 |
| 7. Under Secretary to Captain Shepherd, in reply. 20 January, 1862 | 4 |
| 8. Major General Sir Thomas Pratt to Sir John Young, forwarding a Petition received by him from Captain Shepherd, which he requests may be returned to that officer. 8 February, 1862 | 4 |
| 9. Under Secretary to Captain and Adjutant Pitt, of the Volunteer Artillery, respecting the Petition received from Major General Sir Thomas Pratt, for the purpose of being returned to Captain Shepherd. 6 March, 1862 | 5 |
| 10. Lieutenant Dymock to the Colonial Secretary, stating that a letter to Captain Shepherd, from the Commander-in-Chief, has not been received. 10 March, 1862 | 5 |
| 11. Under Secretary to Lieutenant Dymock, in reply. 15 March, 1862 | 5 |

CAPTAIN LOVELL, R.A.

No. 1.

MAJOR GENERAL PRATT to GOVERNOR SIR JOHN YOUNG.

*Victoria,
Head Quarters,
Melbourne, 20 Nov., 1861.*

SIR,

Referring to the appointments of Officers of the Royal Artillery, Capt. Lovell and Lieut. Pitt, stationed in New South Wales, to be Commandant and Adjutant of the Volunteer Artillery in that Colony, which in my absence in New Zealand appears to have been acquiesced in by Lieut. Colonel Kempt, Commanding the Troops, without reference to me,—

I beg to bring to your Excellency's notice the irregularity in this case, as all such appointments should be regularly applied for, and duly notified to His Royal Highness the General Commanding in Chief for his approval. This course was adopted in the case of Lieut. Colonel Kempt's appointment to the Volunteers.

I do not bring this to your Excellency's notice with any view of obstructing the Volunteer movement (on the contrary, I will assist it by all means in my power), but only that the regulated course may be adopted.

At the same time, I regret to state that I have received such statements respecting the inattention of Captain Lovell to his own duties, that I am constrained to ask you to cancel the appointment of Capt. Lovell, in order to his devoting his whole time to his immediate duty.

I have, &c.,
T. S. PRATT,
Major General Commanding.

No. 2.

THE UNDER SECRETARY to CAPTAIN LOVELL, R.A.

*Colonial Secretary's Office,
Sydney, 13 December, 1861.*

SIR,

I am directed by the Colonial Secretary to inform you, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to cancel your appointment as Commandant of the Volunteer Artillery in this Colony, in compliance with a request contained in a communication received by His Excellency from the Major General Commanding the Troops in the Australian Colonies, and that a Notice that your Commission as such Commandant has been cancelled will be inserted in the *Government Gazette* of this date.

I have, &c.,
W. ELYARD.

No. 3.

NOTICE IN GOVERNMENT GAZETTE.

*Colonial Secretary's Office,
Sydney, 13 December, 1861.*

VOLUNTEER ARTILLERY.

The Commission held by Captain Charles Neville Lovell, R.A., as Captain Commandant of the Companies of Volunteer Artillery in New South Wales, has been cancelled.

CHARLES COWPER.

No. 4.

GOVERNOR SIR JOHN YOUNG to MAJOR GENERAL PRATT.

*Government House,
Sydney, 20 December, 1861.*

SIR,

I have the honor to acknowledge the receipt of your communication of the 20th November, 1861. I have delayed my reply until I could inform you that I had acted in accordance with your wishes in cancelling Captain Lovell's appointment as Commandant of the Volunteer Artillery.

From

From the Minute of the Executive Council, a copy of which I enclose, you will perceive that this has been done. With regard to the last paragraph of this Minute, I trust you will be able to give your sanction to Lieutenant Pitt's acting as Commandant of the Volunteer Artillery until some permanent arrangement can be made.

I have, &c.,

JOHN YOUNG.

[Enclosure in No. 4.]

PROCEEDINGS of the Executive Council, on the 3rd December, 1861, relative to the cancellation of Captain Lovell's appointment as Commandant of the Volunteer Artillery, and other matters in connection therewith.

(Minute No. 61-53. Confirmed, 10th December, 1861.)

His Excellency the Governor invites the attention of the Council to a letter addressed to him by Major General Pratt, the Officer commanding Her Majesty's Forces in the Australian Colonies, relative to the appointment of Captain Lovell and Lieutenant Pitt, Officers of the Corps of Royal Artillery in this Colony, as Commandant and Adjutant, respectively, of the Volunteer Artillery.

2. General Pratt observes that these appointments should have been applied for regularly through himself, and the sanction of His Royal Highness the Commander-in-Chief obtained; and while expressing his desire to promote the Volunteer movement by every means in his power, says that he has received such statements respecting the inattention of Captain Lovell to his own duties that he is constrained to ask that his appointment to the command of the Volunteer Artillery be cancelled, in order to his devoting his whole time to his immediate duty.

3. The Council, after mature deliberation, conceive that no other course is open than that of acceding to General Pratt's desire, and in compliance therewith, they advise that Captain Lovell's appointment in connection with the Volunteer Artillery be cancelled accordingly.

4. Feeling, however, the desirability of having this branch of the Volunteer Service under the supervision of an Officer of the Royal Artillery, in order that its efficiency may be promoted and sustained, the Council further advise that General Pratt be requested to permit Lieutenant Pitt, R.A., who holds the rank of Captain and Adjutant in the Volunteer Artillery, to act as Commandant for the present, as a provisional appointment, and until other arrangements can be made.

CHAS. COWPER, JUNR.,

Clerk of the Council.

No. 5.

GOVERNOR SIR JOHN YOUNG to LIEUTENANT COLONEL KEMPT.

Government House,

Sydney, 23 December, 1861.

SIR,

I beg to forward, for your information, a copy of a communication I have (No. 1.) received from Major General Sir Thomas Pratt, and also a copy of a Minute of the (No. 4.) Executive Council with reference to Sir Thomas Pratt's letter.

2. I have forwarded a copy of this Minute to Sir Thomas Pratt, informing him that, in accordance with his wishes, Captain Lovell's appointment as Commandant of the Volunteer Artillery had been cancelled, and requesting the Major General's permission to appoint Lieut. Pitt, R.A., as Commandant, as a temporary measure, and until some other arrangements can be made.

I have, &c.,

JOHN YOUNG.

No. 6.

CAPTAIN SHEPHERD to COLONIAL SECRETARY.

Sydney, 3 January, 1862.

SIR,

On behalf of the Volunteer Artillery of New South Wales, I have the honor to forward a petition, for His Excellency the Governor, in favour of Captain C. N. Lovell, R.A.

I have, &c.,

P. L. C. SHEPHERD,
Senior Captain, Volunteer Artillery.

[Enclosure in No. 6.]

To His Excellency the Right Honorable Sir John Young, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice Admiral of the same.

The humble Petition of the undersigned Members of all the Volunteer Artillery Batteries in New South Wales,—

SHEWETH :—

1. That your Petitioners have heard with regret that your Excellency has been pleased to cancel the commission held by Captain Lovell, R.A., as Commandant of the Volunteer Artillery.
2. That as the circumstances which led to the appointment of Captain Lovell as Commandant occurred before the arrival of your Excellency, your Petitioners beg respectfully to acquaint you with them.
3. At the first general meeting of the Volunteer Artillery, held at the Chamber of Commerce on the _____, it was unanimously resolved, that His Excellency the Governor General should be asked to appoint Captain Lovell, R.A., Commandant, and Lieutenant Pitt, R.A., Adjutant of the Volunteer Artillery, and in consequence of, and in accordance with, a request made in pursuance of that resolution, His Excellency thereupon appointed these gentlemen.

4. At the said meeting it was a generally expressed opinion that it would be highly advantageous to the interests of the corps to have the command of the Volunteer Artillery held by an Officer of the Royal Artillery, and your Petitioners are confirmed in that opinion by subsequent experience.

5. From the first establishment of the corps until his reluctant acceptance of the office of Commandant, in compliance with the unanimously expressed wishes of the members, and ever since, Captain Lovell has most unremittingly promoted, in every way in his power, their interests; and, indeed, without the assistance afforded by him throughout, the Volunteer Artillery would never have been effectively established.

6. That your Petitioners feel there will be a great difficulty in carrying on the Volunteer Artillery unless commanded by the Officer in charge of the Royal Artillery on this station,—or, at all events, by some Officer in that corps, which alone would secure what we respectfully submit to your Excellency is almost indispensably necessary to the efficiency of the Volunteer Force,—the instruction, co-operation, and assistance of the Royal Artillery.

7. Under the circumstances existing in this Colony, your Petitioners are fearful that the removal of Captain Lovell would result, if not in the extinction, at least in a serious injury to the efficiency, of the Volunteer Artillery.

Your Petitioners, therefore, humbly pray that your Excellency will be pleased to reinstate Captain Lovell as Commandant of the Volunteer Artillery.

And your Petitioners, as in duty bound, will ever pray, &c., &c.

[Here follow the Signatures of the whole of the Officers, and upwards of 200 Gunners, &c.]

No. 7.

THE UNDER SECRETARY to CAPTAIN SHEPHERD.

*Colonial Secretary's Office,
Sydney, 20 January, 1862.*

SIR,

In acknowledging the receipt of your letter of the 3rd instant, wherein you submitted a petition to His Excellency the Governor, from certain members of the Volunteer Artillery of New South Wales, for the reinstatement of Captain Lovell, R.A., as Commandant of the above Corps, I am directed to state that, as Captain Lovell's appointment was cancelled at the instance of the General Commanding, the Colonial Government cannot accede to the request made.

I have, &c.,
W. ELYARD.

No. 8.

MAJOR GENERAL PRATT to GOVERNOR SIR JOHN YOUNG.

*Head Quarters,
Melbourne, 8 February, 1862.*

SIR,

As it would appear that the Volunteer Artillery in New South Wales is not constituted under the orders of Lieutenant Colonel Kempt, commanding the Garrison, I enclose to your Excellency a petition that has reached me direct from the Senior Captain of that Regiment, and which I would request may be returned to that Officer, who, I presume, has sent it to me through a want of knowledge of the channel of communication.

(See No. 6.)

While on the subject of Volunteers, I would submit to your consideration and that of the Government of New South Wales, that whatever Officers may be named to the command of any particular branch of the Volunteer Service, that the Officer in command of the Garrison should be gazetted to the command of the whole.

I am most anxious to encourage, by all means in my power, the Volunteer movement, and regret that, under existing circumstances, it is not in my power to recommend Captain Lovell to command the Volunteer Artillery, nor do I think my doing so would benefit the service. And, in conclusion, I would beg your Excellency to call the attention of the Volunteer Force to the unmilitary proceeding of forwarding a petition, as they have done, signed by a large proportion of the members of the regiment.

I have, &c.,
T. S. PRATT,
Major General Commanding.

[Enclosure in No. 8.]

*Volunteer Artillery Brigade Office,
Sydney, 25 January, 1862.*

Sir,

I have the honor to inform you that, in consequence of the cancellation of the commission held by Captain C. N. Lovell, R.A., as Commandant of the Volunteer Artillery of New South Wales, and from the general feeling that his removal would greatly injure the Volunteer Artillery Service in this Colony, a Committee from the Batteries stationed in Sydney was immediately (upon its becoming known) appointed to devise means for obtaining his re-appointment. This Committee prepared a petition (of which the enclosed is a copy), whereunto the signatures of every member of the various Batteries who could be communicated with was at once obtained (including the members of the Newcastle Battery, who fully concurred in the prayer of the petition), as it was deemed advisable that no delay should take place. This petition was forwarded to the Honorable the Colonial Secretary for presentation to the Governor, and an answer has been this day received (a copy of which is also enclosed), whereby it appears that the Colonial Secretary throws the onus of the cancellation of Captain Lovell's commission upon you. I therefore, immediately upon ascertaining this circumstance, communicate with you, in the hope that you will give effect to the prayer of our petition to Sir John Young, rather than see the cause which, in the present uncertain state of affairs, must be looked to as the only means of an effective defence to the Colony, materially injured.

See No. 6.)

I have, &c.,
P. L. C. SHEPHERD,
Senior Captain, Volunteer Artillery, N.S.W.

Major Genl. Sir T. S. Pratt, K.C.B.,
Commander of H.M. Forces in
the Australian Colonies.

No. 9.

THE UNDER SECRETARY to CAPTAIN AND ADJUTANT PITT.

*Colonial Secretary's Office,
Sydney, 6 March, 1862.*

SIR,

I am directed by the Colonial Secretary to inform you that the enclosed memorial has been forwarded to the Governor, in a letter addressed to his Excellency by the Major General Commanding the Forces in the Australian Colonies, with a request that it might be returned to Captain Shepherd of the New South Wales Volunteer Artillery, who appears, the General observes, to have sent it to him direct, owing to his not knowing the channel of communication.

2. The Major General, whilst stating that he is most anxious to encourage by all means in his power the Volunteer movement, has expressed his regret that, under present circumstances, he cannot recommend Captain Lovell to command the Volunteer Artillery, which was the object of the memorial. At the same time he has drawn attention to what he points out as an unmilitary proceeding in forwarding a petition, as in this case, signed by a large proportion of the members of the regiment.

3. I am further to request that you will apprise Captain Shepherd of this communication, and return the petition, in compliance with the wish of the Major General.

I have, &c.,

W. ELYARD.

No. 10.

LIEUTENANT DYMCK to COLONIAL SECRETARY.

Sydney, 10 March, 1862.

SIR,

The letter to Captain Shepherd from the Commander-in-Chief in the Colonies, relative to Captain Lovell's dismissal from the post of Commandant to the Volunteer Artillery in Sydney, not having come to hand, I should feel it a favour if you would kindly make some inquiries concerning it.

I remain, &c.,

W. DYMCK,

Lieut., No. 2 V. A.

No. 11.

THE UNDER SECRETARY to LIEUTENANT DYMCK.

*Colonial Secretary's Office,
Sydney, 15 March, 1862.*

SIR,

In acknowledging the receipt of your letter of the 10th instant, I am directed to state that a communication was made on the 6th of this month to Captain and Adjutant Pitt of the Volunteer Artillery, on the subject of the letter addressed by Captain Shepherd to the Major General Commanding the Troops, respecting the cancellation of the commission of Captain Lovell, R.A., as Commandant of the New South Wales Volunteer Artillery.

I have, &c.,

W. ELYARD.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TARIFF.

(PETITION RELATIVE TO.)

*Received by the Legislative Assembly, 17 June, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

To the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the undersigned,—

HUMBLY SHEWETH :—

That a Public Meeting of the Colonists of New South Wales, called together by public advertisement in the daily press of Sydney, and by placard, was held at the Temperance Hall, in Pitt-street, Sydney, on Monday evening, the 16th June, 1862, when the following Resolutions were adopted :—

That in view of the large public expenditure of the Colony, it is the opinion of this Meeting,—

“ 1st. That the Revenue should be supplemented by a revision and extension of
“ the Tariff.

“ 2nd. That such revision and extension should contemplate the encouragement of
“ agriculture and manufactures as well as revenue.

“ 3rd. That a Petition, embodying the above Resolutions, signed by the Chairman
“ on behalf of this Meeting, be forwarded to the Assembly.”

The prayer of your Petitioner therefore is, that your Honorable House will adopt the above Resolutions ; and your Petitioner, as in duty bound, will ever pray.

Signed in and on behalf of the Meeting,

JAMES MURPHY,

Chairman.

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

T A R I F F .
 (PETITION—R. DUNLOP.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order
 of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
 The humble Petition of the undersigned,—

SHewETH:—

That a Public Meeting of the Inhabitants of Newtown, called together by public advertisement in the daily papers of Sydney, and by placards, was held at the Masonic Hall Hotel, Newtown, on Friday Evening, the twenty-seventh of June, one thousand eight hundred and sixty-two, when the following Resolutions were adopted:—

That in view of the large public expenditure of the Colony, it is the opinion of this Meeting—

1. That the Revenue should be supplemented, by the revision and extension of the Tariff.
2. That such revision and extension should contemplate the encouragement of Agriculture and Manufactures, as well as Revenue.
3. That a Petition, embodying the above Resolutions, signed by the Chairman, on behalf of this Meeting, be forwarded to the Assembly.

The prayer of your Petitioners therefore is, that your Honorable House will adopt the above Resolutions.

And your Petitioners, as in duty bound, will ever pray.

Signed in and on behalf of the Meeting,—

ROBT. DUNLOP.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

EQUALIZATION OF TARIFFS.
(CORRESPONDENCE RELATING TO.)

Ordered by the Legislative Assembly to be Printed, 27 August, 1862.

No. 1.

CHIEF SECRETARY, SOUTH AUSTRALIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

South Australia,
Chief Secretary's Office,
Adelaide, 18 March, 1862.

SIR,

I have the honor, by desire of His Excellency Sir Dominic Daly, to request that you will call the attention of the Government of New South Wales to the fact that the existence of different tariffs in adjoining Colonies, and the systematic treatment of each Colony by its neighbour as though it were a foreign state, are gradually creating, and must continue to excite, feelings between the inhabitants of the several Colonies scarcely in accordance with the unity of their origin, and which may eventually render impossible that federation which all look forward to as ultimately desirable.

2. As the populations of the Colonies press closer to each other through the extended occupation of the country, the erection of frontier Custom Houses which will be necessitated by the diverse tariffs, will have the effect of checking freedom of intercourse, and will perpetuate and embitter the most undesirable state of feeling above alluded to.

3. Until the means of intercommunication are much improved, probably matters will not ripen sufficiently to allow of complete federation; but meanwhile it appears to this Government that much may be done towards creating a more cordial feeling, and preparing the way for a future federal union.

4. As one step towards attaining this desirable end, this Government intend seeking legislative authority to receive, free of duty, all articles *bonâ fide* the produce of any other Australian Colony which is willing, on the same terms, to receive the produce of *this*; and they trust that the Government of New South Wales will consider it desirable to adopt the same policy with reference to South Australia and the other Colonies.

5. This Government would at the same time bring under your notice the desirableness of steps being taken in order to place the tariffs in this and the adjacent Colonies on a uniform basis. So long as they remain essentially different, it will be impossible for the Colony with the higher tariff to prevent the introduction of goods that have paid duty under a lower one, unless a large and costly revenue service be maintained.

6. It was this consideration that, two years ago, mainly induced the Parliament of this Province to repeal the then existing *ad valorem* duties. Since then, if I am not misinformed as to the state of public feeling elsewhere, the necessity for a greater Customs Revenue seems to have been felt in all the Australian Colonies, and it appears likely that a similar reason to that which principally led to the abolition of *ad valorem* duties here, is now operating in other Colonies to prevent their imposition.

7. Under these circumstances it seems desirable that steps should be taken to ascertain whether it be not possible for the several Australian Colonies to agree upon a uniform tariff. The necessity for this will be more apparent, when I state that the natural adaptedness of this Colony to the culture of the vine, and the extent to which this interest is being developed, are facts hurrying us towards free distillation, the restrictions upon which cannot be—and this Government would be extremely sorry to see—much longer continued.

8. I need scarcely observe that free distillation in South Australia, with high duties on spirits in adjacent Colonies, would at once necessitate upon their Government the establishment along our frontier of a costly and extensive revenue service.

EQUALIZATION OF TARIFFS.

9. It is therefore the more important that the question of uniform tariffs should be speedily considered, and with this end, this Government would propose that the Treasurers of the several Colonies, or some other person possessing the confidence of the respective Governments, should meet in Melbourne, in order to discuss how far united action in this respect is attainable.

10. I am aware that no mutual agreement can be permanently binding upon the different legislatures; but I can scarcely doubt that identity of interest would lead to the general and continued maintenance of any such arrangements, if once adopted.

I have, &c.,

G. M. WATERHOUSE,
Chief Secretary.

No. 2.

COLONIAL SECRETARY, NEW SOUTH WALES, to CHIEF SECRETARY, SOUTH AUSTRALIA.

*New South Wales,
Colonial Secretary's Office,
Sydney, 22 May, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 18th of March last, drawing attention to the serious inconvenience arising from the existence of different tariffs in adjoining Colonies, and to the necessity of taking some steps with a view to the establishment of a uniform scale of duties.

2. The importance of adopting an arrangement for this purpose has already pressed itself on the notice of this Government, and they have now under consideration the appointment of Commissioners to confer with any who may be nominated by the other Colonies, and to ascertain how far united action in this respect is attainable.

3. It is the intention of the Government also to submit the subject to Parliament in the Session about to commence, and I trust that the result of the steps contemplated will be the establishment of uniformity of system throughout the Australian Colonies.

I have, &c.,

CHARLES COWPER.

No. 3.

CHIEF SECRETARY, VICTORIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

*Victoria,
Chief Secretary's Office,
Melbourne, 18 July, 1862.*

SIR,

The Government of South Australia having suggested a conference of delegates from each of the Australian Colonies, to be held in Melbourne, to consider the subject of uniform tariffs, I have the honor to intimate that this Government have notified their assent to the proposal.

It appears to the Government of Victoria that the time of holding the conference would be a favourable opportunity to consider the important question of Australian federation, and I have, therefore, to invite your attention to the matter, and would suggest, for the favourable consideration of the New South Wales Government, that the delegates nominated to represent them at the proposed conference be authorized also to confer and report upon that question. All the papers on the subject have been published in the form of a pamphlet, six copies of which I enclose.

I have, &c.,

JOHN O'SHAUGHNESSY.

No. 4.

CHIEF SECRETARY, SOUTH AUSTRALIA, to COLONIAL SECRETARY, NEW SOUTH WALES.

*South Australia,
Chief Secretary's Office,
Adelaide, 5 August, 1862.*

SIR,

With reference to your letter of 22nd May last, stating that your Government had under consideration the appointment of Commissioners to confer with any who may be nominated by other Colonies to deliberate upon the question of an uniform tariff,—

I have now the honor, by desire of His Excellency Sir Dominic Daly, to propose that the delegates meet at Melbourne on the 15th October next, the following gentlemen having been appointed to represent South Australia at the conference, viz.:—The Honorable the Treasurer, A. Blyth, Esq., M. P., The Honorable Henry Ayers, M. L. C., and Lavington Glyde, Esq., M. P.

I have, &c.,

G. M. WATERHOUSE,
Chief Secretary.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LOCKERS AND LANDING WAITERS.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 4 July, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 July, 1862, That there be laid upon the Table of this House, a Return shewing,—

- “ (1.) The names of the Lockers and Landing Waiters connected with the Customs Department.
- “ (2.) The dates of the appointments of each.
- “ (3.) Their present salary, and pay for overtime.
- “ (4.) By whom they were recommended to Government for appointments.”

(*Mr. Dangar.*)

LOCKERS AND LANDING WAITERS.

A RETURN of the Names of the Lockers and Landing Waiters connected with the Customs Department in this Colony, their dates of appointment, present salaries, and pay for overtime.

| NAME. | Date of original Appointment to the Public Service. | Date of Appointment to Customs Service. | Salary. | Overtime per hour. | |
|-------------------------|---|---|---------|---------------------|--|
| LANDING WAITERS. | | | | | |
| | | | £ s. d. | | |
| <i>Sydney :</i> | | | | | |
| Edmund Jones | 1 April, 1850.... | 1 June, 1859 | 325 0 0 | } 2s. 6d. per hour. | |
| Thomas Godfrey | 8 February, 1858 | 28 February, 1859 | 325 0 0 | | |
| A. Berney | 7 February, 1855 | 7 February, 1855 | 325 0 0 | | |
| W. Passmore | 22 August, 1853 .. | 22 August, 1853.. | 275 0 0 | | |
| J. E. Turner | 19 September, 1849 | 19 September, 1849 | 275 0 0 | | |
| J. D. Lankester..... | 25 February, 1859 | 25 February, 1859 | 275 0 0 | | |
| A. J. Ormsby..... | 9 February, 1847 | 23 February, 1859 | 225 0 0 | | |
| T. B. Corbett..... | 6 July, 1849 | 6 July, 1849 | 250 0 0 | | |
| W. A. Hunt | 12 July, 1852 | 12 July, 1852 | 225 0 0 | | |
| J. M. Chapman..... | 30 October, 1858.. | 30 October, 1858.. | 225 0 0 | | |
| C. E. Gordon..... | 4 May, 1853 | 6 January, 1860.. | 225 0 0 | | |
| Thomas Thompson | 13 May, 1853 | 13 May, 1853 | 215 0 0 | | |
| Samuel Levy..... | 5 March, 1860 .. | 5 March, 1860 .. | 205 0 0 | | |
| G. Lewis..... | 2 January, 1857.. | 2 January, 1857.. | 205 0 0 | | |
| C. G. Reid | 29 August, 1859 .. | 29 August, 1859.. | 195 0 0 | | |
| <i>Newcastle :</i> | | | | | |
| J. J. Allman | 11 July, 1846 | 11 July, 1846 | 300 0 0 | } 1s. 6d. per hour. | |
| <i>Eden :</i> | | | | | |
| H. Anderson | 29 December, 1845 | 29 December, 1845 | 275 0 0 | | |
| <i>Grafton :</i> | | | | | |
| C. B. Dobbin..... | 9 May, 1860 | 9 May, 1860 | 200 0 0 | | |
| LOCKERS. | | | | | |
| T. D. Mackenzie | 10 April, 1854.... | 2 March, 1857 .. | 225 0 0 | } 1s. 6d. per hour. | |
| W. Mundy | 14 May, 1853 | 14 May, 1853 | 225 0 0 | | |
| John Cunningham | 16 May, 1853 | 16 May, 1853 | 225 0 0 | | |
| W. Cummings | 12 February, 1859 | 12 February, 1859 | 225 0 0 | | |
| George Brett..... | 8 January, 1846.. | 8 January, 1846.. | 225 0 0 | | |
| William Beck | 12 November, 1853 | 12 November, 1853 | 225 0 0 | | |
| J. N. Stubbins | 20 December, 1853 | 20 December, 1853 | 200 0 0 | | |
| A. Frazer | 22 July, 1853 | 22 July, 1853 | 200 0 0 | | |
| W. A. Ring | 20 January, 1854.. | 20 January, 1854.. | 200 0 0 | | |
| C. T. Williams | 20 April, 1857 | 20 April, 1857.... | 200 0 0 | | |
| T. B. Eldershaw | 14 January, 1856.. | 14 January, 1856.. | 200 0 0 | | |
| John Green | 1 July, 1857 | 1 July, 1857 | 175 0 0 | | |
| W. Wall | 19 February, 1858 | 19 February, 1858 | 175 0 0 | | |
| W. Warburton | 19 January, 1841.. | 19 January, 1841.. | 175 0 0 | | |
| * T. C. Jamison | 15 July, 1846 | 1 July, 1857 | 175 0 0 | | |
| Robert Brock..... | 18 May, 1858 | 18 May, 1853 | 175 0 0 | | |

* Not continuous.

W. A. DUNCAN,
Collector of Customs.

Custom House, Sydney,
3 July, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. ARTHUR EDENBOROUGH.
(PETITION OF.)

Received by the Legislative Assembly, 23 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of Arthur Edenborough,—

HUMBLY SHEWETH:—

That your Petitioner having been appointed an extra Tide Waiter in the Customs Department of the Colony, in the month of April, 1848, was successively promoted to the office of Baggage Searcher, in the year 1852, and of Sixth Locker in 1853, rising afterwards by rotation to that of Fourth Locker, with a salary of £130 (one hundred and thirty pounds) per annum, to which an addition of £100 (one hundred pounds) per annum was added on account of the Gold discovery.

That on the 13th January, 1851, your Petitioner was placed, at a moment's notice, by his superior officer, Mr. Bramwell, Tide Surveyor, on board the ship "Emerald Isle," then lying in this Harbour, bound to California, as no other officer could be found at the time, on the understanding and condition that he was to be relieved at daylight next morning; but that the said ship having sailed at midnight, in defiance of the remonstrance of your Petitioner, he was carried off in a piratical manner by the Captain, to Honolulu, in the Sandwich Islands, where she had been obliged to touch for want of water.

That, at the instance of your Petitioner, she was there taken possession of by General Miller, the British Consul General for the Pacific, who sent your Petitioner back to Auckland, in New Zealand, from whence he obtained a passage to Sydney, by H. M. S. "Havannah," Captain Erskine, arriving in Sydney on the 7th June following.

That as your Petitioner, expecting to be only a few hours on board the "Emerald Isle," had taken neither bed nor extra clothing of any kind with him, and was therefore obliged to sleep on the bare planks of the damp cuddy, he caught a violent cold in his loins and spine, on board that vessel, which eventually brought on a paralysis of his lower extremities, and obliged him to resign his appointment, towards the close of the year 1856 or the beginning of 1857.

That although your Petitioner received from the Treasury a gratuity of a year's salary on his resignation, the disease which he contracted in the discharge of a public duty, through the piratical conduct of the persons into whose hands he had unexpectedly fallen on board the "Emerald Isle," has reduced your Petitioner and his family to a state of extreme poverty and abject dependence.

Your Petitioner therefore humbly prays that your Honorable House will, in consideration of the facts and circumstances he has stated, recommend him and his case generally to the merciful consideration of the Executive.

And your Petitioner, as in duty bound, will ever pray, &c., &c.

ARTHUR EDENBOROUGH.

Sydney, 20 September, 1862.

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

BONDED DISTILLERIES AND SUGAR HOUSES BILL.
 (MERCHANTS, SYDNEY.)

*Received by the Legislative Assembly, 9 September, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of the Colony of New South Wales.

The Petition of the undersigned Merchants in Sydney,—

SHEWETH :—

That your Petitioners are importers of sugars to this market, and that the Bill now before your Honorable House entitled the "Bonded Sugar Houses and Distilleries Bill," will, if passed into law, materially affect their interests, by conferring great advantages on the Colonial Sugar Company, and to a corresponding degree depressing the market value of the stocks of sugar now held by your Petitioners, and of certain cargoes to arrive, which were engaged in on the faith of the existing law.

That in such a case your Petitioners venture to represent to your Honorable House that it is only fair and reasonable that some time should be allowed to realize such importations before the proposed law comes into operation; and seeing that the sugar market is at present overstocked to an unusual degree, they cannot hope to attain that object in less than nine months from the present date without serious loss.

That under these circumstances your Petitioners respectfully beg your Honorable House to defer the operation of the proposed law until the first day of July next.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 11 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BONDED DISTILLERIES AND SUGAR
HOUSES BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
2 *September*, 1862.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 23. THURSDAY, 3 JULY, 1862.

6. Bonded Distilleries and Sugar Houses Bill (Order, No. 1):—Mr. Weekes moved, "That" this Bill be now read a second time.
Mr. Arnold moved, that the Question be amended by the omission of all the words after the word "That," with a view to the insertion in their place of the following words:—
"the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to a Select Committee for consideration and report."
(2.) That such Committee consist of the following Members:—Mr. Alexander, Mr. Allen, Mr. Caldwell, Mr. Dalgleish, Mr. Dickson, Mr. Love, Mr. Samuel, Mr. Smart, Mr. Weekes, and Mr. Arnold."
Question,—That the words proposed to be omitted stand part of the Question,—put and negatived.
Question,—That the words proposed to be inserted in the place of the words omitted be so inserted,—put and passed.
Question then,—
(1.) That the Order of the Day for the second reading of this Bill be discharged, and the Bill be referred to a Select Committee for consideration and report.
(2.) That such Committee consist of the following Members:—Mr. Alexander, Mr. Allen, Mr. Caldwell, Mr. Dalgleish, Mr. Dickson, Mr. Love, Mr. Samuel, Mr. Smart, Mr. Weekes, and Mr. Arnold,—
Put and passed.

VOTES, No. 57. TUESDAY, 2 SEPTEMBER, 1862.

3. Bonded Distilleries and Sugar Houses Bill:—Mr. Weekes, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this Bill was referred on the 3rd July last.
Ordered to be printed.

* * * * *

CONTENTS.

| | PAGE. |
|---|-------|
| Extracts from the Votes and Proceedings | 2 |
| Report | 3 |
| Proceedings of the Committee | 4 |
| Schedule of Amendments | 6 |
| List of Witnesses | 6 |
| Appendix | 6 |
| Minutes of Evidence | 1 |

1862.

BONDED DISTILLERIES AND SUGAR HOUSES BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 3rd July last, the "*Bonded Distilleries and Sugar Houses Bill*," beg leave to report to your Honorable House,—

That they have examined, at great length, several witnesses (whose evidence will be found appended hereto), on the general subject of the matter referred to them for consideration; and having carefully considered the Bill, clause by clause, and made such amendments* as they deemed desirable, they now submit to your Honorable House the Bill as so amended by them.

Vide Schedule,
p. 6.

E. C. WEEKES,
Chairman.

Legislative Assembly Chamber,

Sydney, 2 September, 1862.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 10 JULY, 1862.

MEMBERS PRESENT:—

| | | |
|-------------|--|----------------|
| Mr. Weekes, | \| | Mr. Caldwell, |
| Mr. Smart, | \| | Mr. Allen, |
| Mr. Love, | \| | Mr. Alexander. |

Mr. Weekes called to the Chair.

By direction of the Chairman, Order of the House referring the Bill to a Select Committee, read by the Clerk.

Committee deliberated as to their course of procedure, and decided upon taking Evidence to-morrow.

[Adjourned to To-morrow accordingly, at *Eleven* o'clock.]

FRIDAY, 11 JULY, 1862.

MEMBERS PRESENT:—

Mr. Weekes in the Chair.

| | | |
|----------------|--|----------------|
| Mr. Allen, | \| | Mr. Caldwell, |
| Mr. Alexander, | \| | Mr. Smart, |
| Mr. Dickson, | \| | Mr. Dalgleish, |

Mr. Samuel.

The following Papers before the Committee:—

Bill to authorize the establishment of Bonded Distilleries and Bonded Sugar Houses. Petitions, of last Session, against the passing of such Bill.

1. From Mr. Isaac Peck.
2. From certain Merchants of Sydney.

Mr. Joseph Grafton Ross, *Manager of the Colonial Sugar Refining Company*, called in and examined.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 16 JULY, 1862.

MEMBERS PRESENT:—

Mr. Weekes in the Chair.

| | | |
|------------|--|----------------|
| Mr. Allen, | \| | Mr. Dalgleish, |
|  | \| | Mr. Alexander. |

Mr. Isaac Peck and Mr. George King examined.

[Adjourned to Wednesday next, at *Eleven* o'clock.]

WEDNESDAY, 23 JULY, 1862.

MEMBERS PRESENT:—

| | | |
|----------------|--|------------|
| Mr. Dalgleish, | \| | Mr. Allen. |
|  | \| | Mr. Smart. |

Mr. Allen took the Chair, in the absence of Mr. Weekes.

Mr. J. Brown and Mr. H. Moore examined.

[Adjourned.]

TUESDAY, 5 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Weekes in the Chair.

| | | |
|---------------|--|----------------|
| Mr. Samuel, | \| | Mr. Dalgleish, |
| Mr. Caldwell, | \| | Mr. Love, |
|  | \| | Mr. Alexander. |

Committee met pursuant to summons.

Mr. W. A. Duncan, *Collector of Customs*, examined.

Witness withdrew.

Mr.

Mr. Edward Knox, one of the Directors of the Colonial Sugar Refining Company, examined.

Samples of waste, resulting from the process of sugar manufacture, on the Table.

Witness handed in the *Mauritius Overland Commercial Gazette*, dated Monday 9th June, 1862.

Witness withdrew.

Committee deliberated, and decided that sufficient evidence has been taken for the purpose of their inquiry.

Ordered, That, previous to their next meeting, printed copies of Evidence taken before the Committee be circulated amongst the Members.

And the Chairman's attention having been drawn by the Clerk to numerous additions made by Mr. J. Brown to his Evidence, on revision,—

Committee considered the same, and ordered that the same appear as foot-notes to his Evidence.

[Adjourned.]

WEDNESDAY, 27 AUGUST, 1862.

MEMBERS PRESENT :—

Mr. Weekes in the Chair.

Mr. Samuel,

Mr. Allen,

Mr. Love.

Committee met pursuant to summons.

Copies of printed Evidence having been circulated during the interval of adjournment,—

Committee deliberated, and proceeded to consider the "Bonded Distilleries and Sugar Houses Bill."

Preamble read, considered, and agreed to.

Clause 1 read.

Motion made (*Mr. Allen*), and Question,—That at the end of the Clause the following words be added, viz :—"And in order to provide means for the due enforcement of such conditions and restrictions the owner or owners of every such Sugar House or Distillery shall upon its being so approved pay to the Colonial Treasurer for the purpose of the "Consolidated Revenue Fund of the Colony the sum of one thousand two hundred pounds per annum in equal quarterly payments in advance,"—*agreed to*.

Clause, as amended, agreed to.

Clauses 2, 3, and 4, read and agreed to.

Clause 5 read.

Motion made (*Mr. Samuel*), and Question,—That the words "of twenty," in line 33, be omitted, with the view to insert in their place the words "not exceeding one hundred," and of inserting after the word "pounds," in line 34, the words "nor less than twenty pounds."

Question,—That the words proposed to be omitted stand part of the Clause,—*negatived*.

Question then,—That the words proposed to be inserted be so inserted,—*agreed to*.

Clause, as amended, agreed to.

Clauses 6 to 12, read and agreed to, without amendment.

Clause 13, read, amended (*vide Schedule*), and agreed to.

Chairman requested to prepare Draft Report.

[Adjourned to To-morrow, at half-past Ten o'clock.]

THURSDAY, 28 AUGUST, 1862.

MEMBERS PRESENT :—

None.

In the absence of a Quorum of the Committee, the meeting convened for this day lapsed.

TUESDAY, 2 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Weekes in the Chair.

Mr. Smart,

Mr. Allen,

Mr. Love,

Mr. Alexander,

Mr. Dickson.

- Committee met pursuant to summons.

Chairman submitted Draft Report.

The same read.

Motion made (*Mr. Allen*), and Question put,—That this Report be the Report of the Committee.

Committee divided.

Ayes, 3.

No, 1.

Mr. Alexander,

Mr. Smart.

Mr. Allen,

Mr. Love.

Chairman requested to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENTS.

- Page 1, Clause 1, line 12. *After "restrictions" add "and in order to provide means for the due enforcement of such conditions and restrictions the owner or owners of every such Sugar House or Distillery shall upon its being so approved pay to the Colonial Treasurer for the purpose of the Consolidated Revenue Fund of the Colony the sum of one thousand two hundred pounds per annum in equal quarterly payments in advance."*
- Page 2, Clause 5, line 33. *Omit "of twenty"; insert "not exceeding one hundred."*
- Page 2, Clause 5, line 34. *After "pounds" insert "nor less than twenty pounds."*
- Page 4, Clause 13, line 21. *After "shall" insert "take effect on and from the first day of January one thousand eight hundred and sixty-three and shall."*

LIST OF WITNESSES.

| | PAGE. |
|---|-------|
| Brown, John, Esq. | 21 |
| Duncan, William Augustine, Esq. | 32 |
| King, George, Esq. | 16 |
| Knox, Edward, Esq. | 37 |
| Moore, Henry, Esq. | 27 |
| Peck, Mr. Isaac | 10 |
| Ross, Joseph Grafton, Esq. | 1 |

APPENDIX.

| | |
|---|----|
| <i>To Evidence given by Mr. W. A. Duncan, Collector of Customs, 5 August, 1862.</i> | |
| Letter from W. A. Duncan to Under Secretary for Finance and Trade, dated Custom House, Sydney, 24 April, 1862 | 37 |

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BONDED DISTILLERIES AND SUGAR-HOUSES BILL.

FRIDAY, 11 JULY, 1862.

Present :—

MR. ALEXANDER,
MR. ALLEN,
MR. CALDWELL,
MR. DALGLEISH,

MR. DICKSON,
MR. SAMUEL,
MR. SMART,
MR. WEEKES.

THE HON. ELIAS CARPENTER WEEKES, ESQ., IN THE CHAIR.

John Grafton Ross, Esq., called in and examined :—

1. *By the Chairman* : You are manager of the Colonial Sugar Company? I am.
2. You are aware that a Bill has been introduced to authorize the establishment of Bonded Distilleries and Bonded Sugar-houses? I am.
3. Have you given any consideration to the details of that Bill? I have given them very careful consideration.
4. Are its provisions, in your opinion, calculated to remove the difficulties under which it is alleged the manufacturers of refined sugar and distillers in this Colony now labour? I think they are, to a very great extent.
5. It has been stated that the sugar refiner in this Colony labours under certain disadvantages, in consequence of being obliged, under the existing law, to pay a duty on the raw material before he takes it into his refinery;—is that the case? Yes; most certainly it is.
6. Will you state what those disadvantages are? First, he is compelled to pay duty upon the whole of the waste which is contained in his raw material; that waste is extracted during the process of refining, is utterly valueless for any purpose, and is thrown away. Again, he is unable to export any of his treacle, necessarily produced in the process of refinement, without losing the duty he has already paid upon such treacle as part of the sugar which he refines.
7. These are the main disadvantages? These are the main disadvantages.
8. Do the importers of an article similar to your refined sugar labour under similar disadvantages? No; the importer of foreign refined sugars receives those sugars all ready to go into consumption, and he pays the duty on them in that state, the dirt already being extracted; or even if there is any dirt in them, he sells it to the consumer, and gets the duty paid back to him by the consumer. He is also able to import treacle, to keep it in bond, and to export it again without payment of any duty, in the same manner as he can import, bond, and export almost every other dutiable article; in fact, I think sugar-house treacle is the only article which cannot be so treated.
9. You say they have to pay duty upon dirt in fact? The Colonial refiner has to pay duty upon dirt.
10. Does not the refiner receive back from the consumer the duty he has paid upon the dirt in the shape of an increased price? No, he does not; because the Colonial refiner's

John Grafton
Ross, Esq.

11 July, 1862.

John Grafton
Ross, Esq.
11 July, 1862.

refiner's goods have to be sold in a market where they compete with similar foreign sugars in the market at the same time, and which pay but the £5 duty. In this way: suppose imported sugars are sold at cost price—say £35 a ton in bond, or with £5 per ton duty added, £40 per ton duty paid; let the refiner's sugars also cost, supposing no duty to be paid, £35 per ton in bond, the extra duty, £5 10s., including the duty on the dirt, brings the cost up to £40 10s. But the refiner cannot obtain more than £40 a ton for his goods, because the consumer, while he can buy the imported sugars at £40, will not give £40 10s. for the local refiner's, and the 10s. per ton paid by him as duty on the dirt is consequently not repaid him in the price of his refined sugar by the consumer, but is a positive loss to the refiner.

11. Are you not able to make some use of this dirt—does it not contain saccharine matter of some kind or other, from which you might distil spirits? Most certainly not. That is a sample of the dirt lately extracted from one lot of sugar; and this is a sample from another lot. (*Samples alluded to placed upon the table.*)

12. That is a sample of what you call dirt? That is an average sample of what we call dirt.

13. *By Mr. Smart*: What do you do with it? Make our roads with it if we want it; or throw it in the Blackwattle Swamp if we do not.

14. *By the Chairman*: What per centage of dirt or waste is there in the sugars usually refined by your Company? From 8 to 10 per cent.; we reckon that the average of five years is about 8 per cent.

15. Does the duty paid on this waste amount to any considerable sum? Taking a period of five years it amounted to about £13,700.

16. Then do you mean to state that that amount has been paid to the revenue as a duty upon dirt? Yes; the revenue has received in five years about that sum as duty upon dirt, which it could not have received from the imported sugars or if no local refinery had been in existence.

17. You think that operates as a special tax on you as Colonial manufacturers? It must do; it can have no other effect.

18. I think you said you had perused the Bill which has been introduced with respect to this matter? I have.

19. And that it is calculated to remove some, at all events, of the disadvantages which you allege? It would enable us to take the raw sugar into the Bonded Sugar-houses to extract the dirt from it there, and to pay the full rates of duty upon the whole of our product of refined sugar, bastards, and treacle; and it would enable us also to export any treacle we might wish to send out of the Colony without paying any duty thereon.

20. How would the Bill affect you, supposing the raw material you refined contained a much less average of dirt than what you state—8 or 10 per cent.? I do not see that it would make any difference. If there was less dirt in the sugar there would be more refined product and treacle, and consequently the revenue would receive more duty. The refiner would have to pay duty on whatever he produced; and if there was less dirt there must be more sugar or treacle, upon which he would have to pay more duty.

21. *By Mr. Smart*: That is assuming the treacle is consumed in the Colony? Of course.

22. Not if it is exported? No, of course not.

23. *By the Chairman*: Is the Bill in your opinion calculated to give the Colonial refiner any advantage whatever over the sugar importer—will it operate as a protection in any way? I cannot see how it can do so at all. It will oblige the refiner to pay duty on all his refined product and treacle, in the same way as the importer now does; and, while it puts the refiner on the same footing as the importer, I cannot see how it can act as any protection to either the one or the other.

24. Has the right to refine sugar in bond ever been granted to English refiners? Yes.

25. For what—for home consumption or for exportation? Never for home consumption, only for exportation.

26. Do they now possess the right to refine in bond for exportation? No, they do not; it was withdrawn in 1854, I think.

27. Are you aware for how long that privilege had been granted? I cannot say from recollection how long it was in force. The measure was introduced at the time when there were differential duties between slave-grown and free sugars, or rather when slave-grown sugars could not go into consumption in Great Britain; and the license was granted at that time for the sake of easing the holders of these slave-grown sugars, by allowing them to work them up in England and to export the product. When free trade was introduced, and all restrictions were abolished, the license to refine in bond for exportation was done away with.

28. Those were the reasons, you consider, that have led to the withdrawal of that privilege? Yes. I have it on very good authority, a letter from a gentleman connected with the Customs in London, that it was withdrawn at the request of the trade. The system was too restricted. Not only were the sugars stored and refined in bond, but they were entirely prohibited from passing such goods into the home market.

29. Are you sure that refining in bond was never permitted for home consumption, and found so dangerous to the revenue as to necessitate its withdrawal? I have carefully looked to see if it ever has been granted, and I can find no trace of it; and I have it from the Customs in London that no such right was ever granted. If never granted it never could have been found dangerous to the revenue, and as a matter of course could never have been withdrawn.

30. When you state that you received that information from the Customs in London, is that official information? No; a gentleman was requested to make certain inquiries in the matter, and he made that inquiry from the Customs, and the Customs informed him it never had been granted. The records of Acts of Parliament will show that it never has been granted.

31. Is the sugar refiner in England placed in the same disadvantageous position that you state the refiner is in this Colony? No, he is not. The duties on imported sugars in Great Britain are so arranged that the refiner really is to a certain extent protected. They have four duties there: one on the lowest class of sugars, 12s. 8d. per cwt.; on a higher class than that, 13s. 10d.; a higher than that again, 16s.; and on the highest, 18s. 4d. Here we only have two duties; and nearly the whole of the sugars come into consumption at one duty, £5 per ton.

John Grafton
Ross, Esq.

11 July, 1862.

32. Do I understand you to say that the refiners labour under no disadvantages in England? I am not aware that they labour under any disadvantage. I know that when Mr. Wilson, I think it was, brought in the tariff at present in force in England, he framed the scale of duties with special regard to the interests of the sugar-refiners.

33. Are you aware whether there was ever any application made by the sugar refiners in England, for permission to refine in bond for home consumption? I have never heard of it, and I have looked carefully to see if such has been the case, and can find no record of any such application.

34. Is the sugar refiner in England allowed to carry on the business of a distiller at the same time, or is there any prohibition from his distilling from treacle or sugar? No, there is no prohibition that I am aware of. I have never heard of such a prohibition, and I can find no record of any such. Distillers in England can distil from sugar or treacle, or molasses. In this Colony the sugar refiner is not permitted to have a distillery on the same premises; but neither in England or in this Colony is there anything to prevent him from being a distiller, and having separate premises therefor.

35. Are you aware whether refining in bond is allowed in any of the British Colonies? It is allowed in the neighbouring Colony of Victoria, and has been in force there for upwards of two years.

36. For home consumption? For home consumption.

37. Is the business of distilling carried on there likewise? There is a distillery there, which has been in operation, but at the present moment it is shut up. Within the last few months there has been a protective Act passed there, enabling the Colonial distiller to pass his goods at a much less duty than the imported spirits.

38. Are you aware of any case that may be considered a parallel one—where the importers of dutiable goods are allowed to extract what would answer to the dirt in sugar, before being called upon to pay any duty? Yes, I am aware of two articles in this Colony, and several others in England. The wine merchant here can refine his wine to any extent he likes in bond; he can extract the lees, and only pay the duty on the refined product. The tobacco importer also, if any of his tobacco has perished and become unfit for use, can extract that portion which is waste, and pay duty only on the sound portion of the tobacco that goes into consumption.

39. Does the Company you represent carry on the business of distilling to any great extent? It does.

40. Do you export spirits to any considerable extent? We used to do so, but since Queensland has been separated from this Colony we have lost that trade altogether.

41. Do you receive a drawback on exportation of spirits equivalent to the amount of duty you have paid on the raw material? No, we do not.

42. What is the drawback allowed on the exportation of Colonial spirits? We are not allowed any drawback on the exportation of Colonial spirits. We are allowed to export in bond, direct from the distillery; but having already paid the duty on the raw material, we do not get that duty refunded to us. It is calculated that 7d. per gallon is the amount of duty paid on the raw material, and when Colonial spirits are entered for home consumption there is a remission of duty of 7d. per gallon allowed the Colonial distiller, but on exportation there is no such remission; consequently he loses it.

43. What duty do you pay the Government on Colonial spirits entering into home consumption? We pay a direct duty of 6s. 5d. per gallon, and the 7d. that we have previously paid on the raw material makes it 7s.—the same rate that is imposed on imported spirits of similar description.

44. Then that is the reason of the distinction between the imported spirits at 7s. per gallon and the Colonially distilled spirits at 6s. 5d.,—that the raw material to make a gallon of spirits pays a duty of 7d.? Exactly. The distiller gets $8\frac{1}{2}$ gallons from a cwt. of sugar, which makes the duty on the raw material come to 7d. a gallon.

45. Does that affect your ability to export to any extent? It has the effect of preventing exportation altogether.

46. You have ceased to export? We have ceased to export.

47. Would you, in point of fact, lose 7d. per gallon were you to export? Yes, entirely.

48. Then in fact your operations are crippled, we may say, to some considerable extent by the operation of that law? Yes, we are prevented from doing a good export trade.

49. Are your works of an extensive character in this Colony? I think ours is the largest manufactory in the Colony; we employ a large number of men.

50. How many men do you employ? Sometimes more, sometimes less; we pay about £400 a week in wages.

51. Do you estimate that your business would very much increase if the disadvantages to which you have referred were removed—would it give greater facilities for your operations? It would give greater facilities. I do not know that it would add actually to the number of tons of sugar that enter into consumption in the Colony, but the power to export treacle and spirits would add considerably to our business.

52. Do you consider that you have now to compete with importers of refined sugar at a disadvantage? We do; we estimate the disadvantage at 10s. a ton. Taking the experience of

John Grafton of five years as the basis of the calculation, we affirm that on the whole of the sugar we have
 Ross, Esq. sold during five years we have paid fully 10s. a ton more duty than has been paid on imported
 sugars during the same time.

11 July, 1862. 53. And I think you state that you make no use whatever of what you call the waste, the
 residuum of your refining operations? No, it is valueless.

54. Would this Bill give you any advantages over the importer, either of refined sugars or of
 spirits? None whatever; it would merely place us on the same footing. By clause 8 it
 expressly provides that in all cases we are to pay the same duties as the importers.

55. Have you any manufactory in Queensland? No, we have not.

56. What would be the effect of your removing your establishment or manufactory to
 Queensland, so far as the importation of refined sugar into this Colony is concerned? The
 effect upon the revenue do you mean?

57. The effect upon your own operations. You would then import into this Colony? We
 would send the whole of our sugar into this Colony, in the same state as other foreign
 imported sugars are now received. We would pay duty to this Colony only upon the refined
 sugars so sent. We should save the duty now paid by us in waste. In fact, we should be
 exactly on the same footing as we would be were the Bill to pass, and refining in bond
 allowed here. But the Colony would lose all the advantages incidental to a large manu-
 factory.

58. You are aware that considerable opposition has exhibited itself against this Bill by
 large importers of sugar? I am aware of it. I have seen their petition.

59. Are the allegations in that petition well founded? Quite unfounded, as I am prepared
 to prove.

60. In what particular? They state, in the first place, that the license which the Bill is
 intended to grant is of a character inconsistent with the safety of the revenue, and they
 attempt to prove this by stating that it was found to be so in England. Now that license
 never was granted in England, and consequently was never withdrawn from the refiners in
 England; and, therefore, that statement is no proof whatever of the unsafe character of the
 Bill. They state further that the Colonial Sugar Company being allowed to distil rum from
 molasses, enjoys a privilege not enjoyed by English refiners. The English refiner has the
 same power if he likes. They state that the Company can have no waste, because it is all
 repaid to the Company in the price of the refined sugar. I have already proved that that
 cannot be the case, because we can only get the market value for our refined sugars, which
 market value is regulated by the competitive price of the imported sugars. They state that
 we have no waste; that all the dirt of our refinery can be converted into spirits. I give
 that an emphatic denial; and I think the Committee will see, from the samples shown, that
 it is impossible. They state that "any compensation or remission of duty, such as that
 "conferred by the Bill, must be considered as in reality a bonus, which will give the Company
 "a virtual monopoly." We deny that it is either a compensation or remission of duty, and
 therefore it cannot be a bonus. They state that we "already enjoy a protection of seven-
 "pence per gallon over the importer," which I have already proved to be inconsistent with
 the fact, because the 7d. represents the duty we have already paid on the material from
 which our spirit is produced. They insert a statement purporting to be the Company's
 own statement, which it is not. They leave out a most important item, the
 insertion of which would have the effect of making their statement and our own
 agree exactly; but they leave that out, and make it appear that the loss to the
 revenue would be much greater than we have shown it would be. They say that
 "there can be no check to the percentage of what the Company calls waste and molasses,"
 and that "the sugar revenue will be injured to an extent that no one uninitiated in the
 "manufacture can estimate." It must be self-evident to any one that it can never be to
 the advantage of the refiner to make waste or treacle instead of making refined sugar.
 Supposing the raw material costs him £20 a ton, it will never pay him to make what is
 valueless, or what will only give him £12 or £15 a ton, so long as he can make from it an
 article worth £30 a ton. The last part of the petition charges the Company with being a
 monopoly, a matter which I think is entirely beside the question.

61. The business of a distillery and the business of a sugar refinery are carried on separate
 and distinct? Entirely distinct. By law they are obliged to be so. A distillery must be
 an isolated building, a certain distance from any other building.

62. And quite unconnected with the sugar refinery? Quite unconnected.

63. By Mr. Allen: No matter what quantity of treacle you have here, you have no market
 for it but the home market, according to the present law—that is, you cannot export it
 and get the drawback although you have paid duty on the raw material? Yes, that is the
 case.

64. And that inconvenience would be removed by the operation of this Bill? Yes, it
 would allow us to export our treacle without having paid duty on it. An advantage in the
 Bill would be that all troublesome systems of drawbacks would be done away with.

65. The revenue which the Customs received, in five years, on account of the waste you
 have spoken of, you think, amounts to £13,700? Yes, about that sum.

66. That of course has been a dead loss to the Company—I mean to say, the Company
 have paid that to the revenue, under the operation of the present law, more than the revenue
 would have received had these goods been imported? Yes, exactly.

67. Then the present law appears to have sacrificed you to the amount of £13,700 in five
 years, owing to your manufacturing sugar here instead of having it manufactured abroad and
 sent here? Yes, it has; that is with reference to the duty on waste only. There is
 another matter I have not mentioned. The compensation that the refiner has by the
 extra duty of £1 13s. 4d. a ton, levied on imported refined sugar, does not make up to him
 for

for £1 13s. 4d. less duty levied on treacle, and this loss increases the £13,700 I have just mentioned to about £17,000, which is the amount that the revenue has in five years received from the refiner more than it could have received had there been no refinery in existence. I mention this to make the amount £13,700 agree with the £17,000 mentioned in statements I have circulated.

John Grafton
Ross, Esq.

11 July, 1862.

68. That is the way the £17,000 is got out? Yes.
69. You pay an Excise duty on Colonial spirits of 6s. 5d. a gallon? Yes.
70. And you pay a Customs duty equal to 7d. a gallon on the sugar used in its production? Yes.
71. That makes the duty on your spirits equal to the import duty on foreign spirits, viz., 7s. a gallon? Exactly.
72. So that you have no advantage whatever by distilling here more than by distilling abroad and sending here? No, we are just exactly on the same footing.
73. If you export spirits to Queensland or New Zealand or any outside Colony, will you receive back from the Customs, by way of drawback, the 7s. per gallon that you have already paid? No, we are not allowed to export spirits and receive drawback; after they have had the duty paid on them they must be exported direct from the Excise department. But from the Customs we do not receive back the 7d. a gallon already paid as duty on the raw material.
74. You lose 7d. a gallon by sending your own spirits, that you would receive if you sent foreign spirits for your export trade? If imported spirits were sent there would be no loss at all by way of duty, but on Colonial spirits we lose the 7d. a gallon.
75. Then the present law, instead of being an advantage to you, is a direct tax on the exporter? Exactly so.
76. You were saying that the Sugar Company employs a large number of hands, and pays about £400 a week in wages? Yes.
77. Do you imagine that in the event of the passing of this Bill, which proposes to allow you to manufacture your goods upon the same footing as the merchants can import them, you would be in a better position to employ more labour by extending your trade and taking the export as well as the home trade? I think we would, for this reason, that one of the principal causes why we have not further enlarged our works of late years has been that we seem to have reached the full limit at which we could dispose of our treacle.
78. That is in the home market? Dispose of it at all under the existing law. If we refined more sugar we would make more treacle, a great quantity of which we could not dispose of.
79. In the event of this Bill passing, the whole market of the world would be open to you? The passing of this Bill would enable us to dispose of our treacle elsewhere; consequently there would be no such clog to our working off larger quantities of sugar.
80. And consequently you would employ more labour? We should.
81. But supposing this Bill did pass, you would still be at the same disadvantage, would you not, with respect to the import merchant, in the price of sugar, inasmuch as you would have to pay freight and charges on this "dirt," from which the importing merchant would be relieved? Quite true; but I do not think that is a matter of which we can complain, if we chose to import dirty sugar.
82. Still that does militate against you? No doubt.
83. Then, instead of this Bill putting you on a better footing than the import merchant, it would not, in fact, bring you up to that footing by the difference of the freight on the dirt that always accompanies raw sugar? No.
84. *By Mr. Alexander:* Is it your opinion that the passing of this Bill will interfere with the other importation of refined sugars? No, I do not think it will.
85. You think it will still give scope and profit for the purchase and import of refined sugar? Yes, most certainly.
86. You say this "dirt" or "waste" is actual loss? The duty on the waste is actual loss.
87. Is not that charged upon the first cost of the article with which you supply the public? No, it is not—not the extra duty. How can we do so. Supposing the cost of the sugar were the cost of the duty only, the importer would sell it at £5 a ton; but our refined product we should have to sell at £5 10s. to recover the cost; but while the consumer can buy at £5 he will not, of course, give us £5 10s.
88. Is not the difference in the duty on refined sugar an equivalent for that? No, it is no equivalent. We proved that in the statement that has been published.
89. Now, about the rum. You say if this Bill passed it would enable you to export rum in bond. You are aware that merchants are not able to get the drawback? No, but we do not complain of not being able to get the drawback of 6s. 5d., but of the 7d. a gallon which we have paid on the raw sugar or treacle from which we make the spirits. We can export in bond, and consequently avoid payment of the 6s. 5d., but the 7d. a gallon we lose altogether—we cannot get it back.
90. If you export your spirits you would have to export it merely to the outports—not to England; you would not presume to send it to the London market? I do not know. We have presumed to send treacle to the London market; but it is not likely we should send spirits there. Queensland is the special instance where we have found the difficulty.
91. If you import rum from England there are the charges for a distance of 16,000 miles to be added to the cost before it can be exported from here, but by exporting spirits produced on the spot you save that? I do not think that has anything to do with the matter. We are now considering the effects of the tariff, not of any particular charges. It is a fact that we cannot export Colonial distilled spirits without losing 7d. a gallon that we have paid as Customs duty.

John Grafton
Ross, Esq.

11 July, 1862.

92. Would this Bill remedy that? Yes. If we are entitled to a drawback at all, we are entitled to have it to the full extent on the rum that is exported.

93. *By Mr. Dalgleish:* What is it that the Sugar Company specially desire by the passing of this Bill? We specially desire to avoid payment of duty upon waste; we specially desire to be allowed to export our treacle without losing the duty already paid upon it; and we desire to export our Colonial distilled spirits without losing a portion of the duty already paid thereon.

94. Are you in any worse position in the importation of your sugars than any other merchants or consumers of sugar in the Colony? Yes.

95. In a worse position than the importer, with no regard to the manufacturer? No.

96. You are placed at no disadvantage with the rest of the community? Putting the results of manufacture out of the question, but merely as importers, we are on the same terms as other importers.

97. Can you give any reason why you should be placed in a better position than other importers of sugar? We do not seek to be.

98. Then your special claim is with regard to manufacture? Yes.

99. You have entered on that as a business? We entered on that as a business when the duty on sugar was about 10s. a ton.

100. Is it the waste you lose by, or is it the unequal mode of assessing the amount of duty on sugars; is it from the process of manufacture that your loss ensues, or is it from the inequitable mode of raising the duties? It arises, first of all, from the waste, and then because the present mode of assessing the duties does not compensate us for the duty we lose on such waste.

101. Waste is incidental to all manufacturers; no manufacture is carried on without waste? Ours is certainly not: I am not intimately acquainted with other manufactures.

102. Iron manufactures, for instance, are carried on with a vast amount of waste; and all other manufactures, where the raw material is manufactured into a superior article, are accompanied with a large amount of waste? I should imagine so.

103. Are you, then, in a worse position than other manufacturers; is not the result paying you a legitimate profit on the business? We are at a disadvantage as compared with other manufacturers; in other goods there is generally a considerable difference between the duty assessed on the manufactured goods and that assessed upon the raw material; for instance, wherever there is a duty on iron, I fancy there is a much higher duty on the manufactured than on the raw iron, to protect the manufacturer of iron; here sugars of similar quality to those we produce pay the same duty that we pay on our raw material which contains all the dirt we have to extract; therefore we are not protected.

104. Would your object not be more legitimately gained by a proportionate duty on the different classes of sugars, that is to say, that sugars should pay a duty in proportion to their market value—that refined sugars should pay a duty of 6s., 7s., 8s., or 9s., and that the raw material, that is to say, sugar in the lowest state of manufacture, should pay a lower rate in proportion. Supposing refined sugar to be worth £60 a ton, and raw sugar £20, should there not be a proportionate decrease of duty, and would not that answer your end equally well? I would object to purely *ad valorem* duties; let them be fixed duties, and I agree that that would answer our purpose.

105. And be more equitable to the community? I am not prepared to give a positive answer to that, but I do not think so.

106. If I choose to use this low-priced sugar for my ordinary purposes, do I not put into actual consumption the whole of this "dirt," and do I not pay the duty on it? Yes.

107. You manufacture it in order to make an increased profit by the manufacture—why should you be placed in a superior position to me? Be kind enough to repeat the question.

108. If I use this inferior sugar I pay the whole duty and put the whole waste into consumption—dirt and everything else is paid for by me; you manufacture this dirty sugar—this low-priced sugar—into a superior article, which pays a superior profit; I say why should the community be placed in an inferior position to yours. If there were a fixed scale of duties in proportion to the price of the different classes of sugar, would it not be more equitable to the community, who would then be placed in a similar position to you? It may be so. I would have no objection whatever to a scale of duties.

109. That would meet every object you have? If at the same time we were allowed to export our treacle free of duty.

110. Are you not allowed to export your treacle free of duty now? No, we have paid duty on the raw material, but cannot, on exportation of treacle, receive back its fair share of the duty so paid.

111. Then it strikes me that is the only thing you have to complain of—that after having paid duty on the raw material you have no right to get the drawback on exporting the treacle. In fact, treacle is one of the proceeds of the manufacture? Yes; it is contained in the sugar.

112. And is the residue after the extraction of the clean sugar and dirt? Yes.

113. You have paid duty on the whole of this already? Yes.

114. And the only ground I can see for relief is, that you pay duty twice on the treacle if you export it? We do not exactly pay it twice; but we have paid it once, and when the treacle is exported we do not get it back. We have paid duty on what does not go into consumption in the Colony.

115. What treacle do you at present obtain in the process of working—how much per cent.? It varies; some sugars contain 18 per cent., some contain 25 per cent.

116. What sugar is it that at present bears the title of refined sugar, so as to carry the high duty? Only loaf sugar, and pure white sugar of exceeding dryness.

117. The Mauritius sugars—are they refined sugars? They are sugars that are in such a state of fineness that they enter into direct competition with our sugars which are refined, are of equal value in the market, and obtain the same price. John Grafton
Ross, Esq.
118. These sugars bear no higher duty than the lowest priced sugars? No. 11 July, 1862.
119. Is it a trade evasion of the term “refined sugars” to import those sugars in that state of purity? No, I do not think it is. By the wording of the Act I do not think that in all cases they can be considered as “refined” sugars.
120. They do not pass through charcoal, I presume? They may or may not; but I do not think that has anything to do with their being refined sugars. They are in such a state of perfection that you can put them alongside our best refined sugars and they are equal to ours; they compete with ours, and sometimes realize better prices.
121. Is not that the principal cause of complaint? Of course.
122. Therefore the whole matter would be met by having a revision of the sugar duties? It would be met no doubt to a certain extent that way; but it would depend on what constituted that revision of the sugar duties, and whether sufficient care were taken to guard the refiner against loss.
123. At the present time the duties on sugar being so high—£5 a ton on low-priced sugar, and low-priced sugar principally entering into the consumption of the working classes—throws a greater burden of taxation on them than on those who consume the higher class of sugar? I have not considered where the burden of taxation rests.
124. Presuming that the poorer people use the cheaper sugar, that is the natural inference? I have already proved that we get but £5 a ton back from the consumer, although we pay £5 10s. ourselves; therefore, as far as our sugar is concerned, £5 a ton only is paid by the consumer on account of the duty, with the exception of a small quantity of very white sugar which is paid for at a higher rate.
125. I do not understand how the 7d. a gallon is lost on spirits? Before we can take any material—say sugar—into our distillery, from which to distil spirits, we have to pay duty on that sugar at the rate of £5 a ton—that is 5s. a cwt. That sugar is distilled, and the cwt. produces say $8\frac{1}{2}$ gallons; that is the average that is arrived at from experience. $8\frac{1}{2}$ into 60d.—that is the 5s. duty on the cwt. of sugar—makes the duty on the raw material about 7d. a gallon. When we come to take the distilled spirits out of the distillery, and sell it for home consumption, we are called upon to pay a duty of 6s. 5d. per gallon, which, added to the 7d. already paid on the raw material, makes 7s. a gallon, which is the rate charged the importer of similar spirits. If we wish to export, we can go to the distillery and take out the spirit and export it free of charge, but we have no power to go to the Customs and receive back 7d. a gallon we have already paid on the sugar from which this spirit is made.
126. Then raw sugar being charged at a less duty in the first instance would meet that also? No, never, unless we got the duty so paid back from the Government. Whatever the duty is, we should lose it unless we get it back on exportation.
127. Do you not manufacture a large amount of treacle into spirit? Yes; we principally make it from treacle—in fact altogether.
128. Then the duty to be returned would be the duty that would be due to the treacle, not to the sugar? Yes.
129. Which would be something considerably less? Yes, it is assessed at £3 6s. 8d. a ton, the duty on imported treacle; we can but get six gallons of spirits from the cwt.; we cannot get the same product of spirit from treacle or molasses as we can from sugar.
130. *By Mr. Samuel:* What quantity of treacle do you export at the present time annually? A very small quantity.
131. What quantity would you say? Speaking merely from recollection, I do not think we export 20 tons a year.
132. At the present time? At the present time.
133. And what is the amount of waste or dirt you estimate you have annually at the present time? At the present time we estimate our dirt—say for this year—at 10 per cent.
134. What would that be in quantity—what amount of sugar do you annually get rid of? Supposing we refine 10,000 tons this year, one-tenth will be 1,000 tons.
135. *By Mr. Caldwell:* You set out with a basis of £35 a ton as the price you pay for raw sugar? Let it be anything you like—let it be £25, or less—any figures will serve to show that we cannot get back the 10s. a ton extra duty that we pay, because our price is regulated by the market.
136. The class of sugar you usually import is low sugar? Altogether low-classed sugars.
137. Consequently the waste will be something very considerable—about 8 per cent. I think you say? From the class of sugar we are working just now it is 10 per cent.
138. Supposing you imported a finer class of sugar, such as you referred to as being imported to compete with you, what would be the waste on that if you refined it? It would not pay us to refine such sugars. If it did, the waste would be much less; there would be more refined sugar or more treacle produced; and consequently more duty received by the Government.
139. Is it likely that any merchant would compete with you in importing sugar only fitted for refining purposes? No, they do not at present.
140. Then you have no competition in low-class sugars? Now and again there is a cargo—nothing much.
141. Supposing a cargo of that description should come into the market, is it likely there would be any customers for it excepting the Sugar Refining Company? We have not purchased any sugar in this market for a considerable number of years. There has been a small sugar refining manufactory, worked by a respectable man, and when any low-classed sugars have come here, he has taken off a good deal of it.

John Grafton 142. You find it to your interest to import a low class of sugar in which there is no person
 Ross, Esq. to compete with you? That is not the reason why we import it. We find it answers our
 11 July, 1862. purpose better than importing a higher class of sugar, without reference to what is imported
 by other people. We import it simply because it is the sugar that we find answers our
 purpose best.

143. *By Mr. Allen*: Did I understand you to say, with reference to the question put by
 Mr. Dalgleish, that sugar is imported here which, placed alongside yours in the market,
 will command an equally high figure, and which only pays 5s. a cwt. duty? Yes, the same
 duty as we pay on the raw material.

144. On your very inferior sugar, that is not fit for consumption in a family in its original
 form? Yes, which cannot be sold in the market for consumption.

145. *By the Chairman*: Is it not found almost impossible in the English market to classify
 sugars for various rates of duty? It has been the source of great annoyance, I believe, and
 the authorities are constantly issuing fresh regulations and having fresh standard samples.
 It also entails a large staff of officers.

146. It is done by sealed standard samples? Yes.

147. Renewed from time to time? Yes.

148. *By Mr. Dalgleish*: You are aware that they are not allowed to manufacture sugar in
 bond in England? Yes, I am aware of that. They never were for home consumption,
 merely for exportation; and that was done away with in 1854, as I am informed, at the
 request of the trade.

149. Was it not in consequence of frauds on the revenue? I have never heard so, except
 in a certain petition. I have it on good authority that it was found to be a restriction, and
 the trade requested it to be removed.

150. Are you aware that the duties on sugar in England have a much wider range than
 they have here? Yes.

151. That gives the relief to the sugar refiner that I suggested would be given to you by the
 adoption of a similar scale? Yes, it would in England more than here, because in England
 they work nearly always from a much higher class of sugar than we do here; they conse-
 quently have less waste and less treacle, and therefore the scale of duties fully protects them
 from any injustice in competing with the importer.

152. Is it absolutely necessary to have standard samples of sugar sealed up and kept under
 restriction in order to fix the duties? Supposing a cargo comes in with half a dozen different
 qualities of sugar, they must have some standard by which they can assess the duties.

153. Supposing three qualities were adopted—refined sugars, clayed or ration sugars, and
 pieces—could not three distinct rates be fixed which would be just to the people as a whole,
 and would give you the relief you seek to obtain by working in bond? It might.

154. That would increase the revenue? That depends on whether you increase or diminish
 the duty.

155. It would cause no loss to the revenue if the duties were fairly averaged according to
 the cost of the sugars—the loss would cease to you as a Company but the revenue itself
 would sustain no loss? It entirely depends on what rates you fix.

156. If fixed according to the fixed value—say that one sugar is always worth in proportion
 to another 100 per cent., and another 50 per cent.? You misunderstand me; I say
 the loss or gain to the revenue must depend on the duties you fix as compared with the
 rates at present levied. The revenue at present receives so much; if you make the scale of
 duties higher on an average than £5 a ton, of course the revenue will gain, if lower it will
 lose.

157. If you had the sugar at a lower rate, would it not cause you to extend your works and
 refine more? Of course we should always go on to the full extent that we could with
 profit.

158. That would cause a gain to the revenue? I do not see that; if they received a less
 sum I do not see how it can be a gain: increased consumption it is true may compensate
 them.

159. Are not the principal sugars imported now commonly called bastards? Yes.

160. If they paid a higher rate than £5 the revenue would be improved? Yes.

161. Although the sugars you manufacture were to be decreased a little, say one shilling
 per cwt.? The revenue would then be improved on the whole.

162. The revenue would be improved and you would obtain the relief you seek? If the
 scale of duties were such as to grant that relief.

163. It is a mere matter of calculation? Yes. There is just this difficulty in framing
 such a scale of duties, that it is necessary to protect the revenue by guarding against
 the possibility of the refiner (by making the greatest possible quantity of highest
 class sugars and exporting them) receiving back, by way of drawback, a larger amount than
 he has paid duty on the raw material. The refiner wants a law by which he can receive no
 injustice, while working in the style that suits him best.

164. There are one or two more questions I should like to ask, and, I think, legitimate ones.
 You have alluded to a small refiner—would not this Bill place this small refiner at a disad-
 vantage in the market, as a seller? I think not, for this reason, that he works on so small
 a scale that he can have no difficulty in disposing of all he can make of the best sort of
 sugar. While he can do that, he does not suffer under the same disadvantages as we do.

165. You do not deny, for a single moment, that he pays duty on all he makes? No, I do
 not deny that. But if he can sell all he can make of fine white sugar, the duty of
 £6 13s. 4d. imposed on imported sugars of similar quality is sufficient protection to him.
 The large refiner cannot make a sufficient proportion of that kind of sugar, and, therefore,
 he is not protected in the same way.

166. It would not pay the small refiner to work in bond—it would be a direct loss to him if he were compelled to work in bond? Certainly; but there is no compulsion about the Bill, I hope. John Grafton
Ross, Esq.

167. Were twenty or thirty, or more, individuals to embark in this refining on a small scale, would not the injustice that you complain of be as great to these thirty as to your Company—they would refine as much as your Company, in the aggregate, each refining a little;—would it not be an injustice to them, if this Bill were to pass into law? If such a thing were possible, it perhaps might; but I deny the possibility. 11 July, 1862.

168. If one exists, we may suppose forty can. If the sugar duties were raised, as I have proposed, in proportion to the quality of the sugar, that would place them on an equal footing with yourselves? Yes, I believe it would.

169. *By Mr. Alexander*: How long is it since the increased duty was taken off these refined sugars? It has never been taken off.

170. How long is it since these sugars, that you say come into competition with yours, have passed with the smaller duty: I was always under the impression that sugars up to M.O. paid the refined rate? No, they do not. There was a case the other day where some sugar came down from Java, and also from Mauritius—pure white sugars—that realized a higher price in the market than our refined sugar; and yet, because it was asserted that they contained some moisture they paid the £5 duty, while ours would have had to pay £6 13s. 4d.

171. *By Mr. Dalgleish*: These are done by the defecating process, by means of charcoal? I do not think so. However, the process had nothing to do with the comparative value of the sugars.

172. Do you see any objection to the plan of raising three discriminating duties? As far as we are concerned, as refiners, I do not think we should find any difficulty in the matter, but I think there would be great objection to it on the part of importers, and it would cause considerable extra expense to the Customs.

173. *By the Chairman*: There are only two steps in the sugar duties now? Yes.

174. And is it not found exceedingly difficult to discriminate between the two classes which bear different rates? Yes, I believe so.

175. Would not that difficulty be greatly increased by requiring further discrimination? No doubt it would.

176. *By Mr. Dalgleish*: Is it not rather the want of these discriminating duties that makes the difficulty now? No. Sugars are of so many different grades, that it requires trustworthy and experienced men to detect the differences between them. It is easy to say this is a pure white sugar, and that is not; but when you have before you a light brown and a dark yellow, it is not so easy to decide which grade they belong to. There is so much left to the honesty of the officers, under such a system, that it is very dangerous. I know in some foreign countries where I have been, I have heard the same complaint, that in assessing the duties from standards, they are always open to frauds.

177. *By the Chairman*: How could the third step in the classification be carried out—would it be a simple distinction between brown sugars as compared with white, or how could the different classes be distinguished? Sugars are made of very many colours.

178. Would it not require very nice discrimination to distinguish between the different classes of inferior sugars? Yes, it would, and it has to be left to the discretion of individuals. I have a paper here in which the subject is treated of. It states that the Lords of the Treasury have authorized the exercise of discretion on the part of the officers in assessing the duties on sugars which may be of bright colour but deficient in other elements. I merely cite this to show that in England they cannot get standards sufficiently suitable for all purposes, to do away with discretionary power in the officers.

179. Did I understand you to say, just now, that if a small refiner was compelled to refine in bond it would be a loss to him? If he was compelled to refine in bond, and to pay the expense of officers, then it would, I think, be a pecuniary loss; but if he had not to bear that expense, it would merely be a loss to him in so far as all Excise regulations are the cause of annoyance and expense.

180. Then would it be a loss if he was not called upon to pay the expense? It would not be a positive or direct loss, but it might be an incidental one.

181. Would he not reap the same advantage, in proportion to the business he transacted, in not having to pay for the waste you refer to, as the larger refiner? He would be exactly in the same position in that particular.

182. Then setting aside the cost of supervision, would it not be an advantage to him to refine in bond? I never have been a small refiner, and therefore I cannot say positively; but I think that so long as there is the one small refiner he is under no disadvantage under the present tariff.

183. Is there any disadvantage inherent in refining in bond to which the small refiner would be subject, setting aside the expense of supervision? Certainly not.

184. *By Mr. Dalgleish*: In all cases where a refiner's or any other business has to be carried on in bond, it has to be under the direct supervision of an officer? Of course.

185. And when his time arrives to leave, everything is placed under lock? If he ever does leave. I imagine that, as in distilleries, there would be a constant relay of officers.

186. Do you think the Government could afford to keep a constant relay of officers for a small refiner's business? I really cannot say.

187. Is it probable such a thing would be done? I should think not.

188. *By the Chairman*: If there were no sugar duties at all, your ground of complaint would be removed? Yes.

189. You would then take the loss of waste as naturally incident to the manufacture? Yes, there would be no duty on it, and we could get back all we had paid for the waste from the consumer. 190.

- John Grafton Ross, Esq.,
11 July, 1862.
190. You only complain because what is waste you have to pay duty on? Yes.
191. *By Mr. Caldwell:* Would you not have to compete with importers? Yes.
192. You have stated a loss of 8 per cent.? It is the duty on that 8 per cent. that we complain of.
193. *By the Chairman:* Wherever it is manufactured there is the loss by waste? Wherever it is manufactured there is the loss by waste; and the importers have to pay for that loss by waste to the foreign refiner. Be kind enough to remember that it is the loss of the duty on the waste we complain of, not the cost of the waste in any other way.
194. The waste itself you accept as unavoidable? Yes.
195. *By Mr. Dalgleish:* Are you aware if candied sugar is imported here? About five years ago there was one lot.
196. Does it bear any duty at all? Yes, the highest duty.
197. *By Mr. Alexander:* The fact is, that the high duty that is charged is only on loaf sugar and Cossipore? And I think they charge it on the small quantity of crushed lump that is imported.
198. *By the Chairman:* It is charged on all refined sugars? Yes, on all so considered by the Customs authorities.
199. The difficulty being to tell what is refined and what is not? Yes.
200. In respect of which considerable difficulty exists? Yes.
201. *By Mr. Dalgleish:* Would there be any difficulty if sugars were classed under two heads—sugar that has passed through any process of defecation, or charcoal refining, and granulated sugars, where the treacle has been extracted? The process has very little to do with it. I have seen men making sugars, and the only utensil they had was a little earthenware pot, from which the sugars have come out as pure as from the best manufactory.
202. Would not this plan of making sugar of two classes only, for purposes of duty, get rid of the difficulty with regard to the escape of superior sugar from paying the superior duty? You mean by taking a low standard for the second duty?
203. And all above that paying the higher duty? At first sight it strikes me there would be no objection to that, as far as we are concerned. It is a matter purely of calculation; but as to the equity to others, I am not sure of the effect of such a measure.
204. *By the Chairman:* How would one uniform duty for sugar operate—how would it affect your operations as refiners—either higher or lower, as the case might be? Supposing, of course, we had the drawback on treacle to the same extent?
205. In regard to treacle, has it not been always found, in every country where it has been found necessary to impose sugar duties, that a drawback on treacle was never permitted? For this reason, that it is very easy—
206. Is it not difficult to detect the adulteration? I was just going to say that it is very easy to add water and adulterate it; and for that reason the drawback has generally been refused.
207. You are not aware of any country where a drawback on treacle is allowed? No; and that is one reason why refining in bond should be allowed, because if there is no system of drawbacks at all there can be no chance of fraud to the Government on exportation of these dutiable articles—sugar and treacle. Having paid no duty, none would have to be refunded. If there were a uniform duty of £5 a ton, and we exported our treacle without getting the drawback, it would be most unfair; we should be in a worse position than we are now.
208. *By Mr. Dalgleish:* It appears that treacle is the only thing you complain of? Treacle, dirt, and spirits.

WEDNESDAY, 16 JULY, 1862.

Present:—

MR. ALEXANDER, | MR. ALLEN,
MR. DALGLEISH.

THE HON. ELIAS CARPENTER WEEKES, ESQ., IN THE CHAIR.

Mr. Isaac Peck called in and examined:—

- Mr. Isaac Peck.
16 July, 1862.
209. *By the Chairman:* What business do you carry on? Sugar refining.
210. In Sydney? In Sydney.
211. How long have you carried on that trade? Very near three years.
212. Is it an extensive business? Four tons a week.
213. You petitioned, I think, last Session, against a Bill called the Bonded Distilleries and Bonded Sugar-houses Bill? I did.
214. Have you given any further consideration to the provisions of that Bill? A great deal.
215. Do you hold the same opinions now that you held then, or have you seen reason to modify them in any way? I have seen reason to modify them greatly.

216. Will you state what your present views are with respect to that Bill, as to its effect upon the small refiner;—it was, I think, one of the grounds of your petition that it would interfere with the operations of the small refiner? My impressions then were wrong—they were not correct. I was under the impression then that, under the Bill, the Sugar Company, working in bond, would only pay £5 a ton duty on all the refined sugar that went out of the sugar-house. At the time I brought about this petition I was not aware that they were to pay 6s. 8d. a cwt. on refined white; I thought all would go out of the house alike; and that, of course, would have been much against me; in fact it would have ruined me, for I could not have competed with them when I had to pay £5 a ton on the sugar I took into the sugar-house. I thought then they would merely pay the £5 after taking the dirt out, and £3 6s. 8d. on the treacle after they sent it out.

Mr. Isaac Peck.
16 July, 1862.

217. Then you believed that the operation of this Bill would have been that, after refining the sugar in bond, the Sugar Company would have paid upon their refined sugar, as it was made and passed into home consumption, only the £5 duty? That was my impression at that time.

218. Does the knowledge that it will not be so remove the objection you had to this Bill? Very largely.

219. Altogether, or modify it only? It modifies it.

220. What are your remaining objections? The only objections I have to it, or that I had, I have given way upon, on moral and social considerations, a great deal. In the first place, it would certainly be a great calamity to the country if any such establishment was withdrawn, and Mr. Knox has given me conclusive proof that they must withdraw unless there is some modification of the law, and I cannot see how it is possible for any set of gentlemen to carry on such a business as the law stands now; it is not possible.

221. Do I understand you to say that you consider that the Sugar Refining Company being compelled to remove their operations from this Colony would be a great calamity? No question about it.

222. *By Mr. Dalgleish*: Did you say they will be compelled? I am certain they will be compelled, for I am certain no set of gentlemen can carry on an establishment like that without some outlet for their treacle, and there is no possible consumption for it here.

223. *By the Chairman*: That is because there is no drawback allowed on treacle, if exported; and it appears almost impossible there can be? Therefore there must be a consideration in some other way; either by the remission of duty of some sort, or by working in bond; and working in bond is rather against the small refiner.

224. In what way? Merely in this way:—Upon calculating, I find it will make somewhere about 30s. a week difference to me, as compared with the Company, upon the quantity of sugar I use; and if I were to work up 14 or 15 tons instead of 4, of course it would be worse against me.

225. How does that loss occur? I make now all my first process, amounting to about 30 per cent., into fine whites, and issue that at the £5 a ton duty on the raw material; but if I worked in bond, of course I would pay 6s. 8d. a cwt. on that, and get the treacle out at 3s. 4d., and the bastards at 5s.; that would make the duty come to a little less than £20 a week, which I pay now on four tons of raw sugar. If I worked in bond I would pay £18 or £18 10s. The Company would have the advantage over me to that extent if they worked in bond and I did not, and it would not pay me, with the small quantity I make, to do so. Of course, if I worked off 15 or 16 or 20 tons a week, it would be worse for me, just in proportion as I worked in a larger way, so long as I did not work in bond.

226. In proportion to your business, would you not derive the same advantage as the large Company if you worked in bond? I would not work in bond; I would not be cramped with the officers. Of course, to the extent of the difference of duty, there would be an advantage; but to those working on a large scale the advantage would be immeasurably greater, because by refining in bond they would be able to get rid of their treacle. There is no outlet for it without. With such sugar as the Company is refining now—Taal, Zebu, and so on—if they refine 100 tons they will get 10 per cent. of waste, and three, four, or five and twenty tons of treacle, for which there is no consumption here.

227. Supposing this Bill passed into law, would you take advantage of it and refine in bond? Certainly not; I would not be hampered with the officers for the consideration it would be to me; I would not be under the lock and key of anybody for the consideration.

228. That is, looking at the present limited character of your business? Just so.

229. Would your objection to refining in bond still prevail if you increased your business? Certainly, if the officers were found me, if my business was larger I might do it, but not if I had to pay them. I would not pay them and be under their surveillance and their checks. I would not be bored with them; I would rather forego the loss.

230. Have you had considerable experience in the management of a sugar refining warehouse? A great deal, both practically and theoretically; I have studied the matter well.

231. Is there necessarily some waste in a sugar-house? Most decidedly.

232. What extent of waste? It depends upon the character of the sugar used for working. This sugar (*producing a sample*) cost me £20 a ton, duty paid, and there is about 12 per cent. absolute waste in it—dirt, mud.

233. Is that waste useless? Utterly so.

234. Does it contain no saccharine matter at all? None at all; it is muck, it is mire, it is dirt.

235. Could you not, by some process of distillation, extract some saccharine matter from it? Nothing at all—no more than you could out of this table.

236. Do you complain of having to pay duty upon waste—mud; as you call it—or do you consider it the natural result of a manufacture? It is a hardship to have to pay duty on dirt,

Mr.
Isaac Peck.
16 July, 1862.

dirt, no doubt about it. If I had the means to import my own sugar to advantage, and to do business on an extensive scale, no doubt I should have felt it; but being a small man it does not affect me so much, because I have a ready market for all I can make, and I can make all my first process into fine whites.

237. Do you go along with the Sugar Company, in their complaint of being compelled to pay duty on this waste? Well, you see the Bill is surrounded with so many circumstances, and the working in bond of course is an advantage, in being able to ship and get rid of the treacle, which is at the bottom of it all. I believe if they could get rid of the treacle, they could carry on with paying duty on the waste, if they only had an outlet for the treacle. It seems impossible to get any relief on that point without working in bond, because of the difficulty of detecting frauds if duties are remitted on treacle exported. As I said at first, I never opposed the Company for hostility's sake at all; what I opposed them for was that the Bill did not seem to reach everybody, by allowing working in bond, so much as taking the duty off sugar would do; but there seems to be so much objection to that. What I said was, that taking the duty off sugar would reach everybody. If the duty was off sugar for *bonâ fide* manufacturing purposes, it would reach everybody without any bother; I think that would be fair, because what is called the sugar used for manufacturing purposes is certainly not sugar—there is no mistake about that. You go to a merchant and pay £20 a ton for that (*pointing to the sample before produced*), and you get it for £20 a ton because it is not sugar—it is sugar and dirt. This (*another sample*) fetches £50 a ton, and you pay £50 a ton for it because it is sugar. It pays us better to buy sugar and dirt, because it is in separating the sugar from the dirt that the whole of our business lies; but certainly it does seem hard that the manufacturer should pay as much duty for sugar and dirt as he pays for sugar—there can be no question about that part of it. Any man, certainly, with any moral feeling, will say it does seem hard that the manufacturer, when he has erected large machinery in the country at an enormous expense, should be compelled to pay £5 a ton duty on sugar and dirt, while importers pay only £5 for sugar. I think there ought to be some consideration for that. I deem it morally right that any set of gentlemen, either now or in times to come, that open a factory for sugar refining, ought to have a let-out for their treacle, because that is the bugbear, no doubt about it.

238. Then you complain of being compelled to pay duty on what is really dirt? No doubt about it.

239. Supposing the duty on sugar were abolished, the amount of waste remaining the same, would you complain? Decidedly not. If there was no duty at all we could not pay on dirt then.

240. You would not complain then of the amount of waste that resulted from your manufacture? Certainly not. We should then have a consideration, in the low price of the sugar we use, for the amount of dirt it contains. But the duty recognizes nothing of that kind. It says you must pay £5 a ton for this, and £5 for that, whether the sugar is dirty or not. The thing is unjust. It is as plain as a pikestaff. If the duty is taken off sugar—which is really the easiest way of settling the matter—you can deal with the merchant in a true spirit. You give him the price of sugar and dirt, and he gives you sugar and dirt; if you give him the price of sugar he gives you sugar.

241. Is the dirt in sugar in proportion to its colour? Not at all times.

242. What kind of sugars do you prefer to refine from? Manila sugars.

243. The darkest sugar? We do not talk of the darkest; it is according to their strength. It pays us best according to their saccharine contents.

244. Is there any other mode which you could suggest by which this hardship could be avoided, besides the abolition of the duty altogether;—would any modification of the scale of duties operate to give relief? I see nothing for it but taking the duty off.

245. Would not a modification of the duties effect the same object? Decidedly.

246. In what way? Simply because the quality of the sugar would be recognized, the same as it is when you go to a merchant.

247. There are two classes of duties, are there not now—5s. and 6s. 8d.? Yes.

248. Would giving a third rate in that scale remove the hardship which is now complained of—would it operate in the same way as a removal of the duty altogether, so far as refining goes? It would give me an advantage. It would be as good to me, as I work in my small way, as working in bond; but it would not be so good to the Company, because they would not get rid of the treacle. I take it there ought to be some legislation, so that a large refiner here, or any refiner, may have an outlet for his treacle. That is the bugbear.

249. Do you know any country in which treacle is allowed to be exported under drawback? No, I do not.

250. It is a difficulty that has always been found insurmountable? It does not apply in England; you have consumption for it there.

251. Is it not the fact that treacle is not allowed to be exported on drawback in any country? There is no question of it, so far as my knowledge goes.

252. Am I to understand that you are of opinion that no modification of the duty or alteration in the scale of duties would meet the difficulty? It would meet the difficulty in a measure.

253. Are you aware why no drawback is allowed on treacle? Not at all.

254. It could be easily mixed, could it not? Not so easily.

255. Not with water? Not so easily; it could be done, no doubt.

256. Then with your present views regarding this Bill—your present and altered views—should you, had you then had the same feeling as you have now, have presented this petition? I should not—most decidedly not.

257. It was a misconception of the provisions of the Bill which induced you to do so? In part

part it was; but there are some moral considerations about it too with me. I see so plain before me the utter hopelessness of any large factory carrying on sugar refining here without having an outlet for the treacle, and I should not like to see the place withdrawn.

Mr.
Isaac Peck.

16 July, 1862.

258. Would you wish to see it established even if it injured the small refiner to some small extent? I should like it some other way certainly. There is no question that to a person doing 14 or 15 tons a week the duty on the waste would be a consideration; but it would not pay him to work in bond, if he had to pay the officers. If the Government would pay for the excise supervision, then a person working on a little larger scale than I am would receive the same benefit, in proportion to his business, as the Company; but certainly not if he paid the officers. They must be there night and day, and each refinery would, therefore, probably require three officers—say it would involve salaries to the amount of £1,000 a year; perhaps the consideration a refiner of 14 or 15 tons a week would get for that would not pay for these officers; therefore he would be under a disadvantage as compared with a large refiner. No doubt the larger the refiner the greater the advantages he would derive from this as compared with the small refiner. In a large refinery the consideration they give for the officers is covered by the consideration they receive by not paying duty on dirt.

259. As it would be optional with you to refine in bond or not under this Bill, with your present views you would have made no opposition to this Bill? No, I would not—not with my present views.

260. *By Mr. Allen:* You do not seem to have any opposition to the Bill now? I have no opposition to the Bill, principally on moral grounds. I feel in my mind so convinced that it is impossible to carry on in this way on account of the treacle.

261. Is there any way of testing the quantity of saccharine matter in treacle? Yes, I can tell you to a pound what there is in a cwt. gross weight.

262. Suppose the Government gave a drawback on the tested quality of the treacle, the revenue could not then lose anything by the admixture of water? Certainly not; they would simply lose the duty on the dirt.

263. This test you think could be fairly applied, so as to allow drawback on treacle so tested? No question of it, but you would have to gauge every cask, and you cannot gauge it when it is cold, because the saccharometer will not float. There might be one made for it, no doubt. That matter is a merely mechanical matter; but I think it would have to be warmed somehow or another. No doubt the saccharometer will tell you the saccharine contents of syrups and so on, down to a certain grade. If you come into my house I will show you some sugar in solution, and I can tell you by the saccharometer how many pounds of sugar there are in the vessel, if I get the number of gallons.

264. You think it is unfair to the manufacturer to charge the same duty on these two sugars (*referring to samples*)? Decidedly. I do not see that any man can say it is not unfair; the merchants themselves would acknowledge that, I believe.

265. *By Mr. Dalgleish:* You have stated that you have withdrawn your objection, in consequence of your certainty that the manufacture of sugar cannot be carried on in the Colony, provided the Legislature make no outlet for the treacle? On a large scale I do not think it can.

266. You have spoken very confidently—will you give us your reasons for this extreme confidence? I have given it as my opinion from the knowledge I possess of the matter.

267. I think you stated that you had obtained it from conversation with Mr. Knox? I did, a great deal.

268. Have you had private interviews with Mr. Knox? I had an interview with Mr. Knox.

269. With regard to the Sugar Bill? With regard to many matters. We accidentally met up at the Court.

270. And Mr. Knox, you say, has assured you that did this Bill not pass, the Company would be unable to carry on their manufactory? He did not; I saw it in his pamphlet, and I drew my inferences. I always saw the uselessness of extending my place, in consequence of the treacle. My sugar-house would have been bigger than it is now only for that.

271. You state that were the Company allowed to manufacture sugar in bond, it would place you at a direct disadvantage in competing with them, of some 30s. a week? I think about that.

272. You refine about four tons a week? About four tons.

273. That, then, would afford a fair example of the ratio of profit that would accrue to the Company—30s. on every four tons? It does not follow at all. I only refine four tons a week, and I can make all my first process fetch me £51 and £52 a ton; but if the Company were to do that, they might keep it in their stores for twenty years and not sell it. I do it because I make only a small quantity altogether; but the Company melts 200 tons a week, and if they made 60 tons of fine whites they never could get rid of it. I have that advantage, that I can make all my first process into fine whites.

274. You have also stated that it pays you to buy sugar and dirt? Just so.

275. Then it pays the Company better to buy sugar and dirt? Yes, all what we call low grade sugars.

276. Does not this enter into the calculation when they purchase it? Probably it does.

277. Then if there was any unerring standard by which the value of sugar could be ascertained, and the duty charged in accordance with that standard, you could have no objection to a duty on that scale? No; no manufacturer would have a right to complain.

278. Such a standard exists, does it not? It would be very hard to tell, because it is only the crystallizable contents the refiner takes into consideration.

279. It is a common mode of expression to talk of sugar of different qualities—does any such thing exist? Not chemically.

280. It is only sugar and the impurities that accompany it? That is all.

281. And it is the impurities that make the difference in value? Just so.

- Mr. Isaac Peck.
16 July, 1862.
282. Is there any unerring standard to measure sugar in the same way as to measure spirits? Not marketably, there is not.
283. I did not say marketably;—does such a standard exist to measure the absolute or the specific gravity of sugar in the same way as the specific gravity of spirits? Yes; but that is not the question.
284. That is the question I have asked? You did not ask me straightforward. If you ask me, is there any test to tell the saccharine contents of sugar, I could answer you.
285. If a pound of this sugar you purchase at £20 a ton were melted in one gallon of water, and a pound of this superior sugar were melted in a gallon of water, the difference between the specific gravities of the two would show the total quantity of sugar in the one and the total quantity in the other, irrespective of dirt? No doubt.
286. That would be an unerring standard of the quality of the sugar? It would be an unerring standard of the saccharine contents, but not of its market value.
287. In the same way that the salinometer measures the exact quantity of salt in water? Of course. Your question is now plain, and I answer it truthfully. There is a way of telling the saccharine contents of any sugar.
288. Were the duty charged in accordance with that standard, would you then pay any duty on dirt? Certainly not, if you only charge for sugar.
289. You claim to be charged for sugar and nothing else? That is all.
290. Then that would meet your views? No doubt.
291. That is to say, if, out of a cargo of sugar, ten samples were taken indiscriminately and subjected to this test, which can be very quickly performed, then the quantity of sugar per ton and the quantity of dirt per ton could be accurately measured by the saccharometer? Not the dirt—you could not measure the dirt.
292. The quantity of sugar being given, the residue would be dirt? No.
293. The residue would not be sugar? It would not be sugar, but it would not be dirt; a good deal of it would be water; there is 10 per cent. of water.
294. In the same way as there is water in spirits? Just so.
295. *By the Chairman*: Could you, by the saccharometer, test in any simple manner the proportion of sugar and the proportion of treacle? Certainly not, because treacle is merely glucose or grape sugar, and enters into solution.
296. Does the proportion of treacle differ in various samples of sugar? No doubt, very much so.
297. *By Mr. Allen*: What is the average proportion of sugar and dirt in such sugar as that on the table? There is 12 per cent. of absolute waste in that.
298. Is there any in this other? There is no dirt there.
299. *By Mr. Dalgleish*: I think we were speaking of the specific gravity as being an unerring standard of the saccharine contents of sugar, and you say this would be an unobjectionable mode of levying the duty? You see you will not admit me to qualify my answers in any way —
300. Most decidedly you may? I said it would most undoubtedly tell you the saccharine contents.
301. I may be allowed to say, that it is the usual mode, in the examination of witnesses, to answer first and qualify afterwards? Well, I say the saccharometer will tell the saccharine contents unerringly—no doubt about that; but if I am allowed now to explain myself, it is no test for the market value of sugar at all, because you may take sugar that may have 50 per cent. of treacle in combination with 10 or 15 per cent. of sugar, and the remainder dirt. You may apply the saccharometer—the treacle will enter into solution with the sugar; but while the one is glucose sugar, the other is muscovado sugar, though both will show equal saccharine contents.
302. Be kind enough to explain the terms glucose sugar and muscovado sugar? Glucose sugar is grape sugar, and is much less valuable to the refiner.
303. Would not this weakness be indicated by the saccharometer;—if a pound of this grape sugar were dissolved in a gallon of water, would it not show its weakness, in comparison with a pound of muscovado sugar treated in the same way? Unquestionably it would be weaker, if it was embedded with treacle—no doubt about that.
304. On a comparison of sugars of different qualities, a pound of refined or loaf sugar, which contains the smallest quantity of treacle and the smallest quantity of water, would show the greatest specific gravity, would it not? Just so; the sugar that is the most free from syrup, colouring matter, treacle, and so forth, would float the saccharometer highest.
305. Which shows that the saccharometer measures the treacle as well as the grape sugar? In part.
306. In proportion as they exist in the sugar? No doubt.
307. The consequence is, that your objection in regard to the application of this test for duty purposes does not apply? I cannot see that exactly. I am confining myself to the market value of the sugar, and that must be what the operations of life must go by. We are bound to go by the usage of trade and the market value of things. I will illustrate what I mean:—I have sugars of different qualities now, one that cost me £7 a ton less than I would have to give for another—for one I pay £21 and for the other £28 a ton—and I find a discrepancy in the saccharine contents to the extent of 15 per cent. One pound of the sugar that I have to pay £28 a ton for shows less saccharine contents than the other, but the market value is £7 a ton better.
308. This sugar that you state you paid £20 a ton for, duty paid, and this sugar which you saw sold at £52 a ton, were they tested by the saccharometer would lead you to the exact value of the two sugars? No doubt about it.
309. The consequence is, that the argument you have used with regard to its not being a fair test

test is done away with? If you go into another room and make solutions of these two sugars, and fetch me in the vessels with the saccharometer floating in them, I should certainly know how to guide my price.

Mr.
Isaac Peck.

310. Then that would be an equitable mode of raising the duty on all sugars? There is no question to get the duty in proportion to the quality of the sugar would be the most equitable way.

16 July, 1862.

311. So that if the Sugar Company or the merchants were to import refined sugar, the value could be ascertained by the Customs by this standard for a fixed scale of duties, in the same way as for spirits? No doubt, if it is practicable. It would be very hard, I think, to test in that way all the sugar imported. No doubt that is a test—the saccharine contents.

312. Is the colour of sugar any test of its value? A great deal.

313. Would there be a difficulty in regulating discriminating duties on sugar, by the Customs authorities, by colour? I think there would.

314. A great deal would have to be left to the discretion of the officers? No doubt, unless there were sealed bottles; but then they vary so, from one colour up to a hundred.

315. Provided sugar be manufactured in bond, will not a very great deal depend on the integrity of the Excise officers who have the control of the manufacture? If they are only ordinarily honest men, who can be relied upon to give a truthful account of what goes out of the manufactory, that is all that is requisite. It pays the manufacturer, of course, to extract all the clean sugar he can from the raw material.

316. Is there any means by which the Government could check the sugar refiner in the manufacture of sugar, in the same way, for instance, as they can with regard to the distillation of spirits? Certainly.

317. In what way? It is perfectly simple. When you get sugar into your sugar-house, the first operation is to melt it—what we call blowing up—that is an operation that cannot be disguised from any one; the next operation is to let it through the filter bags, which cannot be concealed from any person—the dirt is left in the bags; then it goes through the charcoal cisterns, and you see it pass through them; and then when it comes out we boil it.

318. Provided 100 tons of sugar went into the bond, is there any standard as to what quantity of sugar should issue from the bond? No.

319. Has not that been the principal objection to manufacturing in bond in England? I cannot see how it exists, because it is simply absurd. It pays the manufacturer to get all the sugar he can out.

320. There might be other ways of getting sugar out than the authorized one? As for bribes or officers neglecting their duty, that is equally applicable to every other operation in bond.

321. Supposing the duty on sugar to be assessed by the saccharometer, would not the saccharometer also be a fair test for treacle;—it appears to me to be a clumsy idea you have of the saccharometer floating in the treacle;—would not a pound of treacle dissolved in a gallon of water show its saccharine contents in the same way as sugar—would not the same standard for the export of treacle give you the value? No doubt, the then value of it. Treacle is sugar destroyed in the process of manufacture; it is not sugar at all—it is burnt or decomposed sugar, in fact. It is done before it comes here in part, and also here. You cannot manipulate sugar without destroying part of it.

322. Nevertheless, it would show its relative value for the purpose of fixing the duty? It would show how much water was in it.

323. So that if the duty were raised in that mode, it would allow the manufacturer a fair drawback if he exported his treacle, and it would be equally fair for the merchant and the manufacturer in the import? It would, if it was practicable; but you would have to try every cask—there are no two casks alike.

324. Of treacle? No.

325. Well, you have to try every cask of brandy;—you say that from moral considerations you withdraw your petition? Some of it. Social considerations.

326. Have you explained what your moral considerations were? No.

327. Will you be kind enough to explain them? The word social perhaps I ought to have used. I know of my own knowledge that there are two or three hundred men employed there; I know one or more of my own friends will be ruined if the Company withdraws, or sent about their business, which comes to the same thing; and I know several hundreds that are not my friends will be out of employment if they withdraw from this Colony.

328. That is, taking it for granted the sugar-house will be shut up unless this claim is allowed? Yes; and I think it must be; I cannot see the outlet for the treacle; they have six or seven hundred tons of it in their store now that they do not know what to do with.

329. Do you think it at all probable, that if a Company were to start as distillers, to distil from treacle, the Sugar Company could sell their treacle for the purpose of distillation;—would they sell treacle to another Company, for the purpose of entering into competition with their own distillery? I think they would be glad to get rid of it.

330. Do you think you could possibly continue your manufactory, were you now compelled to work in bond? If the Bill was compulsory, and the officers were paid by the Government, unquestionably I should continue on, but if I had to pay the officers I would have to give it up.

331. What are your hours of working? They take in nearly all hours. The men come at six, and go at six, but I have a watchman, and the place being small, I make him do duties that would devolve on other parties if my establishment were larger.

332. You could not leave your place at any time without attendance? No.

333. And, of course, while you had even but one man in the refinery, you would have to have an Excise officer there to watch him? Yes.

Mr.
Isaac Peck.
16 July, 1862.

334. Were these small refineries multiplied, as is very possible—say there were 30 or 40, instead of one—do you think it at all possible the Government could carry on such a system? Certainly not, if they paid the officers; and if a small refiner paid the officers he would have to shut up.

335. *By Mr. Alexander*: It appears you have sent in a petition against this Bill? I did.

336. What might have been the objections you had to the Bill? I thought, as I understood the thing then, that I should be ruined if this Bill were to pass, because I thought the Company would pay only £5 a ton duty on all their sugar, as it went out, and £3 6s. 8d. on the treacle, while I would be paying £5 a ton on my raw sugar, as I brought it into the factory, which I considered was unfair, and would do me a great amount of injury.

337. Is it your opinion that the passing of this Bill will prevent the establishment of other sugar refining manufactories? Not on a large scale, but it would on a limited scale, if they have to pay their officers; if a refiner is doing fourteen or fifteen tons a week it will not pay him to spend £1,000 or £1,200 a year for officers.

338. I think it does provide that the manufacturers shall pay the officers? Then I unhesitatingly say that a small refiner, as compared with the Company, will be prevented from entering into the business; the difference of duty would not be large enough to pay the officers.

339. Then do I understand that, for the benefit of the Company, you are prepared to forego the interest of your business, small as it may be? For the considerations I have alluded to.

340. Social considerations? Just so. I am.

341. Well, it seems rather strange to me that you should be inclined to forego the business you have been established in for some years? The explanation I give is this:—that being now fully aware that the Company will have to pay on their white sugar the higher duties, and knowing the great calamity that it will be to the country if they withdraw to another Colony, and the amount of misery it will cause, I am willing to forego my opposition. If I thought that the Company would still continue manufacturing sugar here, very possibly I should carry on my opposition now.

342. You say this Bill will not affect you so much, as your business is small;—does it not affect you in the same proportion as the large manufacturer? Certainly not, because, as I have said before, I make all my first process into fine whites, which it is impossible for them to do, because they could not sell it.

343. Is it your opinion that the passing of this Bill will be the means of making a monopoly for the present Sugar Company, or what effect do you think it will have? The effect I think it would have would be this,—that the small refiner like myself might keep in existence, but that it would certainly be injurious to any middle class refiner, say of 15 or 20 tons a week, because it would not pay him to have the officers, and hence he could not come under the advantages the Company would come under; no doubt it would be a monopoly rather for the large refiner on these grounds.

344. What effect will the passing of this Bill have on the importers of sugar? No doubt the importers of sugar will stand in a worse position than they do now.

345. In what way? Because the Company will be able to work at a less loss than they do now, and with greater freedom and agility, because they will have an outlet for their treacle.

346. Am I to understand that for the last two or three years the Company have been working at a loss? I am positive they cannot be making much.

347. If the quality of treacle could be tested and drawback allowed, would that do away with the whole of this complaint? I should say it would alter it.

348. *By Mr. Dalgleish*: I will ask a question, but you need not answer it if you do not like;—Are you in any moral fear whatever that should you oppose this Bill the Company would so oppose you that they would run you out of the market? Why you know a man must have a little policy; they could certainly injure me by selling the treacle cheaper, but of course that is a mercantile consideration; any two shops may sell what they like at what price they like.

349. Are you under any moral fear whatever of the consequences, should you oppose this Bill? I am under a business fear.

George King, Esq., called in and examined:—

George King,
Esq.
16 July, 1862.

350. *By the Chairman*: You are a merchant in Sydney? I am.

351. And among other business you import sugar? I do.

352. Were you one of the parties that signed the petition to the Assembly, with reference to the Bill called the Bonded Distilleries and Sugar-houses Bill? I was.

353. Have you given consideration to that Bill? I have.

354. Are your views now the same as were contained in that petition? My views are still that the Bill should not be passed, unless there were three or four sugar refineries in the Colony, to exercise a wholesome competition or check upon the existing Company.

355. Then is your objection that this Company would in fact become a monopoly? This Company would monopolize the entire sugar market, and the whole community of the Colony would have to pay them their own price for one of the necessaries of life, and be at their mercy.

356. Do you consider that they would possess advantages which importers would be deprived of? They possess at present an advantage over importers of similar sugars equal to at least £5 a ton—at the very least.

357. Will you state how that arises? It is the profit on the manufacture. The importer is at the mercy of the foreign refiner, and he must pay him his price. The importer pays the profit of the foreign refiner, and the Sugar Company get that profit themselves.

358. *By Mr. Allen*: That is the inducement to carry on their business? It is.

George King,
Esq.
16 July, 1862.

359. *By the Chairman*: Is that anything more than a natural operation of trade? No, it is probably no more.

360. May not that arise in other matters except sugar? It may, in any article manufactured: it may, or may not.

361. In the petition you presented to Parliament you state that it had been often and urgently pressed on the British Parliament by the sugar refiners in England that they should be allowed to refine sugar in bond for home consumption? I was informed it had been the case.

362. Do you speak with any certainty when you make that statement, or can you refer me to any measure? I cannot refer to any Legislative enactment, but I have seen a letter, written by a Mr. McGregor, agent in London for the West Indian Association, stating that he had made application to Mr. Wilson, then President of the Board of Trade, but that Mr. Wilson resisted the application, under the impression that the revenue would be unfavourably affected.

363. Do you gather from that that the application was one to refine in bond for home consumption? That is how I understand it.

364. Does it state as much? That was my impression.

365. Are you able to state as a fact that there ever has been refining in bond for home consumption in England? I cannot state it as a fact.

366. The petition states that at one time it was granted? From the pamphlet published by the Sugar Company I believe that to be erroneous.

367. You are not quite sure whether the refining you refer to was not for exportation? I am not quite sure about that; but it is not a very material point.

368. The petition also states that a person being a refiner in England may not also be a distiller? I believe that is the case.

369. Have you any doubt upon that point? It is a mere allegation, to be taken for what it is worth. I have been told it is so.

370. You have seen a statement put forward by the Sugar Company, that as Colonial sugar refiners they pay to the revenue, by way of duty, about 10s. a ton more than could be collected on imported foreign sugars of qualities exactly similar to the Company's sugars? I have seen that.

371. Have you tested that statement in any way, or do you believe it to be correct? I think it very likely to be correct; that is, they pay duty on the dirt the raw sugar contains; that I believe is the case; but the public repay that to them in the price they give for the refined sugar.

372. The revenue receives 10s. a ton for what is not consumed? It is not for what is not consumed, but for that which is wasted in the manufacture.

373. Do you believe that any use can be made of that which the Sugar Company call waste, and of which a sample is now on the table? That I do not know; I am not sufficiently acquainted with the manufacture to say; but I should think not.

374. Then to that extent you think their statement is correct—that there is that loss by waste? Yes, unquestionably, there must be a per centage of dirt and waste.

375. You state also in your petition that what is designated as waste is not a loss to the Company, and that in fact it is repaid to them by the public;—how do you explain that? In manufacturing their sugars they must make allowance for the waste and charge a price for the manufactured article accordingly; just as a tailor would allow for the pieces of cloth he cuts to waste in making a coat.

376. Would the public pay the sugar refiner £5 10s. as the cost of production, when they can get the same article for £5? I do not understand the drift of your question.

377. At the Customs the Sugar Company, as they allege, pay £5 10s. as duty upon the quantity of raw sugar necessary to make a ton of the manufactured article—that is including 10s. a ton as the duty on the dirt or waste, as to the existence of which you admit their allegation to be correct; the importer upon a ton of sugar of equal quality to the Company's manufactured article pays £5;—supposing the duty to be the cost of production, would the public pay the Sugar Company £5 10s. when they could get the same article from the importer for £5? The importer cannot compete with them within £5 a ton. On the article which they sell at £40 they make a considerable profit, but on the article which the importer imports and sells at £40 he makes little or no profit at all.

378. You state that they have an advantage of £5 a ton? More than that.

379. How does that arise? I will instance a case. There is a sugar manufactured in Manila called "M. O."; it is a species of bastard sugar, and resembles very much the Company's "pieces"—rather inferior perhaps. That sugar, with the present rates of exchange, freights, and expenses, cost recently £38 a ton laid down in Sydney, as near as I can estimate it. Therefore the importer of that sugar, selling at the price that rules here, makes almost nothing, while the Company, manufacturing their "pieces" from Taal sugar, purchased at much lower rates, can produce an article which, selling at £38 or £40 a ton, will leave them a profit of £5 or £6 a ton. Therefore to that extent they drive the importer from the market.

380. Looking at it as a question of manufacture generally, do you think that any great objection? There is no objection whatever to their making a profit.

381. Is it an unfair advantage which they have over the importer? Not at all. I merely state that to show the extraordinary advantages which the sugar refiner of this country

George King, Esq. possesses compared with the merchant who has to buy his sugar from the foreign refiner. He cannot compete with the Company.

16 July, 1862. 382. Would not that be an argument in favour of the establishment of additional sugar companies? Unquestionably, it would be a great boon to the Colony if there were half-a-dozen sugar refineries established here, and I would be very glad to see it.

383. Would you object to this Bill if other companies were established? Not in the least; I would consider it quite right.

384. Is not that the ordinary remedy for a monopoly, to set up an opposition? No doubt. The course of events must bring that about; but we ought not to legislate for it.

385. If other companies were established it would be an advantage to have a Bill of this character? It would be an advantage, unquestionably, to the companies. As remarked by Mr. Peck, "the treacle is the bugbear." Find an outlet for your treacle, and refining is a very good game. I do not see why other refining companies should not start here; but unquestionably, whoever starts now must have a trial of strength with the old company, who, in all probability will pursue their old tactics of buying up other sugar-houses.

386. Is there not the same inducement without this Bill? Perhaps so, but the advantage would be greater if it were passed.

387. That advantage being that they would avoid paying duty as now upon what is really dirt? Having no market for the treacle is the great thing.

388. How would the question of the treacle arise at all in the institution of another company? I allude to refining in bond.

389. I say, do not the same reasons exist for the establishment of another company in competition with the present one, so far as having a tendency to correct a monopoly, whether this Bill is passed or not? Yes, but the inducement, I say, would be greater if this Bill were passed, and you were to admit of refining and distilling in bond.

390. Do you think that without this Bill there is any unfair pressure upon any sugar refiner here which ought not to exist? I do not think there is any undue pressure.

391. Would you complain of the waste which arises from the manufacture, stated to be 10 or 12 per cent.? The waste is incidental to the manufacture, and is paid for in the price.

392. Is it not the fact that to produce a certain quantity of sugars, refined and bastards, an additional duty of 10s. per ton must be paid by the Colonial refiner as compared with the foreign importer—that is, supposing the refiner produces a certain quantity of refined sugar, a certain quantity of bastards, and a certain quantity of treacle, to produce that quantity does he not pay a duty of 10s. a ton in excess of what the importer would pay to lay down in Sydney the same quantities? We pay the same duty for this as for that (*referring to samples on the table.*)

393. Is it a fact that the refiner has to pay 10s. a ton more than the foreign importer? That I cannot tell you.

394. I understood you to say that you had tested their statement? According to their statement it is the case.

395. Which you are satisfied to take as correct? I will take it on their own figures.

396. Is it not the fact, on this statement, that the refiner must pay 10s. a ton more than the importer would if he laid down in Sydney the same quantity and the same description of article? No doubt.

397. Do you think that a fair thing to the refiner, carrying on an important branch of manufacture, that he should be placed in that position as regards the foreign importer? The public pay for that in the price.

398. That must be regulated by the ordinary competition of trade, I suppose? Yes.

399. He cannot sell it at a higher price than that for which the importer sells a similar article? No importer can come up to the Colonial refiner within £5 or £6 a ton. It is not the foreign refiner, but the Sydney merchant who keeps the Colonial refiner in check. Drive us out of the market, and they will put up their prices £5 or £6 a ton beyond what they are now, and the population of the country will have to pay sixty or seventy thousand pounds a year more than they do for their sugar. We make little or nothing now on our importations of sugar.

400. Do not the merchants keep each other in check? They do.

401. Is it anything more than the ordinary competition of trade—is the Sugar Company doing anything more than carrying on a fair competition with other traders in the article? No doubt they do the best they can.

402. You state in your petition that in point of fact the Company have no waste, as all the refuse contains saccharine matter, and may be converted into spirit—do you still hold to that statement? I do not know. If there is no saccharine matter in it of course it cannot be distilled; but that is a question I cannot answer.

403. Then you are not prepared to indorse that statement in the petition? No, I signed the petition although I did not altogether agree with it on that point; I was not quite certain on that point; but I agreed with it in the main, and signed it that the subject might be investigated.

404. There is an allegation also in the petition that this Bill "will give the Company a virtual monopoly in the two important articles of sugar and rum, on the latter of which they already enjoy a protection of seven-pence per gallon over the importer"? I cannot tell you anything about rum, for I do not know anything about it.

405. Then you are not prepared to support that allegation? I do not know anything at all about it.

406. Are you aware what the duty on colonially distilled spirits is? I am not aware.

407. Then, if I understand you, your objections settle down into the great one of preventing a monopoly? Yes, that is the sum and substance of my objection.

408. Then you believe that the importer of sugar cannot trade upon terms of equality in the article with the sugar refining company? I do not think he can.
409. The institution of another company would remove your objections? Yes.
410. Would you consider the waste, to which any company is necessarily liable in the manufacture, any ground of complaint? No, I do not think the waste is ground of complaint.
411. Would you not think it ground of complaint that you should be called upon to pay duty on waste? If I were a refiner I might of course ask to get that duty remitted.
412. I am alluding to the institution of another company—another company would correct the evil? Yes, the monopoly.
413. Would you think then, as a sugar refiner, competing with the present company, that it was any hardship to pay duty on what is termed waste, the result of your manufacture—or would the removal of the monopoly remove all your objections, and you would take the waste as an ordinary incident to the manufacture? I would take the waste as an ordinary incident of the manufacture, but if I were a refiner, of course I would like to have the duty remitted.
414. Then you must think the Sugar Company have good claims to try and get this duty removed? They have a perfect right to try.
415. As you would adopt the same course if a refiner yourself, it is because you are not a refiner you object? I object on general principles. I do not see why they should complain about the waste. They get paid for it.
416. Do you ever import treacle? No; no merchant ever imports treacle; there is no market for it here. All the distilleries here are in the hands of the Sugar Company, except, perhaps, the old one at Glenmore, and that has fallen into decay; they rented it, and locked it up.
417. *By Mr. Allen:* Then it seems that you give up all the allegations of the petition? What allegations?
418. You have given up the first one, with reference to refining in bond in England? I cannot state with any degree of certainty what may be the facts.
419. Then you give up the statement that the Company, being distillers, have in reality no waste? I say I cannot speak with any degree of certainty to that.
420. What can you speak of with certainty, when you wish us to legislate upon the veracity of your petition? My object in signing the petition was to have the matter fully investigated.
421. You sign a petition praying the House to take a certain course with regard to a measure before it, alleging certain grounds, and now, when it comes to be inquired into, you say you do not know anything at all about it? I say it is a question requiring investigation.
422. You say the sugar refiner here has an advantage of over £5 a ton over the importer—how is that? To prove that I would have to go into a calculation of what we have to pay in Java, and other countries, for an article of a similar description to that produced here—
423. What has that to do with the duties—you can go and buy in any market? I was going to show that the foreign refiner does not enter into competition; it is the Sydney merchant who buys from the foreign refiner.
424. It is only another step in the business. The foreign refiner must have a profit, and the Sydney merchant pays him that profit, and brings the sugar here after the waste is taken out, and pays 10s. a ton less duty than the colonial refiner would have to pay on the raw sugar necessary to produce it? The colonial refiner, as I have said, gets it back in the price he sells it for.
425. *By Mr. Dalgleish:* I am led to suppose from your evidence that the foreign refiner exacts, as his price, as much as he possibly can from the purchaser or importer? He does.
426. That is, whatever profits are due to refining principally go into the pocket of the foreign refiner? Yes.
427. In the same way as the profit on any other manufactured product? Just so.
428. Therefore you look upon this Bill as an attempt to obtain protection to the colonial sugar refiner to the extent of the relief he asks for? Precisely.
429. The Sydney importer has to enter into competition with all the importers from different countries at the foreign manufactory, the result of which is that he has to import sugars to this market which leave a very bare profit? Precisely so.
430. Whilst the sugar refiner, purchasing a very low class of sugar, which does not enter into general consumption, finds his profit in refining that sugar? Precisely.
431. And obtains the profit which the foreign refiner obtains and keeps? Yes.
432. Therefore it will place the community at a disadvantage, not the importer, by making such a concession as they demand; it will, in fact, virtually give them a monopoly? Yes.
433. And you admit that this monopoly can be cured by an opposition Company? Yes.
434. Is it your opinion that we have any right to legislate so as to cause opposition? The best plan would be to leave matters to cure themselves.
435. In the usual way of trade? In the usual way of trade.
436. Can you see any other cure for the complaint the Sugar Company have made, or for the demand the Sugar Company have made for legislation—any other way of meeting that demand, so as to make it equitable to the community, other than passing this bonded Bill? Do you mean the community at large?
437. To adopt any measure which should grant the relief to the Company that they desire, and at the same time be equitable to the community? I do not see how it can be done exactly.
438. If a remission of 10 per cent. of the duty on low sugars were made, would that meet their views? I should think that would meet their views.

George King,
Esq.

16 July, 1862.

- George King, Esq.
16 July, 1862.
439. Would it not be equitable for the whole community? It would to a certain degree; but there is great opposition now in England to differential duties on sugars, which are *ad valorem* duties, and they are now endeavouring to do away with them. By adopting them here now, I think we should be going a step backward.
440. You misunderstand me—at the present time we have two fixed rates of duties? Yes.
441. Are they fixed in any artistic manner? One applies to refined sugar, and the other to bastards and all sugars that come under the denomination of raw.
442. Do you think that an equitable arrangement? I should say white sugar, like that on the table, ought to pay a higher duty than the raw sugar.
443. Then would the difficulty be removed by making the duty on raw sugars £4 10s. a ton, still keeping that on refined sugars at £6? By refined sugar do you mean loaf sugar, or bastards; between them there are a great many intermediate grades.
444. The term “bastards” would afford a clear mark of discrimination between the two? No doubt.
445. Then with duties of £4 10s. for this raw sugar and £6 for refined sugar would there be any difficulty? I think not.
446. Would that afford relief to the Sugar Company? I think so.
447. Do you see any objection to getting the dutiable value of sugar by the saccharometer? That is a subject I have never given any attention to.
448. The saccharometer gives the actual strength, or amount of sugar, in the same way as the hydrometer gives the strength of spirits? Yes.
449. Sugar itself is pure, like gold, and low sugars, as they are termed, are simply those which contain a large amount of alloy, or dirt—just in the same way spirits contain water, and the proof of the spirits is obtained by the hydrometer; but by the hydrometer you do not obtain the merchantable value of spirits—brandy, worth 2s. a gallon, pays exactly the same duty as brandy worth 12s.—is there any reason why the same rule should not be applied to sugar? The question is, whether sugar should not pay duty according to strength instead of quality. That is putting a new feature on the case. I think there would be considerable difficulty in introducing that new system, or of collecting duty under it.
450. If it could be done would there be any objection? No, I do not see any great objection to it; but it would be something quite new.
451. *By the Chairman*: Is there not sometimes, in the lower class of sugars, the most saccharine matter? There may be. Really I am not sufficiently conversant with the different qualities of sugar to say.
452. *By Mr. Dalgleish*: Does it strike you that there is something unjust in the present mode of fixing the duty? The fact is, we have got so accustomed to the simple mode of paying £5 a ton that we would rather bear an evil, if it be one, than have a lesser duty in another way involving complication in the collection thereof.
453. Would it not be a great advantage to the community generally were the duties to be taken altogether off sugar, and would it not put the matter on a right footing? No doubt if you take off the duties you will put us all on a footing of equality.
454. Have the merchants, or people of Sydney, any reason to expect that the duties on sugar will be taken off? There has been some talk of it in the Legislature.
455. Promises have been made? I believe so.
456. That would settle this matter? Yes.
457. You think the public expect a remission of the tariff? We merchants, generally speaking, have not complained of the tariff.
458. If any revision of the tariff is expected, would it not be better to postpone the consideration of this Bill until that question is settled? Most unquestionably, if a revision of the tariff be contemplated it would be better to postpone all legislation on such questions.
459. *By the Chairman*: Is there not always a difficulty in classifying sugars for duty in England? Yes, I have been told so.
460. On account of the near approach to each other of the different qualities? Yes.
461. *By Mr. Dalgleish*: The general term bastards would include them? The term bastards would include many different kinds.
462. *By the Chairman*: Are you aware that a case has lately been investigated by the Board of Customs, arising from the difficulty of distinguishing the different qualities? I have heard of it.
463. *By Mr. Dalgleish*: The refuse or “waste” of the sugar refinery you see on the table—have you tasted it? No.
464. Have you any objection to do so? It does not look very inviting, I must confess; but if you like I will follow your example.
465. Does it contain any saccharine matter? That I cannot tell.
466. Does it taste sweet? Well, it has a sweetish taste.
467. Should you imagine that it would be of some value in distillation if it contains saccharine matter? If it contains saccharine matter, I suppose it would.

WEDNESDAY, 23 JULY, 1862.

Present :—

MR. DALGLEISH, | MR. SMART.

WILLIAM BELL ALLEN, ESQ., IN THE CHAIR.

John Brown, Esq., called in and examined :—

468. *By the Chairman:* You are a merchant in this city? I am.
469. This is a Committee of the House, appointed to inquire into and take evidence upon the Bill to authorize the establishment of Bonded Distilleries and Bonded Sugar-houses, and has originated out of certain petitions presented last Session against this Bill—you were, I believe, one of the parties who petitioned? I was.
470. Will you be kind enough to state what your objections are to the passing of that Bill? I object principally on the grounds stated in the petition. That, as a merchant importing sugar in competition with the Sugar Company, this Bill will give them an unfair advantage over me.
471. Do you imagine, then, that this Bill will give to the Sugar Company advantages that you do not possess? Yes, very great.
472. In what way? In several ways.
473. In the way of dirt? Yes, in the way of dirt, and also in the supply of sugar to the community on terms of advantage that we do not possess.
474. Will you state explicitly what the advantages are that you refer to? The advantages are, first, that they get all their dirt duty free, and next, that they are entitled to hold their sugar under supervision duty free, until they can sell it. All the advantage they would thus derive cannot be properly understood by any one but themselves. No one but a practical man can realize all the advantages they would derive.
475. Do I understand you then to consider that the advantages are such as only to be visible to the Company? I think so. There is one point they insist upon that will give them a very great advantage; it is the allowance of duty on the refuse commensurate with the loss of weight in the manufactured article as compared with the weight of the article previous to its manufacture. This, I contend, they are not entitled to. The allowance of 10s. per ton for waste would make a very great margin in the price of such sugars as the Company make.
476. Supposing you import a ton of white Mauritius sugar, such as the sample now before the Committee, and that you pay a duty on it of £5 per ton; and that the Company import a ton of dark Mauritius sugar, such as this other sample, for which they also pay a duty of £5 a ton; then if they, by the process of manufacture, produce a ton of sugar from this inferior article that shall be equal in quality to this other sample, do you not conceive that they will pay more duty on their ton of refined sugar than you will have paid for yours, seeing that they will have to use a larger quantity of sugar in order to produce the ton, or that their ton of sugar will necessarily give a less weight when refined? They may do so, but then they import these low sugars for the express purpose of manufacture; and they get more than the duty by the process through which they put them. They import only the very lowest sugars from Manila, as these suit them best for manufacture. They must lose by these, as a natural consequence of the refining. Out of an article like this dark sugar, they produce an article like this white Mauritius, for which they get a greatly enhanced price; and they do it without loss to themselves, since the public pays them back any loss in the increased price it pays for the article.
477. But does not the very fact I have named, that they pay the same duty on their low sugars as you do upon your fine qualities, put them on an unfair and unequal footing as regards the importer? I do not see it, since, as I say, it is the public and not the Company that pays the loss.
478. You import a fine white sugar like this sample, at a duty of £5 per ton, and they pay the same duty on their low-class sugar, does this not place them at a disadvantage by making them pay, in reality, more than you for the fine sugar they produce from their manufacture? No, I think not, because I do not make the sugar, and get no profit on the manufacture as they do. The price I pay is measured by what the article will fetch in the market in proportion to its fineness. If I pay so much per ton for duty, that has of course to be added on to coarse. I pay the foreign refiner for the manufacture, and the Sugar Company manufacture themselves, and of course get the refiner's profit, which I have to pay.
479. We are not legislating for the refiner? So I should imagine.
480. But for the public? Precisely.
481. However, the duty on these two sugars now before the Committee is the same? Yes.
482. Although they are of very different qualities? Yes.
483. With regard to your petition—you say in the 1st clause that “the license sought by the Bill was often and urgently pressed on the British Parliament by the sugar refiners of England, and at one time it was granted.” Is that a fact that comes within your own knowledge? If I may be allowed, I should wish to offer some explanation of this, as I am led to believe that this statement is not perfectly correct.
484. In what way? I believe it is not positively correct, though at the time we were led to believe that it was so. If you will be kind enough to read the passage again I will explain how.
485. The passage is :—“The license sought by the Bill was often and urgently pressed on the British Parliament by the sugar refiners of England, and at one time it was granted”? It is the last statement that is wrong. The license was never granted. It was pressed upon the British Parliament, but not granted.

John Brown,
Esq.
23 July, 1862.

- John Brown, Esq.
23 July, 1862.
486. *By Mr. Smart:* The statement is not altogether so incorrect as you assume, since the license was granted by the British Parliament for the manufacture of sugar for exportation? Yes, I believe it was.
487. And granted for the purpose of giving an advantage to the slave-grown sugars of the West Indies? Yes, it was granted for exportation, but not for home consumption. The petition refers to the home consumption, and in so far is incorrect. This, however, was the best information within our reach at the time.
488. You further state in your petition:—"The Colonial Sugar Company, moreover, is allowed to distil rum from the waste of the refinery, a privilege that never was allowed to the English refiner, and this must further endanger the revenue to an unknown extent." This sample now on the table is given in evidence as the waste that is alluded to; do you think it possible to distil spirit from that? That may be the waste given in evidence, but I doubt very much if it would all be the same. What guarantee is there that all the waste will be such as this. I am an importer of rum, and what guarantee have I that all will be the same. If it was all like this, perhaps there would be no very great objection, but then we have no guarantee that it will be so, and as an importer of rum, I have to look to their privileges in this respect also, so that they may not be brought unfairly into competition with me.
489. The Sugar Company allege that, in consequence of their having to pay the same duty on their unmanufactured sugars as you pay for your refined sugars, they actually pay 10s. a ton on waste, which is not paid by the importer who brings sugar here ready refined;—is that correct? I know it only on the assertion of the Sugar Company, and in no other way. I have myself no means of knowing what the amount of waste per ton is.
490. You state in your petition:—"What is designated as waste in the Company's statement is the necessary result of all manufacture, and it is not a loss to the Company, as it forms part of the price of the refined sugar, and is repaid to the Company by the public." Do you still adhere to that statement? I adhere to every syllable of it.
491. That is still your opinion? It is, most certainly.
492. You state:—"That any compensation or remission of duty, such as that conferred by the Bill, must be considered as in reality a bonus which will give the Company a virtual monopoly in the two important articles of sugar and rum." Will you be kind enough to inform the Committee in what way this will act as a monopoly, and on what you justify the statement, "on the latter of which they already enjoy a protection of seven-pence per gallon over the importer"? That I think is all correct.
493. But you have not given your reasons for believing it to be correct? My reasons for saying this may be very briefly given. The Sugar Company have a very large profit, as shown by their own figures of the quantities they manufacture and the prices they get. If they have the further profit that the advantages under this Bill will give them, they will be able without any inconvenience to themselves to depress, whenever it may suit them, the price of sugar from £5 to £6 or £7 per ton, and thus cause a very heavy loss to any importer who may be unfortunate enough to have a cargo on hand.
494. But as regards monopoly, would this Bill prevent other sugar refineries from being established? It would, since none but very large capitalists would be able to enter upon the speculation. The expenses of supervision under this Bill would be so great that they would prevent any but very large companies from coming into operation.
495. And is that the only monopoly you fear from the Bill? In the first place it is. But then, if you allow the Company to export their molasses to England, and get a drawback on them, and at the same time permit them to get their refined sugar made in so cheap a way without any loss from refuse, they would have an advantage of £4 or £5 a ton over the importer of sugar, and this would be quite sufficient to enable them, in a short time, to drive the importer out of the market. An importer could not face a loss per ton which the Company, through these advantages, would be able to make without feeling it much.
496. These, however, are circumstances that the Legislature could not interfere with? They are circumstances that are of very great importance for the community to consider.
497. But the Legislature ought not to interfere between the manufacturer and the importer, to restrict the legitimate operation of trade? No, certainly not, and therefore we wish things to be allowed to remain as they are. We are perfectly content to submit to legitimate competition, if we only have perfect free trade.
498. You speak of a protection of 7d. per gallon on rum, which you say the Company enjoys over the importer? I regard it as a protection to that extent.*
499. Is it not rather to compensate for the duty already paid upon the sugar out of which the rum is made? That is what they state, but they do not show how they lose to this extent.
500. They pay that amount of duty on the sugar they use? Yes, but they are repaid that in the manufactured article.
501. Are you aware that the Company in the duty they pay upon sugar, from which the Colonial rum is made, when it enters into their establishment, pay an amount equal to 7d. per gallon? Yes, but you are now asked to abate that.
502. But when it is sent for export they only get a drawback of 6s. 5d. per gallon? I do not exactly see the tendency of the question.
503. When the Company export rum, they only get a drawback of 6s. 5d. per gallon, whilst if the importer ships in bond he pays nothing, although the Colonial manufacturer will actually

ADDED (on revision):—I regard it as a protection, because it is allowed to be made out of a refuse for which he is already paid by the public in the price of the refined sugar, and the Company enjoys a further and very large protection over the West India producer, to the amount of freight to and from London and agency charges. Refiners may, I believe, distil rum in London from duty-paid sugar; but in London I don't suppose any man ever asked such a privilege.

actually have paid 7d. per gallon. To that amount, therefore, the Colonial distiller will be a loser? I am speaking only of the home market. In alluding to this matter, I referred, not to the export but the home trade.

John Brown,
Esq.

23 July, 1862.

504. When the Company are selling their rums for home consumption, what duty do they pay? 6s. 5d. a gallon.
505. The odd 7d. between this price and the 7s., which the importer pays, being for duty paid on the sugar out of which the rum is made? Exactly.
506. So that they shall not be asked to pay duty twice, on the rum as well as on the sugar from which it is made? Yes.
507. In all, they pay 7s. a gallon? They do.
508. The Colonial distiller then, in fact, has not an allowance made him of 7d. a gallon? No; he merely gets a return of the duties he has paid upon the sugar from which the rum is made.
509. *By Mr. Dalgleish*: You have stated that you are one of the petitioners against the proposed Bill for granting certain privileges to the Sugar Company? I have.
510. And your main objection to the Bill is, that it confers benefits on that Company that are not shared in by the community? I think so; most clearly.
511. Can you in any way make your views clear to the Committee on this matter? They are contained in the petition.
512. What I mean is, that you will give your reasons for coming to those conclusions? My reasons will merely be an amplification of what is stated in the petition. All the principles on which I object to the Bill are contained in the petition; the rest is a mere matter of opinion. The conclusions contained in the petition have been arrived at from a long experience of the sugar market, as well as of the operations of this Company.
513. Then if this Bill be passed, the effect of its working will be to drive importers out of the sugar market? I have no hesitation in saying that it will. It has had that effect, partially, already; as far as I am myself individually concerned, I have countermanded orders I have given for sugar, whilst this Bill is pending.
514. It will thus give a virtual monopoly of the sugar market to this Company? It will give them an actual monopoly within twelve months of its passing.
515. It would, within that time, place the sugar market entirely in the hands of this one Company? That is my opinion.
516. If such a monopoly were to occur in the usual course of trade, I presume you would raise no objection to it; that is, supposing all parties to be on a fair and equal footing, and that you were driven out of the market by competition? No, certainly not. All that we ask is, that we may be left to the ordinary operations of trade.
517. Your objection is, that any such effect should be produced by legislation? Undoubtedly.
518. Such an effect you believe will be produced by this Bill? Yes.
519. Can the object at which this Bill is supposed to aim be obtained in any other and more legitimate manner than by this Bill? Yes; it might be obtained by a total remission of the sugar duty. That seems to me to be the simplest way.
520. Have the mercantile community had any reason given them to expect a remission of this duty? Not that I know of; I have heard that the matter was under discussion at one time, with a view to the remission of the tea and sugar duties.
521. And was not a remission of those duties promised by the gentleman at the head of the Treasury Department? It is not long since I returned to the Colony; but I believe that before I came here such a promise was made; I have so heard it stated.
522. Then if the sugar duty were remitted, there would be no ground for the complaints the Sugar Company now make? No; all ground of complaint would be removed.
523. All the importing merchants and the Colonial manufacturers would be placed upon perfect grounds of equality? Certainly.
524. If it were possible to place a discriminating duty on sugar—not levied on the colour of the sugar, as in England, but upon the class to which the sugar belonged—as for instance, the first class to consist of loaf or highly refined sugars, which should pay a high class duty; then the second class to consist of that quality of sugar known in the trade as bastards, to pay a second class duty; and the third class to consist of raw sugars, and to pay a third class rate of duty—if the duty on these three classes were fixed in a discriminating ratio, so as to pay duty in proportion to fineness—would that in your opinion effect the object at which this Bill aims? I think not; the shades of colour in sugar are so infinite, that it would be altogether impossible to fix a standard; sugars vary so very much in quality, fineness, and colour, and one merges into the other so closely and imperceptibly, that you would never be able to set up a standard by which to fix your duty.
525. You misunderstand me; I do not propose to attempt to raise the duty upon colour, but upon the class to which the sugar belongs; for instance, there is the class of loaf, or pure white sugar—I presume no one can mistake that; then there is the class known in the trade as bastards—that would be clearly recognizable from the third class, the coarse raw sugars imported for manufacturing purposes; no one could mistake between the bastards and the sugars known in the trade as raw sugars. There would thus be three classes, easily recognizable; and if a discriminating duty between these three were imposed, so as to place the highest duty on the highly manufactured article, and the lowest duty on that which was unmanufactured altogether, would not that be a more equitable mode of obtaining a revenue than the system now in force? It would be more equitable if it could be made practicable, but I do not think that in practice such a system could be worked; for though these three classes may be distinct in themselves, in so far as the trade is concerned, yet there are so many shades, merging one class into the other, that I think the thing would be impossible to work.

- John Brown, Esq.
23 July, 1862.
526. Would you call this dark Bourbon sugar, now before the Committee, a bastard sugar? No, certainly not.
527. Is this white Mauritius sugar that I hand you a bastard sugar? I should think not, but I do not know positively, because I am not a practical judge of sugar. It requires a practical refiner to give an opinion on the point.
528. However, the loaf sugar would give a clearly defined line? Yes.
529. And in the trade bastards would easily be known from raw sugars? By the trade, probably.
530. If, then, a discriminating duty were levied between the three, the object of the Company would be gained? I do not see how it could be worked, with so many intermediate shades of colour.
531. I do not care about the colour, I only regard the class or quality. At all events, would not such a system be much more equitable than the present one of raising only two duties, the high and the low? I think it would, if it could be carried out.
532. If any measure could be obtained, or was now in existence, that would give a measure of the exact quantity of sugar contained in any sample, without any reference to the dirt, moisture, or other foreign matter mingled with it—if the exact value of the sugar could be measured in this way, and the duty assessed on that measurement in the same way as the duty on spirit is assessed by its strength as proved by the hydrometer—would that be objectionable? It could not be objectionable in system.
533. If such a measure exists, that will be the true test of the actual value of the sugar? No doubt.
534. Do you know of any such test for ascertaining the precise quantity of saccharine matter contained in sugar? I believe the saccharometer is the test you allude to.
535. Precisely; so that by the saccharometer the precise quantity of sugar held in solution can be ascertained, and thus the exact sugar value of a sample of sugar may be shown, independently of the dirt, moisture, or other matter mixed with it: this being shown, and the duty levied, not on the bulk of the article, but on its exact sugar value, would not the Sugar Company be relieved of the evils of which they complain, the merchants be placed on a fair footing with the Company, and the public generally be advantaged? There could be no objection to it, I think.
536. If this Bill were passed into law as it now stands, is it your opinion, in so far as you have any knowledge on the subject, that it would operate injuriously on the small sugar refiner, if any such exist? I have no doubt of it; they could not exist under the Bill. No small sugar refiners could carry on under the heavy expenses this Bill would entail; they could not do it.
537. So that this Bill, instead of developing trade, would tend to cripple it, by confining its operations, in so far as sugar is concerned, to this one large Company? Quite true.
538. Thus the tendency of this Bill is to cramp and confine the trade in sugar to this one Company? Yes, and will confirm the large power they have already acquired; and will increase their monopoly of all sugars, manufactured as well as raw.
539. Were this Company to change their location or seat of manufacture—say to establish themselves in Queensland; if they were to commence the manufacture of sugar there, and obtained the same privileges from the Queensland Parliament that they are now asking for from this Parliament, viz., that of refining in bond—could they then export sugar to this Colony at a cheaper rate than the manufacturer here could produce it under the now existing system? I think not; they could not place their sugars here cheaper than the manufacturer could produce similar sugars, because the freight and charges they would have to pay would amount to more than the advantage they would derive under such a Bill as this.
540. You have stated in the terms of the petition, that in your opinion the Company have no right to any remission of duty on the ground of waste, as such waste is incident to all manufactures? Yes.
541. Do you still adhere to that opinion? I do.
542. You know of no manufacture in which there is not waste of some kind or the other? Manufacture means the improvement of a raw article; and in the process of improvement there must necessarily be a residuum, which is the waste.
543. The petition says:—"It is not a loss to the Company, as it forms part of the price of the refined sugar, and is repaid to the Company by the public." As a matter of fact, if the Company did not purchase these raw and dirty sugars, there would be no need of manufacture; so that they complain of a matter incidental to their manufacture, and without which there would be no need of their manufactory? Exactly.
544. They purchase these sugars at a very low rate in consideration of the dirt that is contained in them? Yes, on an average, about 30 per cent. lower than the ordinary price of sugar.
545. And their profit lies in cleaning this sugar and offering a pure article in the market? Yes.
546. If they imported a clean, marketable article, there would be no need of their manufacture? There would not; and I may add, that if this claim for a return of duty on account of waste is admitted on the part of the Sugar Company, I myself, as an importer, can make a similar claim. I pay duty on the wine I import, and there is not any in which there is not at least five per cent. of lees and dirt; now I ship and pay duty on the lees and dirt as well as on the wine. In beer it is the same thing, only to a larger extent; there is not a hogshead of beer shipped in which there is not a much larger loss by waste than that complained of by the Company; the hops and the dirt amount to very much more; and if this claim is allowed to the Sugar Company, in common justice it should be allowed to all importers who pay duty.
- 547.

547. If you import rum, wine, or any other spirit on which duty is payable, and take it out of bond, would you be allowed any drawback or remission of duty if you wished to export it? No.*
548. So that the Company having imported sugar, and paid duty upon it, would have another advantage that no other importer enjoys, in getting a drawback on their treacle? Of course they would.
549. They have already an advantage, in being allowed to get a drawback on the exportation of the rum they manufacture? Yes.
550. It is considered to be in bond when it is manufactured? Exactly.
551. And by giving them the other privilege also, they would be allowed an advantage that no other country gives to its manufacturers? There is certainly nothing similar to, or in any way corresponding with, it in our trade.
552. This then would form another objection to the Bill, beyond those mentioned in the petition? Yes, and a very great one too.
553. If it were found to be necessary, as a matter of policy, to allow the Company a remission of duty on the treacle they may export, would there, in your opinion, be any difficulty in testing the sugar value of the treacle by means of the saccharometer, so as to avoid the suspicion of fraud by mixing water with it? I think there would not.
554. The precise quantity of sugar contained in the treacle could be ascertained by the saccharometer? Yes, I think so.
555. I believe it is well known what amount of sugar treacle ought to contain? Yes, I believe it is.
556. Something like 33 or 34 per cent.? Yes, somewhere about that.
557. There being that amount of destroyed sugar that cannot be grained, contained in the treacle? Yes.
558. One part of the complaint of the Sugar Company is that they cannot dispose of their treacle—that there is no market in this Colony for the quantity they produce; so that as a matter of policy it might be necessary to grant them relief to this extent. If this were done there would be no fear of adulteration by water, since this would be immediately detected by the saccharometer? I will not say positively, for I have never seen the saccharometer worked.
559. It is precisely on the same principle as the hydrometer, only graduated differently? I am aware that the instrument is used, but whether it is sufficiently correct to ascertain the precise quantity of sugar in such a weak solution as treacle I am not practical enough to say.
560. *By Mr. Smart:* In the event of this Bill becoming law, what loss would the revenue be likely to suffer during the present year—during the first year of the operation of the law? It is just a matter of calculation.
561. Have you ascertained the amount of waste upon which duty would have to be refunded, and the quantity of treacle likely to be exported, on which drawback would have to be allowed? I have no means of ascertaining, except from the Company's own figures; the Secretary of the Company talks of their employing 10,000 tons of shipping during the year. Then if, as he says, there is a loss of 20 per cent. by means of the sugar that is converted into molasses, that would give, in round numbers, 2,000 tons of molasses, which, with a drawback of £5 per ton, would entail a loss upon the revenue of £10,000 a year on the export of treacle alone. Then if the waste is added, at the rate of 10 per cent. on the whole quantity imported, which I believe is assumed to be the proportion, there will be an additional £5,000; thus making a total loss to the revenue of £14,000 or £15,000 a year.
562. And that would only be during the first year? Yes.
563. Do you think that the revenue would be likely to be affected to a greater extent every year? Yes, of course. As the merchants are driven out of the trade the operations of the Company will extend, until you will at last have to refund to the Company an amount proportionate to the whole quantity of sugar consumed in the Colony, whatever that may be.
564. This loss, which the Company say they suffer by means of waste, does it in reality fall upon the Company or upon the public? On the public certainly, and not on the Company at all.
565. Are the public likely to gain anything, or to receive any advantage, from the passing of this Bill? Nothing to gain, but, on the contrary, everything to lose by it, in the price of sugar when the market is entirely in the hands of the Company.
566. Then, in your opinion, whilst the public cannot be benefited by the Bill, the revenue is likely to be very materially affected? I think so.
567. To the extent of £15,000 in the first year, and to a larger extent in subsequent years? Yes.
568. *By the Chairman:* Do you know, as a matter of fact, whether in England spirits are allowed to be distilled in bond? Whether they have permission to do so or not I cannot say, but I have never heard of such a thing at Home as a sugar refinery with a distillery attached to it.
569. *By Mr. Smart:* You cannot say positively whether such an advantage as this has been granted to the sugar refiners in England? I know that I have never heard of such a thing, but I cannot say whether the law at Home prohibits it or not; at all events it is not allowed in bond, which this Bill would allow.
570. *By the Chairman:* Are you aware of the amount of duty proposed to be levied on the rum distilled by the Company? It is the same as now exists; the Bill proposes no alteration of duty.

571.

* NOTE (on revision):—This is wrong; I may export duty-paid wine, spirits, or sugar, and get the drawback, but it must be in the same condition and packages in which it was imported. I am not allowed to change its nature or condition in any way.

- John Brown, Esq. 571. Then under this Bill it is proposed to charge the Colonial distiller and the importer the same duty for spirit taken into home consumption? No, that would be an alteration from the present law; at present the Colonial distiller pays 7d. less than the importer.
- 23 July, 1862. 572. However, the Government charge the same duty on refined* sugar that is used for home consumption as they do on raw sugar? Yes.
573. And you say that if this Bill is passed giving the Company what they ask for, that the revenue will fall off greatly? Yes, taking the figures of the Company; it is a very simple calculation, shown on the face of the Company's own statement, that the loss will be what I have stated—£14,000 or £15,000; always supposing that their figures are correct.
574. But the Company say that they are unjustly charged duty upon a large proportion of waste, from which they get no return? They do.
575. Are you aware whether a similar privilege to that they now ask has been granted to a sugar refining Company in any other Colony? Yes, I believe it has been granted to a Company in Melbourne.
576. Have the merchants there ever complained that such privileges have operated injuriously to them? The Bill was passed there without being inquired into. It never seemed to strike the importers that it would act prejudicially to them, and it was passed without any attention being drawn to it.
577. That law has been in force now some time? Yes, I believe it has; it was passed before I returned to the Colony here.
578. Have you ever heard of merchants being driven out of the sugar market in consequence of the operation of this law? I have heard of men in the trade being nearly ruined by it, from the power it put in the hands of the Company.†
579. *By Mr. Smart*: In the event of an alteration in the tariff, do you see any objection to imposing a higher duty on manufactured than on raw sugar? I see a difficulty in the way of collecting it.
580. A differential duty would, in your opinion, be difficult of collection? It would.
581. Even if it were only fixed in this way, to have the highest duty on the loaf or highly refined sugar, the lowest upon the raw sugar, and the medium duty upon the sugar intermediate between these two? As far as the loaf sugar is concerned, I do not consider it of much consequence whether a higher duty is imposed or not. The quantity imported is so trifling that, for the sake of simplicity, the duty would be as well abolished altogether. It will be seen by the imports that the quantity of loaf sugar imported into the Colony is very small indeed.
582. The Sugar Company complain that they are not placed on the same footing as the importer, since they have to pay the same duty on the raw sugar they import as the importer does upon his refined sugar, and it is on that account I ask you whether you see any objection to imposing a higher duty upon refined than upon raw sugar? There is a higher duty now imposed upon loaf sugar imported.
583. That is not the point. I ask if you would see any objection to make a difference between the duty paid on the intermediate class of sugar, between loaf and raw, that known generally as bastards, and that paid on the inferior or low class sugar? I have no doubt that the thing is fair enough in principle, but in practice it would never work well. You could never raise differential duties on sugar unless you applied the saccharometer to test their value. I am sure you would never do it by colour, nor yet by the mere description of "bastards." There is a very great range of quality in what is generally known in the trade as bastards, and the duty would fall very unequally if such a plan were adopted.
584. *By Mr. Dalgleish*: With regard to the 8th clause of the Bill, it is to be assumed that the Company would be willing to pay higher duties upon spirits, sugar, or molasses, after they had passed through the process of manufacture, and when taken into home consumption, provided that a higher duty was charged upon similar articles imported. The clause says:—"All spirits distilled from sugar or molasses or treacle in any such approved distillery and all sugar molasses or treacle obtained from the process of refining in any such approved sugar-house and warehoused as aforesaid shall be subject to the same regulations while in the warehouse or being exported therefrom or entered for home consumption and shall be liable to the same duties as if such spirits sugar and molasses had been imported into the Colony"; but, in point of fact, the raw sugar they import paying 5s. per cwt. duty, and the imported sugar of a like quality to the manufactured sugar they produce being only charged the same duty of 5s. per cwt., any increase of duty upon the superior article must, in so far as the Company is concerned, result in a dead loss to the revenue? No doubt.‡
585. Because of the decreased value of the duty on the treacle which will be exported—on the treacle duty? Exactly.§
586. And the increased amount of drawback the Company will be allowed to claim? Yes.
587. If they work their sugars in bond the duty will not interfere with them? There will be no question of duty then.
588. Will the treacle they take into consumption pay the 5s. duty? No; the treacle will pay

* NOTE (on revision):—Refined sugar means here not loaf or crushed loaf sugar, but such bastard sugars as the Company makes, viz.:—No. 1 pieces, Snowdrops, &c.

† NOTE (on revision):—Not my answer. I said that the sugar trade had been so bad in Melbourne that many had been half ruined by it. Over-importing very likely caused that, in addition to the Company's privileges. Not residing there I cannot measure the Company's power, but here I can.

‡ ADDED (on revision):—Imported loaf and Cossipore pay 6s. 8d. per cwt., whereas the Company pay only the original duty of 5s. on the raw sugar, although the value is doubled or trebled by the manufacture.

§ ADDED (on revision):—In a system of drawbacks the revenue would lose 3s. 4d. per cwt., but under this Bill the loss will be 5s. per cwt., as before stated.

pay a lower rate of duty if brought into consumption. If it did not there would be no very material loss to the revenue.

589. How much treacle is produced from a ton of sugar? About one-fifth of the entire weight, as shown by the figures given by the Company.

590. What would be the effect upon other manufacturers, supposing this privilege to be given to the Sugar Company—take Messrs. Tooth, for instance—what would be the effect upon them—would this Bill place them at a disadvantage as regarded the Sugar Company? It would.

591. The Messrs. Tooth pay the full duty upon the low sugars they use in the manufacture of their beer? They do.

592. If it is an act of justice to this Company that they should have this Bill, would it not be equally an act of justice to Mr. Tooth that he should be included in it? Most certainly.

593. He has waste in his manufacture, in the same way that the Company have in theirs? He has; and it is the same with all persons engaged in manufactures in which these low sugars are employed.

594. Then it would be an act of gross injustice to other manufacturers at present existing, and who use these raw sugars, if this advantage were given to the Sugar Company and not to them? Certainly it would.

595. *By the Chairman*: Have you any further suggestion to offer? No, nothing beyond what is contained in petition, excepting the point just taken by Mr. Dalgleish, which did not strike me before, as to the injustice this Bill would inflict upon Mr. Tooth and other manufacturers using raw sugar. I see no advantage to the community at large to be gained by this Bill; and it is the community who ought to be considered, since they are the consumers. The refiner brings in these coarse sugars, Pampanga and other low-class Manila sugars, because they suit his purpose for refining; they go into consumption as refined sugars, the additional price paying the refiner his profit. All these advantages would go into the pocket of the Company, and not of the consumers, who would get no benefit by the Bill. It would not cheapen the price of sugar to the man who could afford to pay the refined price, but it would pay the Company a very good profit.*

John
Brown, Esq.

23 July, 1862.

Henry Moore, Esq., called in and examined:—

596. *By the Chairman*: You are a merchant residing in this city? I am.

597. And are engaged in the importation of sugar? Yes, occasionally.

598. This is a Committee appointed to inquire into and report upon a Bill to authorize the establishment of Bonded Distilleries and Bonded Sugar-houses, against which a petition was presented during the last Session of Parliament:—you were, I believe, one of the petitioners against the Bill? I was.

599. And you petitioned because you imagined that this Bill would interfere materially with your legitimate business as a merchant and an importer of sugar? Yes; I think it would operate against the profitable importation of sugar by the merchant.

600. You are aware that the 1st clause of the petition is:—“The license sought by the Bill was often and urgently pressed on the British Parliament by the sugar refiners in England, and at one time it was granted; but it was found so inconsistent with the safety of the revenue that it was soon withdrawn, and the refiner is now allowed to work in bond for exportation only.” Are you of the same opinion now as when you signed the petition containing this clause? No. I believe the statement there made, with regard to the privilege having been granted to the sugar refiners in England, is erroneously made.

601. The second part of the clause states:—“The Colonial Sugar Company, moreover, is allowed to distil rum from the waste of the refinery—a privilege that never was allowed to the English refiner—and this must further endanger the revenue to an unknown extent.” Do you know anything of this particular part of the matter, so as to give the Committee any information respecting it? No, I do not. My consideration has been given to the question solely with regard to the effect upon sugars, and not as to how it would affect rum.

602. The 3rd clause of the petition states:—“What is designated as waste in the Company’s statement is the necessary result of all manufacture, and it is not a loss to the Company, as it forms part of the price of the refined sugar, and is repaid to the Company by the public.” Are you of the same opinion now as when you signed this statement? Yes, I still adhere to that opinion.

603. You see the two samples of sugar on the table? I do.

604. The one is a white Mauritius and the other a dark Bourbon—is there any difference of duty charged by the Customs on the importation of these two sugars? No, I believe not.

605. They both pay the same duty? Yes.

606. Have you any idea of what the difference in value between the two may be? The white Mauritius has certainly a much higher value in the market than the other.

607. Would it fetch double the price of the other? Not double; but it would fetch considerably more than the other.

608. It has been stated that, in March last, the white Mauritius sold at £52 per ton? I dare say it may have done so.

609.

Henry Moore,
Esq.

23 July, 1862.

* *Revised*:—And which already pay the Company a very large profit, while the poor man who uses the *dirty raw* sugar would reap no benefit whatever from the Bill.

Henry Moore, Esq. 609. The value of the other at the same time is stated to have been £17 15s. per ton, that being the price at which it was sold? I should not have thought that it would have sold at so low a price, or that there was so great a difference of value between the two.

23 July, 1862 610. And yet, that being the difference in value, the two sugars pay the same rate of duty on importation? They do.

611. One being valued at £52 per ton, and the other at £18? Yes.

612. What do you consider to be the relative value of the two sugars? I do not consider the brown sugar to be worth so much as half the value of the white; probably worth something short of half the value of the other.

613. How with regard to the 3rd clause of the petition;—If you import a ton of this fine sugar, you pay on it a duty of £5 only; then if the Company imports sufficient of this other sugar, for the purpose of refining, to make from it a ton of sugar equal to that you have imported, it follows that the Company must import a larger quantity than a ton in order to turn out a ton of refined sugar; then if they have to pay the same duty on their unrefined as you pay on your refined sugar, they must pay more duty than you on their refined sugar, by reason of the larger amount they consume in the process? No doubt, in that way, they would be paying more duty than the importer.

614. In the fourth paragraph of the petition it is stated:—“The Company being distillers, can in reality have no waste, as all the refuse of a sugar refinery contains saccharine matter and may be converted into spirit.” This sample before us is in evidence as the refuse of the sugar refinery. Do you think there is any saccharine matter in that? I should say not; but I am not sufficiently well acquainted with the working of a sugar refinery or a distillery to say whether it could be made available or not.

615. Let me now direct your attention to the 5th clause of the petition. It is there stated:—“That any compensation or remission of duty, such as that conferred by the Bill, must be considered as in reality a bonus which will give the Company a virtual monopoly in the two important articles of sugar and rum”;—will you explain to the Committee how, under this Bill, such a bonus will arise? The bonus will arise, in my opinion, in regard to the sugar. The Bill will give the Company a much greater advantage, by allowing them to import these raw sugars of a very low quality, and which they obtain at a very low price, and which no one else will import, as they are not saleable. Upon these they already have a large margin of profit, as shown by the statement of their Secretary; but when the advantages given by the Bill are added, no importer will ever be able to compete with them, and the Company will soon clear the market, unless other refineries are established.

616. But I do not understand how you use the word “monopoly” in connection with this matter;—how do you consider that a monopoly is given to the Company? Perhaps monopoly is too strong a term; because nothing can strictly be a monopoly in which others are at liberty to engage.

617. This Bill does not attempt in any way to prevent any one from engaging in sugar refining that may choose to do so? Not that I see.

618. Does not the Bill, on the contrary, charge the same rate of duty on the same article to all parties, whether refiners or importers? In this respect it gives no advantage to the refiner.

619. But the 8th clause says clearly enough that all spirits distilled, all sugar, molasses, and treacle shall, on being exported or entered for home consumption, be liable to the same duties as if they had been imported into the Colony;—so that the articles produced by the refineries would pay the same duties as were chargeable upon the merchants for similar articles imported by them? The clause professes to do so.

620. And do you consider that, under the 8th clause of the Bill, the Sugar Company will have an advantage that the merchants have not, seeing that the duty will be the same to both parties if the articles are sent into consumption? It does not appear that they would, by the wording of the clause; but then that does not say what the practical working of the Bill will be, or the advantage they will actually gain in practice.

621. However, the clause professes to charge the same to both parties? It does.

622. To the manufacturer as well as to the importer? Yes, it professes to do so.

623. *By Mr. Dalgleish*: You are acquainted with the provisions of the Bill that this Committee has been appointed to consider and report upon? Yes, I am.

624. If this Bill passes into law, will it give to the present Sugar Company, or to any other similar Company that may commence operations, advantages that will not be shared in by the general public? I think so.

625. If the Bill be passed into law, unless its provisions are extended to meet the case of beer, syrup, and blacking manufacturers, and in fact of all persons engaged in operations in which low sugars form the basis of manufacture,—unless the Bill takes in all these persons will they not be damaged by it; or rather, will not the Sugar Company be placed in a position superior to theirs? Yes, I think so; most certainly.

626. Is that one of your objections to this Bill? It was not one in the first instance. It is only since I have been in this room, and heard the examination of the previous witness, that this has struck me as an objection to the Bill.

627. You see now, however, that this is an objection? Yes; the case of Mr. Tooth that has been mentioned has suggested to me that the operations of the Bill must be extended, or else it would work injustice to that gentleman.

628. On him for one, but also on many other persons? Yes, upon all those who use low sugars for manufacturing purposes.

629. Any refiner, on however small a scale, if he is compelled to pay the full amount of duty on the sugar he uses for refining, will be placed at a disadvantage in respect to the larger Company to the extent of the remission of duty that is made to them? He would.

630. I think you said that you had no knowledge of the process of sugar refining? I have Henry Moore, Esq.

631. You cannot say then, of your own knowledge, whether the profits of a small refinery are sufficient to enable its owner to support the staff of officers necessary for getting the sugar worked in bond? I cannot say of myself; but I have heard it expressed that the expenses of supervision would be so great, that it would be altogether impossible for the small refiner to compete with the larger one. 23 July, 1862.

632. Would that, in your opinion, be a disadvantage? Yes, I think so.

633. The general public, or in other words, the poorer classes of the people, who consume the low class sugars in their unrefined state, would obtain no advantage under this Bill, but on the contrary, would rather be placed at a disadvantage? I think so.

634. In what way would this disadvantage be made apparent? By the partial cessation of imports that would occur on the passing of this Bill.

635. Thus the law would be made to step in for the purpose of creating a monopoly for this Company? Yes; that is the general impression. From my knowledge of the sentiments of many importers of sugar in this city, I know that action has been taken by them to check the importation of sugar whilst this Bill is before the Committee. I can say also that I have myself taken action that will have that effect.

636. If the Sugar Company are allowed to import these raw sugars, or very inferior sugars, upon which they now have to pay a duty of £5 per ton, and instead of paying this duty are allowed to work it in bond, by which means they will obtain a reduction of 10 per cent. for loss by dirt, of 20 per cent. in the treacle they make, making together 30 per cent., besides the loss incidental to manufacture of say 5 per cent., would not the revenue suffer to a very great extent? Yes, very greatly.

637. Is there any reason why the present arbitrary duties should be continued, or do you know upon what foundation they have been fixed? I am not aware of the principle on which they have been based, but they have always appeared to me to be most arbitrary and inconsistent.

638. Can you conceive no reason why they should have been fixed as they now stand? None whatever. I have seen a great deal of sugar in the course of my business—for I warehouse extensively as well as import—and I have seen sugars imported here that could hardly be distinguished from the higher classes of refined sugar; yet these still paid the same duty as the lowest class of sugar. In this way the system operates most unequally.

639. Do you recognize this sample of sugar before the Committee? Yes. I should call it a sample of white Mauritius crystals.

640. And this inferior sample, which is said to be a brown Bourbon sugar? Yes.

641. Do you recognize the one as a raw and the other as a manufactured sugar? My own common sense would tell me, with regard to the white Mauritius, that the manufacturing process had brought it to its present superior state. With regard to the other, I am not practical enough to say whether it has undergone manufacture or not. There is one thing certain, which is, that one sample has undergone more manufacture than the other.

642. You are not conversant with the trade names of sugars? I am not.

643. If there were any mode of measuring the exact value of sugar by means of an instrument, so that the duty could be fixed in proportion to its fineness—for instance, these low sugars contain, we will say, 14 per cent. of dirt, 5 per cent. of water, and the remainder is sugar in some state or other; the refined sugar is much drier and much cleaner, and of course contains a larger remainder of sugar than the other—now if a pound of each of these be melted separately in a fixed quantity of water, and the density of the water can be ascertained, so that the precise quantity of sugar held in solution can be measured by an instrument, so that the duty shall be fixed on that measurement—would that, in your opinion, be a more equitable mode of fixing the duty than the present plan? I consider that it would be more equitable; but as to its practicability I cannot speak, as I have never seen the saccharometer used.

644. Would it not at once relieve the refiners from the complaint they now make with regard to the dirt? It appears to me that it would.

645. As an importer of sugar, have you had any reason to suppose that the duties at present collected on sugar would be remitted? I have understood so, when the question has been raised from time to time. I understood, some time back, that the tea and sugar duties were to be gradually remitted until they were extinguished. Lately, however, the matter seems to have been allowed to drop. Some time back I really thought we were going to have a reduction and gradual extinction of the duty, and I acted upon that idea in my correspondence.

646. You are an old colonist, I believe? I am.

647. From your knowledge of the habits of the people of this Colony, can you say whether tea and sugar are to be regarded here as a luxury or as a necessary? As a necessary, certainly.

648. Then there is a fair claim on the Government that this necessary should be as easily come at as possible by the public? I think so.

649. You have had reason, from what has been said by the gentleman at the head of the Treasury, to suppose that this duty would be foregone? I thought so for a time. The Government proposed that it should be gradually relaxed, until it was completely extinguished.

650. That was the statement made by the Treasurer? Yes; some time since I saw that he had made a promise to that effect.

651. This duty on sugar is more felt by the humbler classes than the duty on tea? I should imagine so.

- Henry Moore, Esq.
23 July, 1862.
652. *By Mr. Smart*: Do you think that either of them is felt at all by the community? I do not think they are felt oppressively.
653. *By Mr. Dalgleish*: The duty on sugar amounts to about three-farthings a pound? Not so much as that. About a half-penny; a trifle over a half-penny.
654. Then a half-penny a pound would not, in your opinion, be a matter that would be felt in the consumption of sugar by a poor family? Not oppressively.
655. But taking off the duty altogether would do away with this necessity for manufacturing in bond, and place all parties—manufacturers and importers—on an equal footing? Yes, certainly.
656. It would be desirable on that account to remit the duty? I may be permitted to say that my attention has not been particularly directed to this point. I did not come prepared to give an opinion upon the advisability of doing away with the duty on sugar altogether; and I have not considered the subject in that point of view.
657. But if we remove the duty we remove the disability under which the Sugar Company say they labour, and place all parties on the same level? No doubt.
658. We should thereby encourage trade, and at the same time further develop the manufacturing resources of the Colony, by promoting the refining of sugar on a larger scale? Yes, I think you would.
659. Referring to the petition presented last Session against the Bill, you have stated that, in your opinion, the first statement as to the permission to refine in bond in England was a mistake;—in saying that, do you not mean to say that it was a mistake only in so far as refining in bond for home consumption was concerned? I do.
660. Are you aware that sugar refining was carried on in England, in bond, for exportation? Yes, I am.
661. And that it was found so objectionable, even for exportation, that it was discontinued? Yes, I believe so.
662. Extensive frauds were perpetrated on the revenue, and their discovery led to the privilege being annulled? I am not aware whether any frauds were perpetrated, but I know that it was considered objectionable, and that it was discontinued.
663. You have not heard of any frauds? No, I have not.
664. If it has been found objectionable to allow sugar to be worked in bond in England, is there any reason why the same objections should not exist here? No; on the contrary, the objections would be the same, only in a larger degree.
665. Would it be possible for the Company to exist, if they were not to import these low sugars containing the waste of which they complain? No. Their profit depends upon their taking these low sugars into manufacture. They import the coarse dark sugars from the provinces of Manila and other parts, such as Taal, Panpanga, and such like. These they get at a very low price, and make a large profit on refining them.
666. Are you aware that sugar is like gold—that there is no difference in its purity, whatever may be the source whence it is derived; gold may exist in combination with many impurities, but relieved of these it is always the same wherever it may have been found; and so with sugar—it may be mingled with many impurities, but taken away from these pure sugar is always the same; therefore, any Company importing sugars for the sake of refining them, knowing that they contain dirt and impurities, must expect the profit of refining to cover the loss by dirt? Yes, I should think so.
667. This loss by waste is a loss incidental to all manufactures? Yes, and the public always pay for it in the price they pay for the article manufactured.
668. Just in the same way that a tailor charges a higher price for the coat he makes, by reason of the waste of cloth in cutting it out? Yes.
669. *By the Chairman*: Have the Company made any demand for compensation for the loss of dirt, or is it only for the duty paid on that dirt? They claim for the duty on the dirt.
670. *By Mr. Dalgleish*: You say that you are inclined to give up the fifth clause of the petition, which states that the remission of duty to the Company is in reality a bonus, which will give the Company a virtual monopoly of the sugar and rum market? No, I do not say that; all that I say is, that I consider the word “monopoly” as being rather too strong to use. It will not in point of fact be a monopoly, because I fancy that, under the Bill, it will be open to others to establish sugar refineries if they fancy to do so. If it will, that will do away with the necessity for using the word.
671. But until others were established it would in fact be a monopoly? I look upon it as such to a certain extent; but then “monopoly” is a strong word to use. I would rather say that it was an exclusive advantage. It would be an exclusive advantage until other refineries could come into operation of equal strength and force. A weaker Company would not be able to compete in any way with the present Company; it will require a Company of men strong in capital and substance, to prevent the present Company from availing themselves of the advantages they will have in the trade, and which will operate injuriously to the community at large.
672. Were they able to beat the importers out of the market fairly, by competition in the trade, you would not regard that as a monopoly? No, certainly not.
673. You only object to their having any advantage that may give to their operations the appearance of a monopoly? Yes.
674. And then you object that such an advantage should be brought about by legislation? Precisely.
675. You have no objection to their having a monopoly, brought about by the natural course of trade? No, certainly not; I believe, however, that the thing will soon cure itself. If they have any very great advantages, others will be sure to come in to have a share of them. This agitation alone will be beneficial, for the information that has filtered through this

this inquiry will bring about a state of things that will be good for the country, without any legislation being required. I am aware of projects being on foot for carrying out sugar refineries in competition with the present one. For myself I object to any monopoly; if it exists, all we shall have to do will be to set to work to meet it. Rather than lay by and complain we must try to do the same thing, and so meet the Company with their own weapons. As it is stated in the petition, however, I object to it; I consider the effect this Bill will have upon myself and other importers, as well as upon the revenue. Whether the Company require legislation to relieve them in the manner they seek, or whether this relief may not be brought about in some other and less objectionable way, is what the Committee have to determine; they judge between us and the Company. The Company look at the matter solely as it affects their own interests; and of course it is quite open to us to regard it in the same way.

Henry Moore,
Esq.

23 July, 1862.

676. Under this Bill, would the revenue derive any advantage from the sugar refined by the Company? I should think not; on the contrary, it would lose considerably.

677. The sugar the Company turned out would come to the same duty as that they took in? Yes, I believe so.

678. So that the loss would arise from the treacle exported, on which drawback would be paid, whilst the loss of duty on dirt would also be a loss to the revenue? Yes, clearly.

679. But for this refining, the treacle and dirt would be sold with the sugar and consumed? Yes.

680. *By the Chairman:* The answer you have given to the question that the Company will pay the same duty on the sugar they turn out as on that which they take in, would make it appear that the Company paid less duty for their loaf or refined sugar than what the merchant pays—do you adhere to that? I hardly understand you.

681. The importer pays 6s. 8d. per cwt. on the refined sugar he imports—the Sugar Company take in their sugar at 5s. per cwt., and would pay, according to the Bill, on their loaf sugar at 5s., but 6s. 8d. per cwt. when taken into consumption? My idea was that all that passed out would pay the 5s. duty, except loaf.

682. Then if the Company manufactured loaf sugar, they would have to pay the 6s. 8d. duty? Yes.

683. Then you believe that the consequence would be a loss to the revenue, by reason of the treacle and dirt? Yes, because the treacle is not used here, and being exported in bond would pass out duty free.

684. And you estimate that the loss of duty on the treacle and dirt would cause a loss to the revenue of 25 per cent. on the present duty on sugar paid by the Company? Yes, quite that.

685. Less the extra duty paid by them on the loaf sugar taken into consumption? Of course, less that amount.

686. Would not that go towards the relief of the loss? Only a very small way.

687. *By Mr. Dalgleish:* There is only a very small proportion of loaf sugar used in this Colony? Very small.

688. So that a heavy loss would be entailed upon the revenue? Yes.

689. Would this loss to the revenue go, in your opinion, to benefit the public, or would it form a further source of profit to the Company? It would go to the profit of the manufacturer, and would not be felt generally.

690. Were the Company to close their establishment here, and commence operations in a neighbouring Colony, where similar advantages have been conceded to refining Companies that the Company now ask for here, would they then be enabled to compete successfully in this market with the importers of sugar? Yes, I think they would.

691. Although in another Colony, and having to pay freight and charges, they would be still able to compete with our importers? I think so.

692. By refining in bond in the same way as they now ask to do here? Yes; these privileges would still give them an advantage over the importer.

693. As a matter of policy, would it not be a loss to the Colony to drive this manufacture from here into a neighbouring Colony, where these privileges are given? According to their own showing it would be, but I am not so sure about it.

694. Then supposing that the Parliament conceded the drawback on treacle, to be valued by the saccharometer, would that be an advantage to the Colony, and at the same time meet the requirements of the Company? I cannot tell; I have not made the calculation.

695. Do you think it would, from the petitions and other documents before the Committee? I do not.

696. You are aware that the Company have now no means of getting rid of their treacle, and that this Bill would afford them a means? Yes; but how far it would relieve them I have not calculated sufficiently to say.

697. Would it be felt to be a loss to the community if this benefit were conferred upon the Company? I do not think it would affect the community either way, but it would certainly be a loss to the revenue.

698. *By the Chairman:* With respect to the tailor and his waste of cloth, you consider that the Company, in the claim they make for remission of duty on the waste of this article of sugar, are in a similar position to the tailor who loses by waste in cutting his cloth? Yes, something.

699. Now supposing that the tailor paid duty on the cloth he imported, and that a merchant imported a coat ready-made at the same duty as was paid by the tailor on his cloth, would not the tailor be placed at a still further disadvantage, as compared with the merchant importer, by reason of these clippings, on which he would have paid duty? Yes, to a certain extent.

- Henry Moore, Esq. 700. The merchant not paying duty on the clippings from the coat he imports? Yes.
- 23 July, 1862. 701. In the same sense as this Company pay duty on the dirt, which the importer does not pay, are they not in the same position as the tailor with his cloth? But then he makes it up and gets a profit on his manufacture, so as to cover his loss by waste; and the Company do the same thing.
702. No doubt he makes up for his waste in the price he charges, but is he not at a disadvantage in the market by reason of the duty on this waste, which he pays and the importer does not? It would appear so.
703. In the same way as the sugar refiner is placed at a disadvantage through the duty he has to pay on this dirt? Yes, to a certain extent.
704. With respect to the treacle, you think the revenue would lose greatly if the proposal were carried out? Of course you would lose the amount of the duty, whatever it may be, by allowing the drawback.
705. But we should lose nothing on all that went into consumption;—everything going into consumption would pay duty? Of course.
706. And it is not to be expected that the revenue should derive an advantage from that which is not taken into consumption? No.
707. The loss on the treacle would be made up by the increased duty on refined sugar? Only in a very small degree.
708. However, whatever loss there was to the revenue could not be regarded as unjust, seeing that the articles would not be consumed in the Colony? No, I think not.

TUESDAY, 5 AUGUST, 1862.

Present:—

MR. ALEXANDER,
MR. CALDWELL,

MR. DALGLEISH,
MR. LOVE,

MR. SAMUEL.

THE HON. ELIAS CARPENTER WEEKES, ESQ., IN THE CHAIR.

William Augustine Duncan, Esq., Collector of Customs, called in and examined:—

- W. A. Duncan, Esq. 709. *By the Chairman:* Have you perused a Bill which has been introduced into the Assembly, called a Bill to authorize the establishment of Bonded Distilleries and Bonded Sugar-houses? I have.
- 5 Aug., 1862. 710. Have you formed any opinion of the necessity of a Bill of that kind? I cannot say I have formed an opinion of its necessity; it may be expedient, but it is a measure that I think requires very considerable caution in dealing with.
711. Do you think that a sugar refiner, as the law at present stands, is under any considerable disadvantage in pursuing his manufactures? Judging from the representations in a pamphlet I have read, issued by the Sugar Company, I think there must be some disadvantage, though I can scarcely think to the extent they mention.
712. Then you go with them to a certain extent? To a certain extent.
713. How could this Bill be carried out, as respects your department, with perfect security to the revenue? It would entail considerable risk on the revenue, no doubt; but I believe the revenue can be protected under it. It will also entail very considerable cost on the revenue.
714. The cost of supervision? The cost of supervision.
715. Have you formed any idea what that expense would be? With respect to a refinery, I think the cost could not be less than £1,000 or £1,200 per annum. I am not so well acquainted with the supervision necessary in a distillery.
716. I do not think the Bill provides that this charge should be paid by the refiner, does it? I think not. I think that was intended originally, but somehow or other it does not appear in the Bill.
717. I believe that it is the intention that the expense should be met by the refiner or distiller—do you see any objection to that? I think it would be objectionable if it were put precisely in that way; but I think a fee or tax might be imposed on each refinery or distillery that would be sufficient to cover somewhere about the amount of the necessary expenditure. If put in the shape of payment to the officers coming direct from the Company I think it would be objectionable.
718. Are you aware why it is that treacle is never allowed to be exported for drawback? I know of no reason, except that it is not provided in the law.
719. Do you know why that omission has taken place with reference to treacle? I imagine it must have been an oversight. I do not know of any special reason why drawback should not be allowed on treacle as it is on refined and bastard sugar.
720. Would you be able to apply any test as to the quality of treacle, whether it had been tampered with or not? It would be very difficult. I think that may have been the reason why treacle was left out; very probably it was.
721. Is there any instrument by which that could be ascertained—would the saccharometer test the quality of treacle? I am not sufficiently acquainted with the saccharometer to say positively; I believe an approximation might be got, but I am in some doubt about it.
722. Are you aware whether the privileges provided in this Bill to the refiner and distiller in bond are granted in any other country? Sugar and treacle are allowed to be delivered free of duty in England to distillers under the Act 18 and 19 Victoria, cap. 94. Formerly sugar used to be refined in bond for exportation only, but that is not the case at present.

723. Is there not distilling and refining in bond in Melbourne? There is refining; I am not aware whether there is distilling or not. W. A. Duncan, Esq.
724. Have you any information of the practical working of that measure in Victoria? No; I wrote to the Collector of Customs there on the subject, and he promised to send me an answer, but he has not done so; I suppose he has forgotten it. 5 Aug., 1862.
725. You think the necessary supervision could be carried out, which, although it would be expensive, would still preserve the revenue? Yes, I think so; by employing proper officers and paying them well, no doubt the thing could be done.
726. Have you given the Bill much consideration—are you able to speak as to its provisions, whether there is any objection to them? I do not know of anything practically objectionable in the Bill; I have read it several times, and I believe it to come as near the point as is necessary.
727. *By Mr. Dalgleish*: What is the amount of duty at present obtained from refined sugar imported into the Colony? I could not say without reference to returns; I do not carry these things in my memory, as I have them to refer to whenever I want them.
728. You say that in England a drawback is allowed on refined sugars—is that the case? Yes, I think so, certainly. There are several drawbacks on different qualities of sugar in England, viz.—refined loaf or crushed, 17s. 2d. per cwt.; refined sugar, unstoved, 16s. 4d. per cwt.; bastard, superior, 15s. 1d. per cwt.; bastard, inferior, 12s. 8d. per cwt.
729. That is to say, that if raw sugar were taken in at a low duty and refined, a drawback would be allowed on the refined sugar at the high rate of duty? I believe that a drawback is allowed on sugar refined in England. A drawback certainly is allowed on imported sugar which has paid duty, and I believe also that it is allowed on sugar refined in England. I should state, however, that the drawback is somewhat less than the import duty.
730. I think you said you were not aware whether any drawback is allowed on the export of treacle in England? I believe there is not; in fact I am pretty sure there is not.
731. You know the present rates of duty levied on sugar in the Colony? Yes, £5 a ton on raw sugar, and £6 13s. 4d. on refined sugar.
732. Have you any knowledge of the different qualities of sugar yourself or the different processes of the manufacture? I cannot say I have much knowledge of the processes. I have some knowledge of the qualities, from constant reference, but I do not know much about the processes of refining sugar.
733. Would there be any difficulty in levying three distinct rates of duty on sugar—say, on raw sugar, on bastards, and on refined or loaf sugar? There has always been great difficulty with regard to classifying sugar.
734. That is, where the classification is made with regard to colour? With regard to colour and quality.
735. If there are certain broad lines of difference, essential difference in sugars—if raw sugars can be distinctly and at once known to differ from sugars commonly termed bastards, and the same could be shown with regard to the difference between bastards and refined sugars, which might be classified as at present either for highly refined white sugar or loaf—would there be any difficulty then? There is great difficulty in distinguishing. I have seen sugars imported here as raw sugars which it was very difficult to distinguish from some of the Company's sugar; even after calling in some of the best judges of the article in Sydney we have found great difficulty in classifying them. Colour and appearance are very deceptive. We go generally upon the moisture more than anything else.
736. Do you know any reason why the present duties have been levied on the two descriptions of sugars? I have always been of opinion that the duty should be uniform.
737. The same on sugars at £80 a ton as on sugars at £20? I cannot see any reason why the duties should be different.
738. Is the same rule followed with regard to spirits? I am quite of the same opinion with regard to spirits. I have proposed on more than one occasion to the Government to have an uniform duty on spirits.
739. Without any reference to strength? Certainly not without reference to strength. What I mean is, that rum and whiskey and brandy should bear the same duty.
740. Should rum and water, according to your idea, pay the same duty as rum? I mean according to strength, of course; reducing the spirits to proof, for duty.
741. Then you think this sugar (*referring to a sample of coarse sugar*) though it contains twelve per cent. of dirt, and is in fact sugar and dirt, should pay the same duty as pure sugar? I think it should, for this reason, that many persons would use the better sugar if they got it a lower duty, and discard that altogether, and then there would be more work for the refiner. I do not think any one ought to use that sugar as an article of food.
742. In order to prevent them, you would put a very high tax upon it? I do not say whether the tax should be high or low; I only say it should be equal, in order to encourage people to use the better article, and to remove the difficulty in classification for duty.
743. Then you are of opinion that it would be difficult to establish three rates of duty on sugar? That is my opinion. I may say also, that it is the opinion of the mercantile body in England, and efforts have been recently made to establish an uniform duty?
744. What would you advise then with regard to treacle? There is hardly such a thing as imported treacle in this Colony.
745. I think there is a good amount of treacle imported—it is imported in the sugar? Yes, but it is not called treacle.
746. Nevertheless it is in the sugar? No doubt of it.
747. And you would levy the same duty on sugar, dirt, and treacle, as on highly refined sugar? If dirt is brought in and called sugar I would levy a duty on it.
748. But you would not levy a duty on water contained in brandy? It would, perhaps, be

W. A.
Duncan, Esq.
5 Aug., 1862.

an advantage to the Colony if all the brandy in it were saturated with water; but duty is charged according to strength.

749. Would it not be to the advantage of the community, if the Custom House were altogether done away with, and direct taxation introduced? There are very good opinions in favour of doing away with Custom Houses and establishing direct taxation; and I do not say, though I am an interested party, that I have not, to some extent, an opinion of that kind myself.

750. You think it would increase the expenditure of the Government to establish bonded sugar-houses in the Colony? No doubt of it, very considerably.

751. Do you know of any benefit that would accrue to the community by allowing this sugar to be worked in bond? I do not know of any benefit that would accrue to the community from it; it would be merely removing an obstacle to a certain description of trade.

752. We have been informed in Committee that it is very probable that, should the present hindrances to the refining of sugar in this Colony be kept up, refineries will be established in adjacent Colonies, where these facilities are afforded, and that it will pay the Company to import their refined sugars from the adjacent Colonies, paying the duty, rather than to manufacture it here;—if that is the case do you think the present duties ought to be maintained, at the expense of destroying that branch of manufacturing industry in this Colony? I do not think it is of the slightest consequence to the Colony, generally, where the sugar is refined.

753. If there are three or four hundred men employed by the Company, do you not think that an advantage to the Colony? I think there is no advantage in the one case or disadvantage in the other, because there is plenty of employment for the men at other industrious enterprises.

754. *By Mr. Caldwell*: I think you said you were not aware of treacle being imported? I am quite sure it is imported, but I do not think in very large quantities.

755. What is the duty on treacle? £3 6s. 8d. a ton.

756. Supposing a person exported treacle, would he be allowed the drawback? Yes, if it was exported in the original packages.

757. After its being taken out of bond, if he exported the treacle again, he would be allowed the drawback? There is nothing in the law to prevent it.

758. And yet parties would not be allowed the drawback on colonially manufactured treacle? Just so.

759. Supposing there were three classes of duties fixed on sugar:—1st, low class or raw sugar; 2nd, what is now called refined lily sugar—that I suppose comes under the head of bastards; and 3rd, refined sugar;—would there be any difficulty in discriminating between them? There is very great difficulty in discriminating. The same difficulty has been found in England; and for that reason, as I stated before, an effort is being made now by the mercantile community in England to do away with the inequalities of duty.

760. I think you stated that you do not think it would be any loss to the Colony if the sugar manufactory was removed from the Colony? I do not think it would be the slightest loss to the Colony if any manufacture whatever was removed. At the same time, I would not hamper that or any other Company with unnecessary restrictions; it is a mere matter of justice and expediency.

761. *By Mr. Samuel*: Looking at the political bearing of the question, do you think this is a desirable measure. I put that question in consequence of the reply you have just given. You say you have no desire to restrict this particular manufacture any more than any other. Then, this manufacture, I infer, is restricted to a certain extent? The Company complain that they are under certain restrictions, and I think there is something in the complaint. I do not think it is exactly to the extent they represent, but I believe there is something in it. The grievance first having been ascertained, I would redress it.

762. *By Mr. Alexander*: Would the allowance of a drawback on treacle, as a compromise of the matter, place the Company in the position they should be placed in? I think it would about place them on an equality with the importers. The difficulty would be, as an Honorable Member has mentioned, in saying exactly what was treacle and what was not.

763. Could not that be tested by any instrument, in the same way as spirits are tested by the hydrometer? I know sugar can be tested, and I believe treacle might be tested, but I am not quite so sure about the accuracy of the test in the case of treacle, never having applied it.

764. *By the Chairman*: Then I understand that a drawback is allowed on imported treacle, if exported in the original packages? Yes, but I do not know that I have ever had any applications for it; if any, they must have been very few; but I should be obliged to allow it if any application was made.

765. Is there any law preventing a drawback on any other articles? Spirits and tobacco.

766. Drawback is refused on spirits and tobacco? Yes. I think drawback ought to be refused on wine, for the same reason as was mentioned in the case of treacle, as attempts have been made, and made successfully, to export colonially manufactured wines for drawback.

767. There is one case under investigation now? There is.

768. Do you think the Sugar Company have any just grounds of complaint at being required to pay duty on what they term dirt? I have seen an answer to that question from the merchants, in which they say that they have the difference between the price of the imported article and the price of the refined sugar to make up for the dirt. I am not quite sure that that is a sufficient answer; I think there is some loss on the dirt.

769. *By Mr. Samuel*: Do you think we should look at this question as it bears politically—that we should look at it as a question of political economy? I think that is the view all legislators ought to take of such questions.

770. *By the Chairman*: Do you know of any other article from which dirt is extracted in the form of refuse? There may be others, and the same reasons would apply in any other article where dirt is extracted in the process of manufacture.
771. *By Mr. Dalgleish*: In English ale, for instance, there is an immense amount of loss in hops and dregs? A considerable allowance is made on imported ale. In saying that I scarcely think the figures given by the Company represent the amount of loss; I imagine the waste they speak of includes the charcoal, blood, and bones, and other articles used in the manufacture. If no deduction is made for these articles they must be a portion of the refuse.
772. *By Mr. Caldwell*: Is not a person allowed to unpack tobacco in bond, and to reject dirt or useless packing? He is allowed to destroy in bond any tobacco that is not considered saleable; it is often destroyed in large quantities.
773. *By Mr. Samuel*: Do you consider at all the loss that will arise to the revenue from this measure? It is very difficult to estimate the loss; it depends upon the accuracy of the calculations I have seen; they may be very accurate, or they may not.
774. Can you form no idea? I can form no idea.
775. I presume there will be some loss to the revenue? No doubt there will, especially if there is now so much loss to the Company as they assert.
776. *By Mr. Dalgleish*: If you allow a drawback on treacle exported in the original packages, do you take any care to know the specific gravity of the treacle when imported—could a hoghead of treacle be half filled with water, and exported in that state? It could not be half filled, but some adulteration might take place.
777. If you take no means of knowing the strength of the treacle, or its density, in the first instance, how could you object to it when exported, in the original packages, even though it might be adulterated? I have never been satisfied with the tests applied to exports for drawback, and there is always great difficulty, because merchants are very unwilling to allow us to tamper with their packages to examine them properly.
778. You see this dirt on the table; that is said to be the refuse from the manufacture of sugar; you observe that it consists of clay, and fibrous matter from the sugar cane; do you think it right that a duty should be levied on that, or that the same amount of duty should be levied on sugars containing that dirt as on highly refined sugars? I think so. If refined in bond it would pay no duty on importation.
779. Is there any refuse in wine? Yes.
780. Are not merchants allowed to draw it off in bond? They are allowed to draw, under certain restrictions, for ship's stores.
781. It is only on what they draw off that you charge duty? We charge duty on the whole of the liquid.
782. You do not charge duty on the refuse? We charge duty on the whole quantity. There is not much refuse in a cask of wine, if it is really wine. I have never destroyed much wine in bond, but it may be destroyed if valueless.
783. *By Mr. Caldwell*: Still persons would be allowed to draw off—in fact, to refine the wine in bond—and only pay duty on the quantity they draw off? They pay the duty on what they take out of bond; or they may leave it in bond, and it is sold at the periodical sale; but the duty is not remitted.
784. *By Mr. Love*: What do you understand by refined sugar? That is a difficult question; that is where the difficulty lies in classifying sugar, because we receive sugars now from the Mauritius and Java which it is difficult to distinguish from refined sugars.
785. Would you call any sugar that had gone through any refining process refined sugar? No; bastards is refined to a certain extent.
786. Do you call the Company's No. 1 pieces refined? Yes, that is refined, no doubt.
787. Do you call what is termed crystals refined? Yes, some crystals are.
788. Would you call that (*referring to a sample*) refined sugar? No.
789. Does that come in at the £5 duty? Yes, I think I have seen as good as that imported at £5 duty.
790. That is a sample of Mauritius crystals—you think that is not refined sugar? No, it pays the lower duty.
791. The duty on refined sugar is £6 13s. 4d. a ton? Yes.
792. Is not sugar refined in Mauritius or Manila? I believe not, but there is some method of washing it there which makes it almost as pure. I have asked several mercantile men who have received sugar from Mauritius, and they all unite in saying there is no refinery there. I have been told that, in fact, it is illegal to refine for exportation in Mauritius.
793. Would you charge the duty for refined sugar on Cossipore? There are two kinds of Cossipore; number one pays the high duty, and number two the low duty.
794. You do not consider the sample of Mauritius crystals I have shown you equal to Cossipore number one? It is not equal to it, I think.
795. Is it equal to the Company's crystals? I think not.
796. If the Company's crystals were imported here, would you charge for it as refined sugar? I have compared the Company's bastard sugar with a fine kind of Java sugar, and it is very difficult to distinguish between them.
797. Supposing there was a refinery at Melbourne, and they sent to this Colony sugars which you would call bastards, and which I would call crystals, what duty would you charge? That would be a very nice question; there might be great difficulty in deciding.
798. As an officer of Customs how would you manage? I could hardly say until the question arises. The same difficulty has often occurred, and very great doubt has been expressed.
799. *By Mr. Caldwell*: Suppose they wanted drawback, how would you decide? It could only be done by close examination of the sugar.

W. A.
Duncan, Esq.
5 Aug., 1862.

- W. A. Duncan, Esq. 800. *By Mr. Love*: No sugar from the Mauritius pays the high duty? No.
801. And none from Manila? No, I think not.
802. Then the only sugars that pay the high duty are Cossipore number one and loaf sugar? *5 Aug., 1862.* Cossipore number one, loaf sugar, and crushed lump.
803. *By Mr. Dalgleish*: You have stated that no refined sugar comes from Mauritius and none from Manila—what do you understand by refined sugar? I have already said that great difficulty is experienced in deciding what is refined sugar and what is unrefined. The same difficulty exists everywhere where the classification of sugars is attempted.
804. There is a process called defecating sugars, is that a process of refining? It may be so called, but it is not usually understood in that sense.
805. Or is the term refined sugar confined to that which is filtered through animal charcoal, and subjected to the higher processes of the manufacture? I think that in this Colony all sugars that pay the higher duty are supposed to go through the charcoal process.
806. You state that in Mauritius refining is prevented by law? I speak only of what the merchants tell me; they unite in saying that there is no refinery in Mauritius. They say there is a very fine kind of machinery for what they call washing the sugar, which gives it a fine colour.
807. You take it all on hearsay, and levy duties on hearsay? Not exactly so; that is one way of getting evidence on the subject.
808. You have no knowledge of your own that there are no refineries in Mauritius? I have not.
809. And you do not know of your own knowledge that there is no sugar refinery in Manila? No.
810. You take it for granted because the merchants have told you so? Unless I have some reason I cannot disbelieve what the merchants tell me. That is one, but not the only mode of getting evidence which a person in my position is obliged to resort to. A Board, appointed by the Treasurer, very recently inquired into the subject, and adopted a kind of standard for the different descriptions of sugar, which we act upon at present. They examined a variety of sugars, and fixed on standards of the different kinds of sugars imported.
811. Who does this Board consist of? Myself, Mr. Fanning, and Mr. John Brown.
812. When was the Board appointed? I do not remember the date exactly; perhaps two or three months ago.
813. What was the cause of its being called together? The doubt which I had about the classification of a particular kind of sugar that was imported. I felt considerable hesitation in admitting it as unrefined, and yet it was hardly equal to what is termed refined sugar. I mentioned my doubts to the Treasurer, who requested these two gentlemen to meet me at the Custom House, and examine the sugar and give an opinion.
814. What name is this Board known by? No name that I know of.
815. *By the Chairman*: Was it not in fact calling in parties who were merchants, and competent to judge of the qualities of sugar, to assist your judgment in the matter? That was the meaning of the thing. It was called a Board, I recollect, but I do not think there is much in the name.
816. *By Mr. Dalgleish*: Does the Board still exist? No.
817. Should any doubt arise as to the classification of sugar to-morrow, would you call in these gentlemen? I should again express my doubt to the Minister at the head of my department, and he would call in whom he thought proper.
818. This Board does not now exist? I think not. The object for which it met was settled for the time, and no other case has arisen of any difficulty.
819. What was the point of difficulty, do you remember? The point of difficulty was as to the classification of some particular importation of sugar which was somewhat different in quality from anything of the kind that we had seen before—a little better than any sugar that had been admitted as refined previously. There was some doubt whether we ought to charge the high duty, or admit it, as the merchant contended, at the lower duty.
820. What was the result? It was admitted at the lower duty.
821. Are there any minutes on the subject? A short minute.
822. Would it throw any light upon this matter? It is merely the record of the opinion of these gentlemen on that case.
823. Have you any objection to append that to your evidence? None whatever. (*Vide Appendix.*)
824. *By the Chairman*: Did not these two gentlemen represent, one the refining interest, and the other the importing interest? Yes; Mr. Fanning was understood to represent the refining interest, and Mr. Brown the importing interest. That was your intention, I believe.
825. *By Mr. Love*: Mr. Fanning is an importer also, is he not? Yes, I believe so.
826. Then he may be said to have represented both interests? Yes; but principally the refining interest it was thought.
827. *By the Chairman*: The point being whether certain sugar was refined or not? Yes. We took the opportunity of examining several other parcels on which similar questions had arisen, but not so difficult as that particular one.
828. *By Mr. Caldwell*: With reference to that particular sugar, was it equal, in your opinion, to Colonial refined sugar? No, I do not think it was.
829. Then you agreed with the majority? There was in fact no majority; we were quite unanimous after discussing the question.
830. Was it deficient in colour? The colour was very good.
831. Was it equal in colour to Colonial refined? I do not think it was quite equal.
832. *By Mr. Dalgleish*: Was it as dry? It was not dry; that was the point we chiefly went upon; there was a considerable amount of moisture on it.

833. You think a little water in the sugar not so objectionable as a large amount of dirt? I think not. W. A. Duncan, Esq.
834. *By Mr. Caldwell:* Do you think any system of washing that could be adopted could bring it to the perfection you now speak of? If it be washed sugar they certainly do bring it to great perfection; but I only speak on that point from representations made to me. 5 Aug., 1862.
835. *By Mr. Love:* How do you undertake to find the weight of sugar? An officer is appointed to see it weighed.
836. You do not take the invoice as your guide? Certainly not.
837. Do you provide scales? I have had great difficulty with respect to scales. The wharfingers are bound by the regulations to provide proper scales and weights, but I find great difficulty in getting them to do it.
838. When a vessel arrives with sugar, does the owner of the ship, the owner of the sugar, or the wharfinger, provide the scales? The wharfinger, as I have said, is bound, by the regulations, to provide scales for use on the wharf; but however provided, it is the duty of the landing surveyor to satisfy himself that the scales are equitable.
839. Do you think it should be the duty of the Custom House officer to provide scales? I think it would be preferable, but then the expense would be great, and we should have to tax the wharfingers, which I think ought to be done in any case, it being unjust to the public that such a number of sufferance wharves should exist, entailing a large expense without paying anything to the revenue.
840. The reason why I put this question is, that a vessel discharged at Campbell's Wharf, some months ago, and the sugar was being weighed out with a pair of scales that were totally wrong? That is possible.
841. Some of the sugar came up to me, and I think it wanted about half a hundred to the ton; I went down to the wharf, saw the officer, had the scales tried, and found out they were wrong? Then the officer had neglected his duty.
842. *By Mr. Caldwell:* What practical difficulty do you find in carrying out the regulations of the Government obliging wharfingers to provide weights and scales—is it not part of the conditions? It is; but I do not think there were scales on one out of three wharves when I took charge; there are scales on most of the wharves now, but I had great difficulty in getting the parties to procure them; I had to insist on it, and threatened, what perhaps I should not have been able to accomplish, to withdraw their licenses. I would beg to suggest, that it would have been well if the matter spoken of by Mr. Love had been reported to me at the time, because, up to this moment I have not heard one word of it; and I have to complain generally that merchants will go about the town complaining of things to anybody but to me, who have the power and a strong desire to correct them.

APPENDIX.

No. 73.

*Custom House, Sydney,
24 April, 1862.*

Sir,

I do myself the honor to report, for the information of the Honorable the Minister of Finance, that the Board appointed to determine the classification of certain sugars for duty, having met, and examined the sugars in question—having also compared them with various other sugars, both refined and unrefined—have arrived at the conclusion that the inferior Cossipore sugar, as well as the white Mauritius and Java sugars, though of remarkably good colour, are not refined sugars within the meaning of the New South Wales Tariff.

The Board being, from their own knowledge, unanimously of this opinion, did not think it necessary to take any formal evidence on the subject; at the same time, feeling the very great difficulty of drawing an exact line in classifying sugars which so nearly approach each other in appearance as the best washed and the lowest refined sugars now do, they recommended that the samples before them should be preserved as a standard for future reference, and desired that their opinion should be conveyed to the Minister, that it would be desirable to remove all difficulties of this nature, by adopting an uniform duty on all imported sugars.

I enclose herewith the original minute, bearing the signatures of the different Members of the Board.

I have, &c.,

W. A. DUNCAN.

To the Under Secretary for Finance and Trade.

I find that I took no copy of the minute, but the above letter, I believe, conveys all the information contained in it. W. A. D.

Edward Knox, Esq., examined:—

843. *By the Chairman:* You are Chairman of the Colonial Sugar Company? I am. Edward Knox, Esq.
844. You are aware that a Bill is now before this Committee for the purpose of establishing bonded distilleries and bonded sugar-houses? I am. 5 Aug., 1862.
845. Have you looked at its provisions? I have.
846. Are they calculated to remove any grievance of which you have just ground to complain as a refiner? They are calculated to remove all the grievances of which we complain.
847. What are the disabilities under which you labour? The first disability we labour under is this, that we are compelled to pay a duty upon the waste of our refinery, at the rate of £5 per ton, the same as is paid on refined sugar coming in from other parts; and that although neither the Manila refiner, the Calcutta refiner, nor the refiner in Victoria, pays any such duty on waste as we are called upon to pay. In consequence, this duty on waste

Edward
Knox, Esq.

5 Aug., 1862.

waste assumes the character entirely of a special tax upon the refiner in the Colony. The second disadvantage we labour under is this, that although we pay £5 a ton duty on the raw material, from which a quantity of treacle is produced, we are not allowed, on exportation of that treacle, to receive back any portion of the duty we have paid on the material used. We have at this moment 1,000 tons of treacle on hand; we are desirous of exporting those 1,000 tons to England, but on doing so we do not receive back one penny of the £5,000 we have already contributed towards the revenue here, upon the material from which this treacle was manufactured. In other words, we pay £5,000 to the revenue of New South Wales, as duty on treacle that goes into consumption in England. The third disability under which we labour is not as refiners but as distillers. We are compelled to pay the duty on the material that we use in the distillery, which consists of sugar and treacle; that duty is 5s. per cwt.; and to compensate for it, when we take our spirits out for home consumption, we are only required to pay a duty of 6s. 5d. per gallon against 7s. paid by the importer. That, of course, is perfectly fair, as we have paid the additional seven-pence by way of duty on the material we use; but on exporting that spirit to Queensland, or Victoria, or anywhere else, we cannot receive a drawback equal to the amount of duty paid on the material used. In other words, we have paid seven-pence per gallon as duty on the material used in the distillery, we export the entire product of that material, but we receive back no part of the seven-pence which we have contributed to the revenue of this Colony on spirits that go into consumption in Queensland.

848. Are these the principal disabilities of which you complain? These are the entire disabilities, so far as I know, of which we have any reason to complain.

849. At what do you estimate the loss to your Company from the existence of these disabilities? I estimate the loss by the payment of duty on waste, no particle of which enters into consumption, at between £4,000 and £5,000 a year; and I may say that this is not a mere estimate, but a calculation based on the actual results of five years' operations. Of course, with regard to loss by the export of treacle, it depends entirely on the quantity we export. If we export our entire make of treacle we lose £5 per ton on 1,600 tons, or £8,000; but as we expect only to have to export about 1,000 tons per annum, the loss would probably amount to £5,000 per annum.

850. What proportion of the treacle you make can the Colony consume? The Colony consumes a mere nothing, but we use a large quantity for purposes of distillation; we can use about 25 tons a week in the distillery. Beyond that we have not been able to find sale for the spirits manufactured.

851. Then an increase in the sale of colonially distilled spirits would to that extent diminish the necessity for the exportation of treacle? As far as we are concerned, it would not in any way affect the policy of the matter, I take it.

852. Have you noticed a petition which has been presented by certain merchants of Sydney to the Assembly, respecting this Bill? I have.

853. Are the statements there made to be relied upon? They are not.

854. Are they not facts? They are not; they are the very reverse of facts.

855. Will you particularize;—do you object to the whole of their statements more or less? I believe there is only one correct statement in the whole petition. The first paragraph states that “the license sought by the Bill was often and urgently pressed on the British Parliament by the sugar refiners in England.” I am not in a position to prove that this is not the case, but I have searched Hansard through for the year 1854, when refining in bond was abolished in England, and I cannot find that any one single petition was presented on the subject to the House of Commons. I have industriously looked through other papers, and I can find nothing to guide me to such a conclusion. It would have been very easy for the petitioners, some of whom I understand have been examined, to have produced the authorities, if there be any, on which such a statement is made. The next statement is that the permission to refine in bond for home consumption was at one time granted in England. I deny this. It never was granted; no Bill was ever introduced for the purpose into the House of Commons; and I doubt very much if such a thing was ever suggested. “But it was found so inconsistent with the safety of the revenue that it was soon withdrawn.” Of course if the permission never was granted—if refining in bond for home consumption never existed—the license never could have been withdrawn, nor could there have been any insecurity to the revenue. These statements therefore, I consider, are wholly inconsistent; and as further evidence, to show that it was not on account of insecurity to the revenue that refining in bond was done away with, I would beg to state that refining in bond was authorized in the year 1834, and was abolished in 1854, thus remaining in operation in England for twenty years. The sole object of allowing refining in bond was to permit slave-grown sugars, which were prohibited from entering into consumption in England, to be refined in bond, and the product to be exported. The necessity for allowing refining in bond ceased in the year 1854, when the duties upon slave-grown and free-grown sugars, if I may use the term, were equalized. Hence the reason why refining in bond for exportation was abolished in 1854. “And the refiner is now allowed to work in bond for exportation only.” The refiner, as I have said, has not been allowed to work in bond for exportation since 1854. The paragraph goes on to say,—“The Colonial Sugar Company, moreover, is allowed to distil rum from the waste of the refinery, a privilege that never was allowed to the English refiner, and this must further endanger the revenue to an unknown extent.” The refiner and the distiller in this Colony are two entirely distinct persons; the premises must be distinct, the supervision is distinct, the accounts are distinct, and in no possible way are the two businesses allowed to be mixed up together. The only “privilege” we have is this, that we may distil spirits from treacle made in our refinery, which has paid £5 a ton duty, whereas anybody else may distil spirits
from

from molasses, imported into the Colony, which pays £3 6s. 8d. duty! As for distilling from the waste of a refinery, it is simply an absurdity. I produce a sample of what that waste is, and I think anybody who can make spirits out of that will be more clever than I am, at all events. How the revenue, under these circumstances, can be endangered, is of course a question I cannot answer. That is all I have to say about the first paragraph. It contains six glaring misstatements.

Edward
Knox, Esq.
5 Aug., 1862.

856. The only refining, I understand you to say, that has ever taken place in England has been for exportation only? The only refining that has taken place in England has been for exportation only; and for this reason, that the graduated scale of duties which is in force in England, and has been in force for years, returns to the refiner the full amount of the duty that he pays upon his waste, and something more. The duties in force in England at the present time are 12s. 8d. for low sugars, 13s. 10d. for the next quality, 16s. for the next quality, and 18s. 4d. for the next quality; and what I mean is this, that if a refiner pays 12s. 8d. duty on the sugar which he uses in his refinery, he, by reason of the enhanced price which he gets for his other qualities of sugar, which compete with the sugars that pay the 13s. 10d. duty, the 16s. duty, and the 18s. 4d. duty, gets back something more than the 12s. 8d. he paid to the revenue on his raw material, dirt and all. This is also a reason which makes me doubt that any refiner could be so foolish as to "urgently press on the British Parliament" to allow him to do that which would be actually a loss to him.

857. Would any alteration in our sugar tariff obviate the disabilities which now press upon refiners? Yes; an alteration in the sugar tariff would obviate the difficulty, provided we were allowed drawback on treacle.

858. What alterations would do that? 10s. a ton would do it, according to the results of our five years' experience—10s. a ton lower duty on the lowest quality of sugar, or 10s. a ton higher on the next. The total disability that we complain of, and which is shown by our statement, amounts as near as possible to 10s. a ton; but of course that would not give us back the duty on our treacle if we exported it. I apprehend there would be no difficulty in giving drawback on treacle; the saccharometer test for that purpose is as safe a test as the hydrometer test for spirits. The only safeguard necessary in the case would be that it should be declared that no treacle should be entitled to drawback that did not show a gravity of 40 by Beaume's saccharometer.

859. *By Mr. Dalgleish*: Are you in the habit of washing your sugar-bags? Yes.

860. Will not that account in some degree for the waste? No; we do not take our statement of the waste from experiments made in the sugar-house; we arrive at it from a comparison of the actual amount taken into our sugar-house, and the actual amount taken out of it; that is the way we have arrived at it—not by any guess. I have a statement here which shows that, from the 30th June, 1855, to the 31st December, 1859, we took into our sugar-house and refined 34,421 tons, and our total deliveries and stock on hand at the end of that time, added together, made only 31,676 tons, leaving an actual loss, in dirt washed away, of 2,745 tons for the period. I have no doubt the washing of the sugar-bags increases the quantity of dirt shown in any particular process, but it does not increase the quantity of dirt shown in our statement to result from the whole manufacture.

861. Your distillery is, I think you have stated, altogether a separate establishment? Altogether; we have, in fact, no license as distillers. We are virtually distillers, but the license is in the name of one of our servants, as it could not be issued to the Company.

862. So that you would not be allowed to take any waste from the sugar-house to the distillery, on any pretence whatever? We are not allowed to take anything into the distillery except it comes under the cognizance of the officer, and it is weighed and an account taken of it as it goes into the place; we can of course take nothing but duty-paid material into it, as distilling in bond is not permitted.

863. I think you stated that were 10s. a ton added to the duty on the higher qualities of sugar, it would meet your object? 10s. a ton taken off the duty on low sugars.

864. Would not an increase of 10s. a ton on the higher qualities meet the object? Supposing the duties were fixed at 4s. 6d., 5s., and 6s. 8d. per cwt., that would meet the object; of course if the lowest duty were 5s. the next would have to be 5s. 6d., and the next 7s. 2d., or something like that.

865. Would it not require an immense increase on refined sugars, to have the object of giving you an equivalent for the molasses? It would require duties levied in the same proportion as in England; at the present time the duties in force in England would be equivalent to 5s., 5s. 6d., 6s. 4d., and 7s. 3d.; these would be exactly equivalent to the duties now in force in England, but I think they would be very objectionable.

866. If the duties were taken off sugar altogether that would leave you no ground of complaint? Not the slightest in the world; all we seek for and all the Bill will give us is, to place us in the same position, in relation to the foreign refiner and the importér here, as we should be in if there were no duties at all.

867. The public have a right to expect a remission of the duties on sugar, I believe? It is a subject that has been agitated, and at one time it was announced that the duties would be taken off sugar altogether; our principal argument in the whole matter is this—that by reason of the duties being levied on dirt, we are placed in a worse position than we should occupy if there were no duties on sugar at all.

868. Would allowing you to distil and refine in bond be equitable to the rest of the community? I think it would, quite.

869. I have already asked other witnesses, and I will ask you the same question, whether it would be equitable to Mr. Tooth, as a brewer? Quite; Mr. Tooth pays no duty on sugar at all, because he gets the entire duty remitted to him in an equivalent duty placed on beer; I believe the duty of one penny a gallon on beer to have been specially put on, to return to the colonial brewer the duty he was called upon to pay on his material.

Edward
Knox, Esq.
5 Aug., 1862.

870. He pays duty on dirt? He pays no duty at all, because it is returned to him; he pays the duty on sugar and dirt, I admit, but he gets it back again; I admit to the fullest extent that it is a hardship that the consumer who eats that coarse sugar should pay the same duty as another who eats that white sugar we saw on the table just now, but at the same time I would beg to point out that the two questions are entirely different. This is a question as between the home manufacturer and the foreign manufacturer—not a question between the consumer and the manufacturer—and the complaint of one might be cured without doing any injury to the other. This is purely a question whether a refiner in Manila or Victoria shall be allowed to bring in his goods £5,000 a year cheaper than the man who refines in the Colony, and gives the Colony all the advantages of his manufactory. We are not consumers in the usual acceptation of the term; we are parties who make a raw material into a superior or different article. I admit that as between the consumer of low sugar and the consumer of refined sugar, there is the anomaly you speak of.

871. I presume you are practically acquainted with the manufacture of sugar? I am.

872. Would there be any difficulty in fixing discriminating duties on sugar, having three rates, and defining better than in the plan now in operation, the difference between the classes? There is no other way than by colour; the saccharometer would not do it.

873. Would the terms commonly used here—raw sugar, bastards, and refined sugar—give a clear enough distinction? These fine sugars are not known as bastard sugars at all, or as refined sugars either. I apprehend there would be no great difficulty in having merely two standards—say, that all sugars below that standard (*referring to a sample*) should pay a certain rate, all sugars between these two should pay a certain duty, and all above should be considered as refined.

874. The difficulty would be when the sugars approximated? Yes, the same difficulty arises in England very often.

875. You say the saccharometer would not show the relative value? No, the saccharometer would only show the gravity of the mixture, whatever it might be. If all the sugars that came into the Colony were pure—free from gluten, glucose, or dirt—then the saccharometer would show the difference in value between the different kinds; but as long as sugar is mixed with any foreign matter which can give gravity as well as sugar itself, the saccharometer is useless. I will illustrate my meaning: I will take a pound of treacle and put it into a gallon of water on the one hand, and a pound of the finest loaf sugar and put it into water on the other hand, and the saccharometer shall show a difference of only 8 per cent. in the gravity of the mixtures. The best authorities say that 100 lbs. of loaf sugar are equal to 129 lbs. of raw sugar, and that 100 lbs. of treacle are equal to only 39 lbs. of raw sugar; and yet the saccharometer only shows a difference of 8 per cent. between the two; therefore, as a test of value it is of no use. It is an admirable test as to gravity, or as to giving the quantity of any admixture that there is in water; it will give you exactly how many pounds there are in the mixture, whatever it is, but it will not indicate the crystalizable matter.

876. It would be an accurate standard of what the sugar contained, but not for crystalizing purposes? Not for crystalizing purposes, nor as a test of saccharine qualities, because treacle will show almost as great a gravity as sugar, and still it cannot be contended that treacle contains the same quantity of saccharine as fine sugar does. I think it would be a perfect test as regards the quality of treacle exported—quite a sufficient test for every purpose in connection with that.

877. Sufficient to detect the water in treacle? Yes; and treacle is of too little value to mix anything else with it.

878. Would the suggestion of Mr. Duncan, to equalize the duties on all kinds of sugar, meet your views? It would double our loss, I believe.

879. *By Mr. Caldwell:* In reference to the loss, is this description of stuff (*referring to a sample of waste*) the only loss you have to complain of? There is 10 per cent. of that kind of stuff in the sugar on which we pay the duty, which makes the duty 10 per cent. higher to us than on sugars that compete with our manufacture.

880. Would not the loss greatly depend upon the mode of treating the sugar? There is not the slightest doubt that it does to the extent of, perhaps, 1 or 2 per cent. A skilful and careful refiner may take 1 per cent. more sugar from the raw material than a careless or bad refiner. But I would beg to add, that if we refined in bond, it would be of very little consequence to the revenue if we made 20 per cent. of waste. As long as it did not go into consumption there would be no necessity for its paying duty. Perhaps I might also add, that we should be quite satisfied, if in the Bill a clause were introduced to say that no greater waste should be at any time allowed than 10 per cent. Much has been said about there being no guarantees that we might make 20 or 30 per cent. of waste, and take it out over the wall by collusion with the officers; but we should be quite satisfied that the Bill should state that no greater waste should be allowed than 10 per cent.

881. *By Mr. Love:* What per centage of treacle do you make? About 22 per cent. from this sugar (*referring to a sample.*)

882. *By the Chairman:* Have you any observations to make on the second paragraph of the petition? I may be allowed to take the second and third together. The second paragraph states, that the Sugar Company "has circulated a statement in which they state that they pay 10s. per ton more duty on their refined sugar than the foreign importer, inasmuch as they pay "duty on a certain amount of waste resulting from the process of manufacture"; and the third goes on to say that this waste "is the necessary result of all manufacture, and it is not a loss to the Company, as it forms part of the price of the refined sugar, and is repaid to the Company by the public." Now, with regard to this, I beg to state that the loss necessarily resulting from a refinery or any manufactory is, to my mind, that loss which every manufacturer

factorer must sustain. The loss occasioned by the waste from this dirt is the necessary result of our manufacture, not the slightest doubt about it; it is the necessary result of the manufacture of the refiner in Manila who uses the same sugar; it is the necessary result of the manufacture of the refiner in Victoria who uses the same sugar; but I beg most positively to deny that the loss occasioned by payment of duty on waste is the necessary result of the manufacture. The easiest way to disprove it is this, that the refiner in Manila does not pay a duty on waste, nor does the refiner in Victoria. How, then, can the loss by that duty be a necessary result of the manufacture? The next allegation is that that duty on waste, or the cost of the waste including the duty, is repaid to the Company by the public. This also I most positively deny. I make a sugar of a certain quality which costs me £35 a ton to make, the refiner in Manila makes a sugar of exactly the same quality, which costs him £35 in this market; he pays £5 a ton duty on that sugar when it comes in here, I pay £5 10s., by reason of the special tax—the duty on waste—which is levied on me. If then his article costs £40 and mine costs £40 10s., how can I get back the 10s.? How can I get £40 10s. when my next door neighbour can sell at £40? The thing is an absurdity.

883. Is the amount of waste at all owing to the proportions of the different qualities that you make out of the raw sugar, or does it arise equally from any quality that you manufacture? The waste arises entirely from the dirt contained in the raw material.

884. It would arise in any event, whether you make a larger proportion of refined or a larger proportion of bastards? Exactly the same. The waste is the foreign matter which cannot be converted into crystallizable sugar, or indeed, into sugar at all or treacle.

885. *By Mr. Samuel:* And paying duty on that increases the duty on the rest? It increases the duty by 10s. a ton. The hardship is this:—I say I am taxed specially £10,000 a year, £5,000 on waste, and £5,000 on treacle. We will suppose the profit to be derived from the working of this refinery in the Colony is £9,000 a year, as against £10,000 special tax; the refinery necessarily ceases, and with the cessation of its operations, the Colony loses the £10,000 which it has derived as a special tax on our profits; but the Victorian refiner and the Manila refiner can get from the Colony £9,000 a year more than they could if we were in operation without any restrictions at all. The whole of the objections will not bear an argument from beginning to end; there is not a single point in them that can be maintained; I could at this moment manufacture in Victoria double the quantity of sugar that I am manufacturing there; the works are there; everything that is necessary is there; and as I refine in bond in Victoria, I should not be bound to pay the duty on waste; I am also allowed to export my treacle in bond without paying duty upon it; I could send the product of ten thousand tons of sugar worked at that refinery into this market upon payment of £45,000 a year duty, but in this Colony I am obliged to pay £50,000 a year duty before I am allowed to refine the sugar. The only argument that could be used in favour of maintaining the present state of things would be, that it was most undesirable to have any manufactory in the Colony at all; it is of course a matter of opinion what are the advantages derived from a manufacture of the kind; but I may be permitted to state that I consider the advantages of a large refinery are not inconsiderable. We spend £400 a week in wages to men, who are well and profitably employed; we consume seven or eight thousand tons of coals a year; we spend £300 a week in incidental expenses of one kind and another, such as cartage and labour of different kinds, which involve other wages than those we pay ourselves to our own men; and we bring to the port annually ten thousand tons of shipping. That shipping is engaged here after coming from another voyage; the ships therefore are obliged to refit here, take in their provisions, and pay their men's wages here; and the ships having to come back here, the same process has to be gone through again. All these advantages must be lost to the Colony the moment we withdraw our refinery. No, say our opponents, the ships must still come, in order to bring the sugars necessary for consumption in the Colony; but what is the actual state of the case? The refinery in Victoria is obliged to keep two ships running constantly between Melbourne and Newcastle to supply them with coals; and I leave it to any one to say what the expenditure of these vessels would be touching in here and leaving our sugar, or what benefit the Colony would derive from these vessels coming here and merely dropping the sugar and going away again. The fourth paragraph of the petition says that "the Company being distillers can in reality have no waste, as all the refuse of a sugar refinery contains saccharine matter and may be converted into spirit." I beg to give this statement a most unqualified denial; I have placed on the table of the Committee the stuff that is waste, and I am prepared to prove that from eight to ten per cent. of that kind of dirt has been for the last eighteen years extracted from the sugar used in the refinery with which I am connected, and continues to be so. If any Member of the Committee would favour me by going down to the works, I will be able to show him how the dirt is extracted and thrown away to the extent of two tons a day. The fifth paragraph states "that any compensation or remission of duty, such as that conferred by the Bill, must be considered in reality a bonus which will give the Company a virtual monopoly in the two important articles of sugar and rum." I merely have to say, with regard to that statement, that we seek no bonus, we seek no remission, we seek simple justice, and that whatever "protection" there is, it is the protection at present existing to the foreign refiner and to the merchant, not to ourselves. Nor would there, under the present Bill, be any protection whatever to us; it would be merely giving to us that to which we are justly and fairly entitled. As for 10s. a ton difference in the duties constituting a virtual monopoly, and driving importers out of the market, the objection is really so absurd that I do not think it requires any comment. The paragraph goes on to say, that on rum we already enjoy a protection of seven-pence per gallon over the importer." Now I have before stated that we pay 5s. a cwt. duty on the material we use in the distillery; from each cwt. of sugar we produce $8\frac{1}{2}$ gallons of spirit, and we pay seven-pence a gallon less duty on

Edward
Knox, Esq.
5 Aug., 1862.

our Colonial spirit than the importer pays; but it will be found that $8\frac{1}{2}$ gallons of spirit produced from one cwt. of sugar, at seven-pence per gallon, only returns to us the exact 5s. we have already contributed to the revenue as duty on the material we use. The allusion to the extra freight on loaf sugar I shall not touch upon, as that has nothing to do with the question of duty.

886. *By Mr. Dalgleish:* You state that on the material used in the distillery you have already paid 5s. a cwt. duty, but I think you also state that you principally distil from treacle? We have paid 5s. on that while it was in the raw sugar; we pay in fact more than 5s.; nine-pence a gallon would not return to us what we have actually paid.

887. How is the treacle taken into the distillery? Duty paid. We are not allowed to work in bond.

888. You pay duty on the sugar, and are allowed to take the treacle produced from it into the distillery free? They cannot help it; it is the product of an article which has already paid duty.

889. Can you import treacle at a cheaper rate, paying duty and all together, than what the treacle can be manufactured for here? We could do so; we could import treacle at the duty of £3 6s. 8d. a ton, whereas, being compelled to pay £5 a ton duty on the material from which the treacle is made, we have virtually paid £5 a ton on the treacle itself. We are in that respect at a disadvantage of £1 13s. 4d. a ton.

890. Does the Sugar Company import the higher class of sugars? We do not; they would not pay us to work from. There would be no art in making a refined sugar from a semi-refined sugar, but there is a great art in making refined sugar from a dirty article like that on the table.

891. Then the Company do not import these superior sugars? No, not to any extent.

892. *By Mr. Love:* Do you know whether there are any refineries in Manila? Yes, there are; there is a refinery as large as ours. I can produce you a witness who has seen every part of that refinery; Mr. Ross, our manager, has done so himself.

893. Are the sugars they make admitted into this Colony at the higher or the lower duty? At the lower duty.

894. You consider that unfair? I do; but it could not be otherwise under the existing state of the law.

895. Are there refineries in the Mauritius? I am not aware of what are called refineries in the Mauritius; but the manufacture of sugar direct from the sugar cane has now attained such perfection that in many instances the refiner may be dispensed with. The refiner here is principally of use now in converting low sugars, badly manufactured sugars, into a superior article.

896. There is a very superior kind of sugar called Mauritius crystals imported here at present—do you consider that ought to pay the higher duty? Yes, I consider it ought to be made to pay the higher duty, but it could not be made to pay it under our present law. Undoubtedly it ought to be made to pay the same duty as refined sugar.

897. *By Mr. Dalgleish:* Is it not refined? That depends on what is called refining. I do not know whether it is produced in a refinery having charcoal cisterns and all the paraphernalia of a sugar-house. That is the difficulty which is felt here. The English Act states that the higher duty shall be imposed on refined sugar, or any sugar made by any process equal thereto. These words, unfortunately, were left out in our Act. The sixth clause of the Petition I will not trouble the Committee about, excepting to state that the loss to the revenue which would result from this measure is to my mind the same loss as would result if any individual member of the community were taxed £5,000 a year personally, and the Legislature were to consider it wise to repeal that law, and to free that member of the community from a special and unjust tax. As regards the loss to be sustained by the revenue by granting drawback on treacle, it will be no more a loss than is every drawback paid by the Customs. If I import one hundred tons of sugar, and pay £500 duty, and I export that sugar again, I receive back my £500. If I import sugar and convert it into treacle, what reason is there why I should not also be able to get the drawback if I export that treacle again. The supposed loss in both cases is in reality no loss, because neither the sugar nor the treacle enters into consumption in the Colony. The seventh paragraph states, "that there can be no check, to the per centage of what the Company calls waste and molasses, all of which will be converted into spirit, and the sugar "revenue injured to an extent that no one uninitiated in the manufacture can estimate."

It will be found that the eighth clause of the Bill specifies that all sugar, all molasses, all spirits, produced in the refinery or distillery and going into consumption, shall pay exactly the same duties as sugar, molasses, or spirits imported from abroad; therefore, under this Act the high class sugars will pay 6s. 8d. per cwt., the next class 5s., and treacle 3s. 4d.; and spirits will pay 7s. per gallon; which duties are exactly those paid by the importer. How, under these circumstances, there can be any loss to the revenue, much less a loss that could not be estimated by anyone uninitiated in the manufacture, I cannot understand. I have before said that it might possibly be used as an argument that we could conspire with the officers and take out large quantities of sugar without payment of duty; but I may mention that that is what might be done in any bond in the town—it is what might be done in any distillery in the town—it is what might be done in any Government office in the town where money might be abstracted without its being found out. But I should be quite willing, as I said before, that the Bill should provide that on no account should we ever be allowed more than ten per cent. of waste.

898. Would it not be far better for the Company, in every way, if the duties were levied more rateably on sugar than to have this refining in bond at all? No doubt of it; but the Company were not in a position to ask for that, simply for this reason, that it is impossible

to

to state the exact difference or the exact fraction at which justice ends and protection commences. We of course could not place ourselves in the position of asking for a differential duty of 10s. a ton, when our opponents might say 8s. would be fair to them, and they ask for 10s. By asking for permission to refine in bond, we ask for that which cannot by any means give us more or less than we are entitled to. We have also offered to pay the expense the Government must necessarily be put to; and this, I may mention, amounts to £570 a year in Victoria, where for the last two years we have been refining in bond. It is a great mistake to say, as has been said, that it should not be allowed because we should have the paying of the officers, who might thus be under our influence. It is no such thing. We pay in Victoria £570 a year for permission to refine in bond, and that meets the expense the Government are put to for officers. It may be just as well said that a bonded storekeeper here has undue influence over the officers, because he pays two or three hundred a year, or whatever the sum may be, for his license.

Edward
Knox, Esq.
5 Aug., 1862.

899. *By Mr. Alexander:* I think the great question is the monopoly by any particular Company; any other Company which might be started would require very extensive premises and so forth, and they might be crippled if obliged to work in bond? How can you give us a monopoly if you only give us justice, and put us on the same footing as importers?—How can there be a monopoly in a place where anyone can go into the same business the next day?—How can it be a monopoly when, at this present moment, we have a Company forming by the very parties who are opposing this Bill?

900. Will not this Bill tend to cripple small refiners? I am quite prepared to show that the small refiner does not work under the same disabilities as the large refiner.

901. *By the Chairman:* Is it the fact that a new Sugar Company is about to be started? I believe so.

902. Do you know whether they intend to start altogether irrespective of this Bill? I do not know. I stated before, that refining in bond had been allowed in Victoria for the past two years; but it has been stated that if refining in bond were allowed here, the importer must necessarily be driven out of the market; in other words, if justice were done to us the importer could not live. But what are the facts? Permission to refine in bond was granted in Melbourne on the 11th July, 1860, more than two years ago, and has existed ever since. In the year 1860, there were imported by the merchants of Melbourne, 24,337,000 lbs. of Mauritius sugar. Refining in bond has existed ever since, has never been objected to by any one merchant, and in 1862 they imported 32,464,000 lbs. of sugar against the 24,337,000 lbs. imported in 1860.

903. *By Mr. Samuel:* Does that return include your own importations?* Not one pound of it was of our own importation. I might also be permitted to state, that I do not see how a difference of 10s. a ton, amounting in the whole to £4,000, could prevent parties from engaging in a business in which by one swoop they save the community £70,000 a year. It has been stated by the merchants, that by importing sugar this year they saved the community £70,000 in the one year, and yet if we are put in a just position, and have not to pay £4,000 that we have to pay at this present moment, importations must all cease. The two statements do not seem to square at all.

904. Do you pay the expense of the Government supervision in Victoria? Yes, in the shape of license fee. At the beginning of the year we have a letter from the Collector of Customs, requiring us to pay £700, to meet the expense imposed upon the Government by allowing us to refine in bond.

905. If other Companies started, a like charge would have to be made to them? Undoubtedly, provided they elected to work in bond.

906. *By the Chairman:* Is your refinery in Melbourne carried on under any special Act? It is not. It is carried on under certain clauses which are contained in the Victorian Customs Act.

907. *By Mr. Dalgleish:* If our Customs Act were altered to such an extent as to make sugars of the finer descriptions, which are refined though not refined by the charcoal process, pay a higher duty, would that meet your case? It would be an advantage, but it would not meet our case, unless there was a lower duty for the very lowest raw sugar; and I may be allowed to state, that even that never could meet the real justice of the case as well as refining in bond necessarily must do, because under an adjustment of the duties we might receive a little too much or we might receive a little too little; but by refining in bond we can neither get too much nor too little. I would, however, infinitely prefer a scale of duties of this kind, because working under Government supervision is by no means pleasant.

908. Would there be any difficulty in fixing two rates of duty, taking a low sugar as a standard, and fixing a low duty upon that, all above that paying a higher duty? I do not know that there would be any objection to that.

909. *By Mr. Samuel:* Placing a high duty upon high-priced sugars would be protection to the Colonial refiner, would it not? That depends upon the amount of the duty. If the amount were exactly such as to return to us, in the enhanced price of our superior qualities of sugar, the amount of duty we pay upon waste, there would be no protection.

910. *By Mr. Dalgleish:* Would it not be necessary to reduce the duty upon treacle as well as that on low-priced sugars? I do not see what would be the advantage of reducing the duty on treacle. If the duty on low sugar were reduced 10 per cent., the duty on treacle might be reduced 10 per cent. also; but the duty on treacle bears in reality no proportion to the duty on sugar, as regards their relative values.

911.

* NOTE (on revision):—I find, in reference to the importations from Mauritius herein alluded to, that of the 32,464,000 lbs. of sugar mentioned in the preceding answer, 1,034,613 lbs. were imported by the Victoria Sugar Company, leaving for account of merchants 31,430,000 lbs. in 1862, against 24,337,000 lbs. in 1860.

Edward
Knox, Esq.
5 Aug., 1862.

911. Is there any equity in the present mode of assessing the duties on sugar? None at all.

912. The usual price of the first-class sugar on which the 6s. 8d. duty is charged, is something amounting to four times the value of the low-class sugars on which the 5s. duty is paid? There is three times the value in the difference between the cost of that coarse sample and that fine sample—quite three times.

913. I was alluding to loaf sugar, which only pays 6s. 8d.? That would be four times. But the consumption of loaf sugar is very small indeed. I may mention that all the sugar that has come in under the high duty here for the past six or seven years can scarcely have amounted to 300 tons per annum, out of 14,000 tons consumed in the Colony.

914. If all sugars below a certain class—say such as this sample which you have exhibited as a specimen of the sugar that pays the 13s. 10d. duty in England—were to be classed at the low duty, and all other descriptions at the higher rate, would that meet the equity of the case more completely than the present mode? Yes; provided we were allowed drawback on treacle.

915. There would appear to be a pretty clear line of demarcation? Yes, the next in quality to that would be almost a crystal. With regard to the eighth clause of this petition, I would only beg to remark that I cannot see how there would be any greater security in our refining sugar in bond for exportation than in refining in bond for home consumption. If the danger, as is stated in the seventh paragraph, be such that no one uninitiated can estimate it, in the case of refining in bond for home consumption, the danger must be equally great in refining in bond for exportation. The only way of explaining it is, that as the parties to this petition have no interest at all in shipments for exportation, they would not be affected individually by refining in bond for exportation being allowed. I believe it has been stated that there would be no objection whatever to the Bill if there were five or six refineries, and I take that to be an admission that there really is no objection to the Bill at all.

916. Did Mr. Fanning sit on the Board which has been spoken of by Mr. Duncan, as the representative of the Sugar Company? I believe I was to have sat on that Board to consult with the Collector of Customs, but as I happened to be away at the time, Major Fanning, as a director of the Company, was asked to sit in my stead. But nothing hinges upon it, because the law as now framed necessarily excludes all these fine sugars from the operation of the 6s. 8d. duty. The sugar that decision was given upon was number two Cossipore, not these very fine white Mauritius sugars that I am informed have been put on the table. There are Mauritius sugars of considerably finer quality than number two Cossipore which did not come under the notice of those gentlemen. The others were admitted at the low duty, because they were said to contain more moisture than our sugars did, although they fetched a higher price in the market, and were of higher quality.

917. That is a matter with respect to which even this Bonded Sugar House Bill would give you no remedy? I should not require any remedy then, because if I refined in bond I should pay the same duty as they do.

918. You acknowledge that the better mode of dealing with the question would be to take the duty off sugar altogether? Most undoubtedly.

919. Or otherwise to reconstruct the present scale of duties? That would be more satisfactory to the refiner than working in bond, as allowing him to work more freely; but at the same time I cannot but say —

920. I ask with regard to the public—would it not be more equitable to the public? I think, quite apart from this question, that the public have a right to pay a different duty on that coarse sugar than on this fine sugar (*referring to samples*), but not at all as connected with this question, because I do not see that refining in bond can be any possible disadvantage to the public; on the contrary, it would enable us to give them a sugar at £5 a ton duty on which we now pay £5 10s., by which they might at times benefit.

921. My questions with regard to the present rates of duty have relation to the public? The one injustice, I take it, might be remedied without injustice at all to the community; in the same way that one might legislate for a specific crime, although it was impossible by legislation to reach every crime.

922. *By the Chairman*: Are there any other remarks you would like to make to the Committee? I desire again to call the attention of the Committee to the following facts, viz. :—

1. The duties we complain of as being levied on the waste of the refinery and on treacle exported from the Colony and consumed abroad are such as neither our competitors in Manila, in Calcutta, nor in the adjoining Colony of Victoria, are compelled to pay, and constitute therefore a virtual protection to the foreign refiner. 2. These duties being levied upon articles which do not enter into consumption, and not being repaid to the colonial refiner, must sooner or later have the effect of annihilating the refining interest in this Colony; and, with the cessation of the refiner's business, the revenue derived from these sources necessarily ceases. 3. It has been proved beyond doubt, that were we to carry on our business in Victoria and ship our refined sugar to this Colony, we should only pay duties to the extent of £45,000 upon the product of the same quantity of sugar upon which we now contribute £50,000 to the revenue here; whilst—being permitted in that Colony to manufacture and export our treacle in bond we should cease to pay towards the colonial revenue duties amounting to £5,000 per annum on treacle consumed in England. These and other facts alluded to in my evidence incontestably prove that the duties of which we complain on waste and on exported treacle are taxes on profits, and, "like all other partial taxation, unjust and specially prejudicial to the increase of the national wealth." (Mill, page 407).

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

PAWNBROKERS BILL.
 (PETITION OF PAWNBROKERS.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional Order
 of 4 June, 1862.*

To the Honorable the Speaker and Members of the House of Assembly, in Parliament
 assembled.

The humble Petition of the undersigned Pawnbrokers of the City of Sydney,—
 HUMBLY SHEWETH:—

That your Petitioners have learned that a Bill has been introduced into your
 Honorable House, having for its object to alter the present law of pawnbroking.

That the provisions of the said Bill are such as would effectually put a stop to the
 business carried on by your several Petitioners, and inflict great hardship on the poor people
 who are your Petitioners' customers.

That your Petitioners, if allowed the opportunity, would undertake to point out the
 great evils which would result from the passing of the said Bill; and to shew how an
 interference with the present law, in the direction proposed in the said Bill, would be
 mischievous instead of beneficial to the poorer classes which it is proposed to serve.

Wherefore your Petitioners humbly pray that your Honorable House will not pass
 the said Bill without giving your Petitioners an opportunity of fairly placing all the
 circumstances in evidence before you.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 19 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PAWNBROKERS BILL.

(CITY OF SYDNEY, AND SUBURBS.)

Received by the Legislative Assembly, 4 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and Members of the House of Assembly, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of the City of Sydney, and Suburbs,—

HUMBLY SHEWETH, AS FOLLOWS:—

Your Petitioners are persons who have occasion, at times, to borrow money on pledges, and who have heard that a Bill is under consideration in your Honorable House which purposes to alter the present law regulating pawnbroking, in two respects, namely,—

1. To lengthen the minimum period for pawning; and—
2. To limit the charges of the pawnbroker to forty per centum per annum.

This Bill, if passed into law, will, in the first respect, inflict a great hardship on your Petitioners in a pecuniary point of view. It stands to reason, that if the pawnbroker is compelled to reckon on his pledges being left a long time on his hands, he will not advance his customers so much on them as at present. As a general rule, your Petitioners want to borrow money for a short time, and they would feel it a hardship to be obliged to deposit more security (if they have it) for the same amount of money than they have been accustomed to. When they want to borrow money for a longer period the present law allows them to bargain specially for the time their pledges shall be held.

Your Petitioners know their own wants better than other persons not placed in their circumstances possibly can do, and they object to being deprived, as a class, of the same control over their property which is enjoyed by other persons better off in the world. They cannot see any reason for depriving them of a power possessed by all others, of raising money on the security of property, even for a day; and they respectfully, but emphatically, protest against having the value of their security depreciated through the operation of the proposed law.

With regard to the proposal to limit the rate of interest, your Petitioners would urge, that they are quite content to pay the present charges. There are, at present, about two dozen pawnshops in Sydney, and if they are dissatisfied with one they can go to another; and your Petitioners are satisfied that the pawnbrokers do not make a greater profit from them than their grocers or their bakers get, on purveying the necessaries of life in parcels of the same value.

And your Petitioners are afraid, if the present Bill should become law, that the pawnshops would be closed, in which case they would be obliged to sell their goods altogether when in urgent want of money, when they would be at a great loss; for most of the articles they now pledge, and which they would be compelled to sell, are articles of domestic use, and of more value to your Petitioners than to any other persons, and those articles would be sold at prices far below what it would cost to replace them, either by buying new or by redeeming the old ones, under the present system of pawning. Moreover, your Petitioners would not like to be hawking their goods about for sale. They would not like to offer them where your Petitioners are known, for that would reveal their poverty to their neighbours,

and to apply to strangers would subject your Petitioners to the cross-examination consequent upon a suspicion that the goods might be stolen; and if a broker would not give a fair price, your Petitioners would not like to be travelling about to get the best price, but would be at the mercy of the first broker they called upon; whereas at present, when they get to be known as regular customers to a pawnbroker, he lends them fully as much, if not more, than their goods would sell for; for the pawnbroker knows the pledges are of more value to your Petitioners than to any one else, and that they will be sure to redeem them.

Some one has observed, that the greatest drawback to the poor is "their poverty"; meaning thereby, that their poverty places far greater obstacles in the way of their exertions towards an improvement of their circumstances than exist in the case of other classes of the community. The weight of poverty is indeed hard to bear; but your Petitioners would humbly protest against having their burden increased through the interference of professedly philanthropic persons, who do not understand their wants and feelings. The patronage and protection of such people your Petitioners can well do without. Your Petitioners wish to be let alone, and to be allowed to manage their own business in their own way, and to be spared from having the burden of their straitened circumstances increased by over-legislation or misdirected philanthropy.

Wherefore your Petitioners humbly pray that your Honorable House will take the premises under consideration, and decline to pass the Bill before your Honorable House to amend the present Act regulating pawnbroking.

And your Petitioners, as in duty bound, will every pray.

[Here follow 653 Signatures.]

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PAWNBROKERS BILL.
(CITY OF SYDNEY, AND SUBURBS.)

Received by the Legislative Assembly, 3 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and Members of the House of Assembly, in Parliament assembled.

The humble Petition of the undersigned Inhabitants of the City of Sydney, and Suburbs,—

SHEWETH, AS FOLLOWS:—

Your Petitioners are persons who have occasion, at times, to borrow money on pledges, and who have heard that a Bill is under consideration in your Honorable House which proposes to alter the present law regulating pawnbroking, in two respects, namely,—

1. To lengthen the minimum period for pawning; and
2. To limit the charges of pawnbrokers to forty per cent. per annum.

This Bill, if passed into law, will, in the first respect, inflict a great hardship on your Petitioners in a pecuniary point of view. It stands to reason, that if the pawnbroker is compelled to reckon on his pledges being left a long time on his hands, he will not advance his customers so much on them as at present. As a general rule, your Petitioners want to borrow money for a short time, and they would feel it a hardship to be obliged to deposit more security (if they have it) for the same amount of money than they have been accustomed to. When they want to borrow for a longer period the present law allows them to bargain specially for the time their pledges shall be held.

Your Petitioners know their own wants better than other persons not placed in their circumstances possibly can do, and they object to being deprived, as a class, of the same control over their property which is enjoyed by other persons better off in the world. They cannot see any reason for depriving them of a power possessed by all others, of raising money on the security of property, even for a day; and they respectfully, but emphatically, protest against having the value of their security depreciated through the operation of the proposed law.

With regard to the proposal to limit the rate of interest, your Petitioners would urge, that they are quite content to pay the present charges. There are, at present, about two dozen pawnshops in Sydney, and if they are dissatisfied with one they can go to another; and your Petitioners are satisfied that the pawnbrokers do not make a greater profit from them than their grocers or their bakers get, on purveying the necessaries of life in parcels of the same value.

And your Petitioners are afraid, if the present Bill should become law, that the pawnshops would be closed, in which case they would be obliged to sell their goods altogether when in want of money, when they would be at a great loss; for most of the articles they now pledge, and which they would be compelled to sell, are articles of domestic use, and of more value to your Petitioners than to any other persons, and these articles would be sold at prices far below what it would cost to replace them, either by buying new or by redeeming the old ones, under the present system of pawning. Moreover, your Petitioners would not like to be hawking their goods about for sale. They would not like to offer them where your Petitioners are known, for that would reveal their poverty to their neighbours, and to apply

to strangers would subject your Petitioners to the cross-examination consequent upon a suspicion that the goods might be stolen; and if a broker would not give a fair price, your Petitioners would not like to be travelling about to get the best price, but would be at the mercy of the first broker they called upon; whereas, at present, when they get to be known as regular customers to a pawnbroker, he lends them fully as much, if not more, than their goods would sell for, for the pawnbroker knows the pledges are of more value to your Petitioners than to any one else, and that they will be sure to redeem them.

Some one has pithily observed that the greatest drawback to the poor is "their poverty"; meaning thereby, that their poverty places far greater obstacles in the way of their exertions towards an improvement of their circumstances than exist in the case of other classes of the community. The weight of poverty is indeed hard to bear; but your Petitioners would humbly protest against having their burden increased through the interference of professedly philanthropic persons, who do not understand their wants or feelings. The patronage and "protection" of such people your Petitioners can well do without. Your Petitioners wish to be let alone, and to be allowed to manage their own business in their own way, and to be spared from having the burden of their straitened circumstances increased by over-legislation or misdirected philanthropy.

Wherefore your Petitioners humbly pray that your Honorable House will take the premises under consideration, and decline to pass the Bill before your Honorable House to amend the present Act regulating pawnbroking.

And your Petitioners, as in duty bound, will ever pray.

[*Here follow 772 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

INTERCEPTION OF LETTER ADDRESSED TO
G. U. ALLEY, ESQ.

Ordered by the Legislative Assembly to be Printed, 27 May, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 7 January, 1862, That there be laid upon the Table of this House,—

“ A copy of all Correspondence that has taken place between
“ George Underwood Alley, Esq., and the Postmaster
“ General and other Departments of the Public Service, and
“ between those Departments, on the same subject, relative
“ to a letter alleged to have been received by the District
“ Constable of Shoalhaven, belonging to the said G. U.
“ Alley, and which letter the said District Constable is said
“ to have opened and re-sealed before delivery to the owner.”

(Mr. T. Garrett.)

SCHEDULE.

| NO. | PAGE. |
|--|-------|
| 1. G. U. Alley to Postmaster General, enclosing copy of letter to Sheriff respecting envelope of the intercepted letter. 24 December, 1860 | 3 |
| 2. G. U. Alley to Sheriff, respecting envelope of intercepted letter. 19 November, 1860 | 3 |
| 3. Minute of Postmaster General, transmitting No. 1 | 3 |
| 4. Minute from Under Sheriff, in reply to the above | 3 |
| 5. Postmaster General to G. U. Alley, forwarding Under Sheriff's letter. 7 January, 1861 | 4 |
| 6. G. U. Alley to Postmaster General, requesting inevasive reply from Sheriff. 14 January, 1861 | 4 |
| 7. Same to same, appointing time of meeting. 2 August, 1861 | 4 |
| 8. Sheriff to G. U. Alley, forwarding Bailiff's Report. 31 July, 1861 | 4 |
| 9. Bailiff's Report | 5 |
| 10. Postmaster General to Shoalhaven Postmaster, requiring Report. 8 August, 1861 | 5 |
| 11. Postmaster's Report. 12 August | 5 |
| 12. Report of same, respecting transmission of letter | 5 |
| 13. Postmaster General to Postmaster, Shoalhaven, requiring more satisfactory Report. 15 August, 1861 | 5 |
| 14. Nowra Postmaster—Report | 6 |
| 15. G. U. Alley to Postmaster General, advising indictment of B. Brown, Sheriff's Bailiff. 20 August, 1861 | 6 |
| 16. Same to same, respecting non-receipt of letters by Nowra Postmaster. 22 August, 1861 | 6 |
| 17. Nowra Postmaster to same, reporting non-receipt of letter. 24 August, 1861 | 6 |
| 18. Postmaster General to Nowra Postmaster, respecting same | 7 |
| 19. H. Smith to Postmaster General, stating that he has reported. 29 August, 1861 | 7 |
| 20. Postmaster General to G. U. Alley, enclosing copy of Nowra Postmaster's Report. 3 September, 1861 | 7 |
| 21. G. U. Alley to Postmaster General, in reference to the explanation. 3 September, 1861 | 7 |
| 22. Nowra Postmaster's Report. 29 August, 1861 | 8 |
| 23. G. U. Alley to Sheriff, commenting on Bailiff's Report. 2 September, 1861 | 8 |
| 24. Bailiff's Report, respecting letter. 4 September, 1861 | 9 |
| 25. Nowra Postmaster to Postmaster General, forwarding copy of note from Bailiff. 5 September, 1861 | 9 |
| 26. Bailiff to Nowra Postmaster, promising explanation | 9 |
| 27. Postmaster General to G. U. Alley, enclosing copy of Bailiff's Report. 10 September, 1861 | 9 |
| 28. G. U. Alley to Postmaster General—Statement of the case. 12 September, 1861 | 9 |
| 29. Postmaster General to G. U. Alley, making propositions as to proceedings to be taken. 19 September, 1861 | 11 |
| 30. G. U. Alley, forwarding additional statements. 12 September, 1861 | 11 |
| 31. Same to Postmaster General, acceding to proposed course. 23 September, 1861 | 12 |
| 32. Postmaster General to Crown Solicitor, requesting advice. 1 October, 1861 | 12 |
| 33. Crown Solicitor to Postmaster General, stating that there is no ground for taking proceedings. 12 October, 1861 | 13 |
| 34. Postmaster General to G. U. Alley, conveying legal opinion. 15 October, 1861 | 13 |
| 35. G. U. Alley to Postmaster General, stating intention of causing Parliamentary inquiry to be made. 21 October, 1861 | 13 |
| 36. Postmaster General to G. U. Alley, stating that the papers should be in readiness. 25 October, 1861 | 14 |
| 37. G. U. Alley to Colonial Secretary, detailing the case, and requesting reconsideration. 28 October, 1861 | 14 |
| 38. Attorney General's further opinion. 31 December, 1861 | 16 |

APPENDIX.

| | |
|---|----|
| 39. Sheriff to Chief Secretary, enclosing copies of correspondence, 19 November, 1861 | 16 |
| 40. G. U. Alley to Sheriff, reporting improper detention of letter | 16 |
| 41. Bernard Brown to Sheriff, denying truth of the accusation.. .. . | 16 |
| 42. H. Moss to G. U. Alley, stating Brown's explanation to be false. 19 September, 1861 | 17 |

INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ.

No. 1.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

*Nowra, Shoalhaven,
24 December, 1860.*

SIR,

I do myself the honor to submit to you the annexed copy of a note which I had occasion to address to the Sheriff, to which he has not had the courtesy to reply, and as the answer to my query ("in what manner the envelope was fastened, that is, whether in the usual way with gum, or with wafer or wax?") is not only of importance to the ends of justice, but also to me, and in its legal sense has connection with your department, as upon receiving the answer to which I am entitled, I should have placed all the evidence before you, may I request your attention to the matter.

I know the person who had the letter alluded to from the 15th to the 17th, and who brought it to the office in Nowra. I am also positive that he opened it, and re-closed the envelope. It is essentially necessary therefore that the above quoted question should be distinctly answered by the Sheriff, or whoever directed the letter. I may here mention that I have the written testimony of the Numba postmaster, and of the Nowra one, on the subject; the answer will render the evidence conclusive. I cannot but add that I am astonished at the neglect of duty and marked insolence of the Sheriff; no gentleman would have been guilty of such discourtesy.

I have, &c.,
GEORGE UNDERWOOD ALLEY.

No. 2.

G. U. ALLEY, ESQ., to SHERIFF.

*Shoalhaven,
Nowra, 19 November, 1860.*

SIR,

I received a letter on Saturday, 17th instant, purporting to be from your office, bearing on the left corner the figures 13/11/60, but without the usual postmarks, save that of "Shoalhaven 15," and without any date or reference, internally, to shew that it really was transmitted by your authority or from your department, and containing "Copy" of note signed Bernard Brown, dated "Shoalhaven, February 17th, 1860," in reference to the execution in the case *Hyam v. Alley*.

As there is a mystery connected with this letter since its arrival in this district, before it reached me, which it is of considerable importance to unravel, I shall feel much obliged if you will inform me, at your earliest convenience, whether it was transmitted through the General Post Office, and in what manner the envelope was fastened, that is, whether in the usual way with gum, or with wafer or wax.

Your early attention to this will much oblige.

I have, &c.,
GEORGE UNDERWOOD ALLEY.

No. 3.

MINUTE of Postmaster General.

For the information of the Sheriff.

T. K. ABBOTT,
Acting for the Postmaster General.
B.C. General Post Office.

To be returned.

29th December, 1860.

No. 4.

MINUTE from Under Sheriff.

It is due to the Sheriff that I should explain that the fault of Mr. Alley not receiving a reply to his question rests with me, the Sheriff having given to me Mr. Alley's letter. The envelopes used in the Sheriff's Office are the same as the one attached hereto; such an one was, I believe, used to enclose the letter referred to by Mr. Alley.

Envelope sent.

GEO. UHR,
U. S.
2/1/61.

No. 5.

4 INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ.

No. 5.

POSTMASTER GENERAL to G. U. ALLEY, ESQ.

*General Post Office,
Sydney, 7 January, 1861.*

SIR,

I lost no time in placing before the Sheriff your communication to me on the subject of an apparent discourtesy, and beg to transmit a copy of the answer I have received, no doubt by direction of that officer.

I am, &c.,
T. K. ABBOTT,
Acting for Postmaster General.

No. 6.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

*Nowra, Shoalhaven,
14 January, 1861.*

SIR,

I am much indebted to you for your attention to my communication of the 24th ultimo, to which I have duly received your reply and enclosures.

The explanation of the Sheriff's conduct is as unsatisfactory as the answer to my question meant to be conveyed by the blank envelope is evasive, yet, though meagre this answer, it is quite conclusive of the guilt of the person who opened my letter; but as, from eleven months experience, I have much reason to question the truth and integrity of the officials of that department, it is necessary to the ends of justice that there should be a distinct and inevasive answer to my question, viz, "in what manner the envelope marked "13/11/60 was fastened, whether in the usual manner with gum, or with wafer or wax." I trust the Sheriff or his apologist will be induced or compelled to give a direct reply.

There is one link more in the evidence, which I hope to obtain this week, which will render conviction certain. I shall transmit the whole to you.

Again acknowledging your courtesy, and thanking you.

I have, &c.,
GEO. U. ALLEY.

No. 7.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

*Nowra, Shoalhaven,
2 August, 1861.*

SIR,

I yesterday received the last and conclusive link connected with the letter from the Sheriff's office about which I wrote you some time since.

I shall do myself the honor to wait upon you with all the documents on next Tuesday morning, at 10 o'clock; but if the day or hour be inconvenient to you, a note addressed to the care of Mr. William Hezlet, commission agent, Sussex-street, will reach me.

I have another appointment the same day at 12 o'clock.

I have, &c.,
GEO. U. ALLEY.

No. 8.

SHERIFF to G. U. ALLEY, ESQ.

*Sheriff's Office,
Sydney, 31 July, 1861.*

SIR,

Press of business in my office, and not being in possession of a full report from the special Bailiff employed in the case, Hyam v. Alley, prevented me answering your note at an earlier date. I have now the honor of enclosing a copy of the Bailiff's return.

With regard to the envelope enclosing a former communication, I believe that it was fastened with gum; it might possibly have required a wafer.

I have, &c.,
GEO. UHR.

No. 9.

No. 9.

BAILIFF'S REPORT.

Shoalhaven,
17 February, 1860.

SIR,

I beg respectfully to enclose a bill of exchange for the amount realized under the *fi. fa.* case of Hyam v. Alley, proceeds of defendant's lease on Pig Island, which was sold on the 9th instant, and which was knocked down to the highest bidder for the sum of £80; expenses attending the same, thus, £4 poundage, and £2 for advertisements, notices, and other expenses, which leaves a balance of £74, amount of bill of exchange enclosed on the Commercial Banking Company, Sydney.

I am, &c.,
BERNARD BROWN.

No. 10.

POSTMASTER GENERAL to SHOALHAVEN POSTMASTER.

SHOALHAVEN POSTMASTER,

Referring to the enclosed statement from you, state whether you were in the habit, in November last, of transmitting a bag to Mr. Brown. The Shoalhaven stamp *only* (not the Nowra one) appears on the envelope of the letter which you state you got on the 15th November, and Mr. Alley received from Nowra Postmaster, who received from Mr. Brown on the 17th November.

It is suggested that Mr. Brown must have received it in some way direct from you.

B. C., 8 August, 1861.

W. H. CHRISTIE,
P. M. G.

To be returned.

No. 11.

SHOALHAVEN POSTMASTER to POSTMASTER GENERAL.

Post Office, Shoalhaven,
12 August, 1861.

SIR,

I beg to state that I was not in the habit of making up a bag for Mr. Brown at the time in question; nor had been since the establishment of the Post Office at Nowra.

Both Mr. Brown's and Alley's are forwarded to that office.

I am, &c.,
JAS. LANG.

No. 12.

SHOALHAVEN POSTMASTER'S REPORT.

Post Office, Numba,
19 November, 1860.

I HAVE a perfect recollection of receiving the letter, per the Sydney mail, addressed O.H.M.S., G. U. Alley, Esq., Nowra, Shoalhaven. I stamped upon it the office stamp, Shoalhaven, the 15th November, and the same day forwarded it in the Nowra bag to Nowra; but have no recollection of the letter being sealed with sealing-wax, or how it was fastened.

JAS. LANG.

No. 13.

POSTMASTER GENERAL to NOWRA POSTMASTER.

NOWRA POSTMASTER,

This case is most unsatisfactory, and you must report again. The letter did not go from Shoalhaven in Mr. Brown's bag.

It has not been stamped in your office, through which it is stated by the Shoalhaven P. M. to have been sent. How did it get from your custody? What did Mr. Brown say when he brought it back? What steps have you taken to force Mr. Brown to give an explanation? And why did you not report the circumstance to me, under clause 60 P. O. Regulations?

B. C. 15 August, 1861.

W. H. CHRISTIE,
P. M. G.

To be returned.

No. 14.

No. 14.

NOWRA POSTMASTER'S REPORT.

19 November, 1860.

MR. BROWN, District Constable, brought me a letter addressed O.H.M.S., George Underwood Alley, Esq., Nowra, Shoalhaven, on Saturday, 17th instant, bearing the postmark "Shoalhaven 15th." It was sealed when he delivered it to me with red sealing-wax, and pressed with a common office wafer-stamp. I don't know how he came possessed of it, unless it came with the Nowra bag with Mr. Brown's own letters. I don't remember seeing it before.

H. SMITH.

No. 15.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

20 August, 1861.

SIR,

I have seen the Sheriff, and asked him whether he had transmitted the letters to Brown addressed to me: he states that, most certainly, he never did.

It is, therefore, now clearly ascertained that the letter was posted in Sydney; that the Numba Postmaster did not make up a private bag for Brown, which sets at rest the idea that he might have accidentally sent my letter in his bag; that Brown detained it for two whole days; that he broke the seal, re-sealed it, and himself delivered it to the Nowra Postmaster, who, I am certain, never gave it to him.

The evidence being now complete and conclusive of the guilt of Brown, I trust immediate steps will be taken to punish him.

It strikes me that he should be indicted under three distinct counts, and that the information should contain the same, viz. :—

- 1st. Stealing a certain letter;
- 2nd. Detaining ditto;
- 3rd. Breaking the seal, and opening said letter with felonious intent.

As the evidence of the Sheriff and of Mr. Hunt will be required, I would suggest that information be preferred this day, and warrants be issued and sent by to-night's steamer to the Chief Constable of Wollongong, or that one from Sydney be sent down, to return by Thursday's boat; at the same time subpoenas might be sent to Postmasters of Numba and Nowra.

If this course be adopted I shall wait till Friday's steamer, as the case might be made to come off on that morning.

If, however, you still think delay necessary, it will be more safe to have the information prepared in Sydney, so that no trick of the law, no slip of a pen of a Clerk of the Bench, or the patronising friendship of a J. P., may give him a chance of escape.

I shall do myself the honor to wait upon you at 12 o'clock to-day.

I have, &c.,

GEO. UNDERWOOD ALLEY.

No. 16.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

Nowra, Shoalhaven,
22 August, 1861.

SIR,

The Nowra Postmaster informs me that he has not received any letters from you in reference to the matter now before you. I mention this to excuse his not having reported, which you expressed surprise at.

I have, &c.,

GEO. U. ALLEY.

No. 17.

NOWRA POSTMASTER to POSTMASTER GENERAL.

Nowra, Shoalhaven,
24 August, 1861.

SIR,

I beg leave to state that Mr. George Underwood Alley called on me in the Post Office here two days ago, on his return from Sydney, and told me that he had been informed by gentlemen in the General Post Office, that a letter was forwarded to me from the Postmaster General, requiring information respecting a letter which he (Dr. Alley) received some months since from the Sheriff's Office, and which he considers was unduly in the hands of Mr. Bernard Brown, the District Constable here.

He

INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ. 7

He also said that you were surprised I had not replied to the letter. I respectfully affirm that I have never received the letter from you to which Mr. Alley alludes, as I should have promptly replied; but in case such a letter has been written, I presume a copy has been kept; and I have to request that you will cause inquiry to be made, and enclose me a copy of the letter; I shall then without delay give you the information which I possess on the subject.

I am, &c.,
J. SMITH,
For J. M'CARTHY,
Postmaster.

No. 18.

POSTMASTER GENERAL to NOWRA POSTMASTER.

NOWRA POSTMASTER,—You were called on to report on the 16th instant; I cannot account for the non-receipt.

B. C.—26/8/61.

W. H. CHRISTIE,
Postmaster General.

No. 19.

H. SMITH to POSTMASTER GENERAL.

Nowra, Shoalhaven,
29 August, 1861.

SIR,

I have just received the accompanying letter, which I hereby return agreeable with your instruction.

As I wrote to you by this morning's post, enclosing your letter of the 16th instant, and explaining the cause of my delay, besides reporting on the questions proposed by you, respecting the letter of Mr. G. U. Alley, I have nothing further to add at present, except to say that I trust my explanation and report will be satisfactory.

I have, &c.,
HENRY SMITH.

No. 20.

POSTMASTER GENERAL to G. U. ALLEY, ESQ.

General Post Office,
Sydney, 3 September, 1861.

SIR,

With reference to your complaint against the Postmaster at Nowra, I enclose you a copy of the explanation he has given on the subject, observing that I am ready to bring the matter before the Bench of Magistrates at Shoalhaven, either by criminal proceedings or official investigation, as you may think most effective.

If the Postal Inspector were here, I would at once send him to Shoalhaven; and the only doubt I feel is as to the eligibility of the Nowra Postmaster to follow the matter up effectively.

I have, &c.,
W. H. CHRISTIE,
P. M. G.

No. 21.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

Nowra, Shoalhaven,
3 September, 1861.

SIR,

I have the honor to be in receipt of your letters and enclosure of the 3rd instant, and, in reference to the latter, I am prepared to prove "the explanation," and Brown's to the Sheriff on the same subject, to be wholly untrue, but am waiting a letter from Sydney, which I expect on Monday, to complete the proof at both ends.

I have, &c.,
GEO. UNDERWOOD ALLEY.

No. 22.

No. 22.

NOWRA POSTMASTER to POSTMASTER GENERAL.

*Nowra, Shoalhaven,
29 August, 1861.*

SIR,

In returning the enclosed, I beg leave to make a few observations by way of explanation. There is heavy sickness in my family, and owing to the hurry and pressure of business when the mail arrived in Nowra with your letter addressed to me, I placed it by itself in a box, intending to read it as soon as I had leisure; but, unfortunately, I forgot all about it; the letter consequently remained unopened till yesterday, when on my opening the box I found it exactly as I had placed it there. The fact of my having received it entirely left my recollection, which I can only ascribe to the undue anxiety I felt owing to the affliction in my house, and I hope you will accept my apology, which explains my delay in replying.

With regard to Mr. Alley's letter, permit me to explain that it came here in November last year. At that time the Nowra Post Office was not regularly organized. I had not received the Post Office stamp or books, and had no case with pigeon holes, or desk, but had to sort the letters and despatch them as I best could, until the month of January, 1861. This is the reason why the letter was not stamped in the Nowra Office. Besides, I have no recollection of ever seeing the letter until Mr. Brown handed it to me, and said he had received it in mistake, which was all the remark he made, so far as I can now recollect. Mr. Brown's bag is usually made up in Nowra; on the day in question, the 15th November, I put his letters in his bag after the mail arrived from Shoalhaven. The day was very wet, and the damp had penetrated some of the letters. I can only account for this particular letter getting into Mr. Brown's bag by supposing that it must have adhered through wet to one of his own letters, and was thus placed in his bag inadvertently. I know of no other way in which it could possibly have gone to him, and as I before said, I had then no stamp, and have no recollection of having ever seen it till Mr. Brown brought it back to this office.

With respect to your inquiry as to what steps I have taken to force Mr. Brown to explain how he got the letter, I beg leave to say that I have not been able to see Mr. Brown since I discovered your letter, but I will unquestionably call on him for his explanation immediately on his return from Ulladulla, where I am informed he is gone on business, and I shall, without delay, report his statement to you for your further information.

The only answer I can return to your question—namely, the reason why I did not report the facts to you under Clause 60 of the Post Office Regulations—is, that I gave Mr. Alley at the time the statement in writing which is annexed to your letter, and I was not aware at that time that any further report was necessary, except required by you in the event of any further or ulterior investigation. To the best of my belief I had not then received a copy of the Post Office Regulations. This office was then only opened, not in the regularly established manner, but merely as an accommodation, till Mr. Kemp at Greenhills finally delivered up the stamp and other requisites, in the month of January last.

I respectfully submit this statement, and trust that the explanation is satisfactory. It contains all the information on the matter which I possess until I have the opportunity of receiving Mr. Brown's statement, and of reporting it to you.

I have, &c.,
H. SMITH.

No. 23.

G. U. ALLEY, ESQ., to SHERIFF.

*Nowra, Shoalhaven,
2 September, 1861.*

SIR,

I have the honor to be this day in receipt of your letter of the 30th ultimo, enclosing copy of Mr. Brown's explanation in reference to my communication to you of the 19th August, and for the present have simply to say his statement is false! I have placed the document in the hands of those with whom and for whom he acted in the matter of the execution and sale, and have no doubt that this account will satisfy you of the real nature of Mr. Brown's conduct and character, and fully substantiate all I have stated; on receipt of which I shall at once transmit it to you, and until then shall refrain from further comment.

I have, &c.,
GEO. UNDERWOOD ALLEY.

No. 24.

BAILIFF to POSTMASTER GENERAL.

Shoalhaven,
4 September, 1861.

SIR,

Having been informed by the Postmaster, Nowra, that there has been an inquiry made by you relative to a letter belonging to Mr. Alley,—

I beg respectfully to say, the circumstances connected with the letter are these :—

About the middle of November last my private letter bag, as usual, was sent to the Post Office by the southern postboy, and returned to me by him ; at this time the weather was very wet, and the letters were all wet and stuck together ; in separating two of the letters the wafer of one was partly destroyed ; on looking I found it was addressed to Alley. Of course in separating them I took no particular care, not knowing but they all belonged to me, as it was a large letter such as I am in the habit of receiving from Sydney and other places. I immediately put sealing-wax to secure it, and stamped it with a wafer stamp ; and I can solemnly assure you it was not opened, or the contents known.

The next morning I took it to the Nowra Post Office. I intended to have taken it the same evening, but it rained so tremendously it was almost impossible to get there.

I trust this explanation will be satisfactory, and will exonerate all parties from any suspicion or blame.

I am, &c.,
BERNARD BROWN.

No. 25.

NOWRA POSTMASTER to POSTMASTER GENERAL.

Nowra, 5 September, 1861.

SIR,

I herewith forward you a note written by Mr. Bernard Brown, District Constable here, in reference to the letter of Mr. G. U. Alley, received by him in November last.

Mr. Brown promises in reply to my inquiry to explain the entire circumstance by next post.

In the meantime I beg leave to remain,

Yours, &c.,
HENRY SMITH, P.M.

No. 26.

BAILIFF to NOWRA POSTMASTER.

Shoalhaven, 4 September, 1861.

Mr. Smith, the Postmaster of Nowra, wishes me to explain some circumstance connected with a letter that came into my hands in November last, which I will fully do in a communication direct to you by the next post.

BERNARD BROWN.

No. 27.

POSTMASTER GENERAL to G. U. ALLEY, ESQ.

General Post Office,
Sydney, 10 September, 1861.

SIR,

Adverting to the subject of your letter, that came by some unexplained casualty into the hands of Mr. Brown, District Constable of Shoalhaven, I beg to enclose for your further information a copy of the account given by Mr. Brown of the transaction in question, which the Postmaster at Nowra has sent to me since I wrote you on the 3rd instant.

I have, &c.,
W. H. CHRISTIE,
Postmaster General.

No. 28.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

Nowra, Shoalhaven,
12 September, 1861.

SIR,

The copy of "Brown's explanation," received yesterday, touching the taking, detaining, and breaking the seal of my letter on the 15th November last, (with other documents in my possession) completes the evidence.

I shall therefore, as concisely as possible, place the whole in order, that the statements on both sides may be laid before the law authorities, that such proceedings may be taken as the law directs in such cases. The "official investigation" mentioned in your letter of the

3rd instant, if meant to be any other, or in addition to that which the correspondence discloses, would only leave the matter in the exact position that it is at present, and I am sure that you will admit that the mere fact of his being District Constable does not entitle him to any *further* indulgence, but, on the contrary, aggravates the offence; especially as it will be made evident, on examining the facts, that he has endeavoured to explain away and justify his conduct by falsehood upon falsehood.

1st.—The Nowra Postmaster's excuse for not replying to your letter, and his explanation, are not entitled to credit; there was no such "pressure of business or hurry," nor the other incidents named, to cause his neglect or forgetfulness of an official letter, but I have no doubt he waited Mr. Brown's return from Sydney, that their separate "explanations" might agree—which opinion is justified by the words and character of each, although I expressly cautioned him not to be led astray by Brown.

2nd.—Nowra Postmaster states,—“On the day in question (15th November) I put his letters in his bag, after the mail arrived from Shoalhaven; the day was very wet, and the damp had penetrated some of the letters”; and “he supposes that it must have adhered through wet to one of his (Brown's) own letters.”—August 29th.

3rd.—Brown states—“At this time the weather was very wet, and the letters were all wet, and stuck together; in separating two of the letters the wafer of one was partly destroyed; on looking I found it was addressed to Alley. The next morning I took it to the Nowra Post Office; I intended to take it the same evening, but it rained so tremendously it was almost impossible to get there.”—September 4th. Brown lives but two miles from Nowra.

In Mr. Brown's explanation to the Sheriff, he writes more at length, and more precisely upon the matter, speaks of the wet weather, and presses upon him to recollect that the letters are conveyed overland on horseback.

In simple refutation of the above, I give copies of letters, and extracts from diaries in the District; the originals of the former I shall transmit if required.

(1st copy.)

“Barrellan,
“6 September, 1861.

“My dear Sir,

“In answer to yours of the 5th, asking what statement was made to me by Mr. Brown about a letter addressed to you,—

“As far as I can remember he stated that it had come to him in an enclosure, and that it was unsealed, and that he sealed it and forwarded it to you.

“I remain, &c.,

“G. U. Alley, Esq.,
“Nowra.”

“ALFRED ELYARD.”

It may be necessary to recollect when drawing up the information, that the regular Post Office as an authorized branch of the General Post Office was not established until January, 1861, but that a bag was permitted to be made up at Numba, in compliance with request of the Shoalhaven Municipal Council.

When the circumstance occurred I mentioned it to Mr. M'Kay, J.P., hence the inquiry by the Magistrates (G. Aldwin also), and such was his explanation there.

I wrote to Rev. Wm. Scott for state of the weather on 13th and 14th November, 1860.

(2nd copy.)

Extract from Meteorological Register for 1860 :—

“Sydney, November 13th, fine throughout; November 14th, light shower; 8-30 a.m. fine day. There was no rain at Parramatta on 13th or 14th. No register kept at Campbelltown.

“WM. SCOTT.”

(3rd copy.)

Extract from diary of Mr. Lang, Postmaster, Numba :—

“November 13th, fine day; 14th, dull morning, cleared up fine; 15th, wild looking morning, continuing dull all day, came on to rain at night; 16th, wild looking morning, rained all day, not heavy.”

Mr. Lang permits me to say that the letter could not have been stuck to Brown's, as it has the Numba stamp near the seal; before he could place the stamp there he must have detached them, had they been “stuck.”

Had the seals of each been stuck, both the Nowra postmaster and Brown must have seen the address of each; and had the seal of my letter been stuck to the superscription of Brown's, his envelope must have given way first.

He had my letter on the 15th; there was not any tremendous rain on that day—“it came on to rain at night;” but on the 17th, the day on which he did leave it at Mr. M'Arthur's store, Nowra, it really did rain heavy all day, for the next day there was a flood.

The letters for Nowra, in November, 1860, seldom if ever then exceeded six, as the privilege of having a bag made up for Nowra was neither generally used or known. They were sent from Numba, $4\frac{1}{2}$ miles, in loose leather bag of the usual sort, and free from pressure of any kind; and Brown's letter-bag is of strong leather, slung over the shoulder of the post boy, so that even had the weather been tremendously wet, it is not even probable they could be stuck together.

INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ. 11

Two years before this occurred I publicly complained of his utter inefficiency as a constable, on many occasions. His conduct as special bailiff to me since February, 1860, has been most dishonest; yet, in thus pressing this case against him, I am not actuated by any personal feelings or desire to punish him by legal process. I have long looked upon him as both useless and exceedingly dangerous to the community, therefore upon public grounds only *I seek only for his dismissal from office, with a mark rendering him unfit ever to hold office under the Crown.* It is an insult to the Crown, an offence to the law, an injury and injustice to the public, that such a man should hold office. His punishment by criminal proceedings will not undo the great wrong he has done me, nor compensate me; and as a father I cannot but feel for his daughter, his wife, and young children; therefore if his dismissal can be effected without the extreme course of the law, I shall, on behalf of the public, be content; but with you, as Postmaster General, the guardian of our interest postally, it rests wholly to say whether law and justice should in such an extremely aggravated case be avenged and vindicated, and if so, it should be well done by your own (official) law authorities, and a competent person should be sent down to Nowra Court to prosecute, as suggested in a former note, and for the reasons there stated. The matter is now entirely in your hands, and I have no doubt of the result; act as you may determine on—dismissal or prosecution.

I have, &c.,

GEO. UNDERWOOD ALLEY.

No. 29.

POSTMASTER GENERAL to G. U. ALLEY, ESQ.

19 September, 1861.

SIR,

I have the honor to acknowledge the receipt of your letter, dated 12th instant, and waited yesterday, with the papers in the case, on the Inspector General of Police, under the impression, that although the Bill for placing the country police under that officer's supervision has not yet passed Parliament, that he might even at the present time exercise some degree of control as to the removal of particular constables, if satisfied that such removal were desirable.

2. As Captain M'Leerie states however that he has no such control, I am induced before taking the final step of applying to the Law Officers of the Crown, by whose opinion I should altogether be bound, to make three propositions to you on the subject, viz:—

- 1st. I am prepared to enclose the papers to the Bench of Magistrates, Shoalhaven, requesting that they will dismiss District Constable Brown, provided they are satisfied that he has acted improperly.
- 2nd. To require the various postmasters to give you every assistance and entire access to all the papers, which I would transmit to the Shoalhaven postmaster, in case you consent to conduct the case against Brown before the Shoalhaven Bench.
- 3rd. To send down the Postal Inspector on his return from a tour of inspection in which he is now engaged, which return will probably be in the month of November next, and require him to try the case before the Bench of Magistrates at Shoalhaven.

In requesting your early reply, I have to state that I am prepared, in case of your refusal to be satisfied with any one of the three courses as above proposed, to forward a statement of the case to the Law Officers of the Crown, together with all the documents, and request their decision as to the course that it will be proper and expedient to adopt.

I have, &c.,

W. H. CHRISTIE.

No. 30.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

Nowra, Shoalhaven,

12 September, 1861.

SIR,

Referring to Mr. Brown's explanation, accounting for the possession of your letter addressed to me, I submit copies and extracts from a local diary. Another which will shew the value of his statement—

(1st copy.)

"Barellan,
"September, 1861.

"My dear Sir,

"In answer to yours of the 5th, asking what statement was made to me by Mr. Brown about a letter addressed to you,—as far as I can remember, he stated that it had come to him in an enclosure, and that it was unsealed, and that he sealed it and forwarded to you.

"G. U. Alley, Nowra.

"I remain, &c.,

"ALFRED ELYARD."

When the matter occurred I mentioned it to Mr. M'Kay, J.P., and he stating it to other Magistrates, Brown was questioned; the above was his explanation then.

His present one to you and the Postmaster General is—"Stuck together through wet weather and mail carried overland on horseback."

(Copy

12 INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ.

(Copy 2nd.)

Extract from Meteorological for 186 :-

"Sydney, November 13th, fine throughout." (This was the day letter posted and left.)

"November 14th, light showers, 8.30 a.m. fine day.

"There was no rain at Parramatta on the 13th or 14th; no register kept at
"Campbelltown.

"W. SCOTT."

Extract from diary of Mr. Lang, Postmaster, Numba, Shoalhaven :-

"November 13th, fine day; cleared up fine.

"14th, dull morning.

"15th, dull morning; continued dull all day; came on to rain at night; letter
'arrived at Numba at 10 a.m., despatched at 12, and delivered at Nowra at 1 p.m."Mr. Lang permits me to say that the letter could not be stuck to Brown's, as it has
the Numba postmark upon it, stamped by himself; as from the position of the stamp near
the seal, before he could place the stamp there he must have detached them, had they been stuck.In a few days I shall be able to send you letters shewing the equal value of his
statement touching his conduct about the execution.

I have, &c.,

GEO. UNDERWOOD ALLEY.

No. 31.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

Nowra, Shoalhaven,

23 September, 1861.

SIR,

I have the honor to be in receipt of your letters of the 19th instant, doing me
the favour of submitting three propositions in the case of District Constable Brown, to which
I take the earliest opportunity of replying.Carefully reviewing the whole case, and fully weighing the three propositions, I am
forced, by every consideration, to adopt the third as the only one calculated to be at once
effective, viz., "To submit the papers to the Law Officers of the Crown"; it relieves the
Magistrates from the exercise of a discretionary power which they might have a delicacy in
exercising, and obviates the delay which waiting the Inspector's return would cause.But, perhaps, submitting the papers to the Honorable the Colonial Secretary, with
whom I believe alone rests the power of dismissal, would save that pain and humiliation
to his family which submitting the case to the Law Officers must necessarily entail.That Brown's entire conduct and motive in this matter may be fully understood, I
beg leave to refer you to the correspondence with the Sheriff from August 19th last.If the extreme course be the only one, I request leave to refer you to the last
paragraph in my note of the 20th August, that there may be no flaw in the law by which
justice may be defeated.

I have, &c.,

GEO. UNDERWOOD ALLEY.

No. 32.

POSTMASTER GENERAL to CROWN SOLICITOR.

*General Post Office,**Sydney, 1 October, 1861.*

SIR,

I do myself the honor to enclose certain papers selected from a mass of
correspondence concerning a postal irregularity that occurred in the month of November
last (1860) at the Nowra Post Office, by which a letter addressed to Dr. Alley of Shoalhaven
was mis-delivered to Mr. Edward Brown, a District Constable of that place, instead of to the
proper owner.I refer you to these papers as shewing the main facts of Dr. Alley's case and cause
of complaint. I also transmit the explanations which the Postmaster at Nowra and the
District Constable have furnished in reply to the charge made against them, observing that
Dr. Alley is dissatisfied therewith, and, after a long correspondence with the Sheriffs and
Postal Departments, wishes that the whole matter of his complaint should be brought before
the Law Officers of the Crown, in order that Constable Brown may be punished; assuming
that he (Brown) has brought himself criminally under the 46th clause of the Postage Act
15th of Victoria, No. 12.It is necessary, however, to state that, at the date of Dr. Alley's complaint, the
office at Nowra was *not* an accredited Post Office, but merely a receiving office for the
accommodation of the inhabitants at Shoalhaven.I shall be glad if you will be good enough to lay these papers before the Crown Law
Officers, and inform me whether, in their opinion, it would be expedient to commence pro-
ceedings against Constable Brown; and, if so, the nature of the proceedings that should be
taken.

I have, &c.,

W. H. CHRISTIE,

P. M. G.

No. 33.

INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ. 13

No. 33.

CROWN SOLICITOR to POSTMASTER GENERAL.

*Crown Solicitor's Office,
Sydney, 12 October, 1861.*

SIR,

I have the honor to return, herewith, the papers forwarded to me respecting the complaint made by Dr. Alley against Constable Brown, and to state I have submitted them to Mr. Attorney General, who has been pleased to advise as follows:—

“Independently of the technical objection as to the Nowra Office not being an accredited Post Office, I am clearly of opinion that there is no ground disclosed in these papers for instituting any criminal proceedings against Mr. Brown.”

I have, &c.,

JOHN WILLIAMS.

No. 34.

POSTMASTER GENERAL to G. U. ALLEY, ESQ.

*General Post Office,
Sydney, 15 October, 1861.*

SIR,

With reference to previous correspondence on the subject of the irregularity that attended your letter, which by inadvertency was delivered from the Nowra Office to Constable Brown, I have now to enclose for your information a copy of the Attorney General's opinion, as communicated to me by the Crown Solicitor.

I have, &c.,

W. H. CHRISTIE,
P. M. G.

* No. 35.

G. U. ALLEY, ESQ., to POSTMASTER GENERAL.

*Nowra, Shoalhaven,
21 October, 1861.*

SIR,

The opinion of the Honorable the Attorney General in the case against District Constable Brown, received on the 18th instant, for taking, detaining, and breaking the seal of my letter, is so repugnant to the law, and so inconsistent with the facts, that I have determined to have the matter brought before Parliament, and a Committee moved for; because to permit such an offence, unjustified and unjustifiable, to go unpunished would shew that, notwithstanding the justly nature of the Postal laws, there is neither protection nor redress against acts which those laws declare a misdemeanor or a felony, and that protection may be extended to the offender in the face of the clearest evidence of guilt.

The very extraordinary opinion of the honorable gentleman has more the appearance of a desire to support a Government servant “right or wrong,” as of old, rather than of that impartial administration of Justice which it was fondly hoped would distinguish the conduct of a responsible Minister of the Crown. I should have thought that the very fact of Bernard Brown being a District Constable, would have greatly aggravated the case, and would at once have roused the authorities, law and magisterial, to faithfully discharge that obvious duty to the offended law and to society, which I have *no doubt* would have been discharged in any other case than that of a District Constable or other servant of the Crown. Since my last communication on this painful subject, I have learned another marked fact, adding to the bold, unblushing falsehoods which he (Brown) has so recklessly put forward to account for his having, detaining, and breaking the seal of the letter addressed to me; but it would be idle to submit any additional proof to an Attorney General who, despite such facts as I furnished you with, and in the face of the well-defined law in such cases made and provided, could give an opinion which sets aside all law, and is tantamount to conniving at crime, if the whole of the facts were before him; instead, therefore, of sending the fresh matter to the “law authorities,” I shall submit the whole case to the Honorable the Premier, in the hope that a Parliamentary inquiry will be rendered unnecessary.

I may add, that, were my complaint connected with any other than the Postal Department, I might allow it to be strangled by an Attorney General; but it is of too grave a nature to admit of so great a sacrifice of justice and truth. Great social interests and important rights are necessarily involved in, and entirely depend upon the proper observance and *impartial* stern administration of the law, which ought in all cases, especially such as I have so clearly, and at so much trouble, *proved*. It is notoriously most difficult to detect persons who commit such a breach of the Post Office laws, and, methinks, when detected so unequivocally as in this case, it should be promptly and vigorously met, and an example made. The law demands it, justice requires it, and society expects it, or all confidence must be destroyed. Most certainly the administration of the same law is very different in England.

I have, &c.,

GEO. UNDERWOOD ALLEY.

No. 36.

No. 36.

POSTMASTER GENERAL to G. U. ALLEY, ESQ.
*General Post Office,
 Sydney, 25 October, 1861.*

SIR,

Adverting to the lengthened correspondence that has already taken place on the subject, and to your letter of the 21st instant, in which, after acknowledging the receipt of the Attorney General's opinion, you intimate your intention of taking further steps in the matter of your complaint against Constable Brown,—I have merely to state, that all the papers in the case shall be carefully kept together, so as to be forthcoming whenever they may be required.

I have, &c.,
 W. H. CHRISTIE,
 P. M. G.

No. 37.

G. U. ALLEY, ESQ., to COLONIAL SECRETARY.
*Nowra, Shoalhaven,
 28 October, 1861.*

SIR,

The very extraordinary opinion of the Honorable the Attorney General in the following case—copied herein—submitted to him by the Postmaster General, constrains me to appeal to you, in the hope that, by your recommending a reconsideration of the whole, and of the *additional* facts, the law authority may find grounds to arrive at a different opinion, more in accordance with the law made and provided in such cases. The case is—Complaint against Bernard Brown, District Constable of Shoalhaven, for taking, “*detaining*,” and breaking the seal of a letter addressed to George Underwood Alley, Esq.,” from the Sheriff, viz.:—On the 13th November, 1860, the letter was posted at the General Post Office, Sydney, as the “obliteration stamp” proves.

On the 15th it arrived at the Post Office, Numba, Shoalhaven, and on the same day was despatched, having upon it the usual office stamp, in time to be delivered at the Nowra Office same day at 1 p.m., the distance between the two offices being from four to five miles.

On the 17th the Postmaster of Nowra handed me the letter, after post hour, saying that Mr. Brown had just given it to him; that he knew nothing more of it, nor how he, Brown, had got it, nor did he recollect having seen it before; it was sealed with a large daub of red sealing-wax, stamped with a wafer-stamp, and had evident marks of having been violently opened and resealed. I had called at the office on the 15th and 16th, and was told, “Nothing for you.”

The Postmaster at Numba recollected transmitting the letter to the Nowra Office, in the Nowra letter-bag, *by the mail contractor's post-boy*, on the 15th. Postmaster General has the letters written by the above two postmasters on this part of the subject.

Immediately after the occurrence I mentioned it to Mr. Mackay, J.P., in order that it should be known to a Magistrate, with whom I might occasionally confer, and presuming that he would mention it to the other Magistrates, that at a future stage I might use the fact as I should find necessary.

I wrote to the Sheriff, asking whether the envelope had been fixed in the usual way, with gum or with wafer, or with wax, but did not receive a satisfactory reply until the 2nd or 3rd of August last, stating “*in the usual way, with gum, possibly with wafer.*” (Postmaster General has the Sheriff's letter.)

Having obtained the final answer, I placed all before the Postmaster General early in August; he then called upon the local postmasters, and Bernard Brown, for explanations; and the Sheriff also called upon the latter to explain his conduct, from which I give the following extracts, viz.:—

Extracts from Brown's letters to the Sheriff, dated 27th August, 1861:—

“A letter of his (Alley's) was brought by the post-boy that goes to the south'ard, in my private letter-bag; the weather at the time was very wet, and the mail bags, as perhaps you are aware of, are carried on horseback from Wollongong; the letters were all wet, and adhered one to the other. In separating two of the letters a portion of the envelope of one stuck to the back of the other, which partly destroyed the *wafer* of the one which I found was addressed to Alley. Of course, in separating them, I took no care, not knowing but they belonged to me.”

Extract from Nowra Postmaster's letter to the Postmaster General, dated 29th August, 1861:—

“On the day in question, the 15th November, I put his (Brown's) letters in his bag after the mail arrived from Shoalhaven. The day was very wet, and the damp had penetrated some of the letters, and he supposes that it must have adhered through wet to one of his own letters.” The studied care with which the two accounts are made to agree cannot fail to attract attention.

Extract from Brown's letter to Postmaster General, dated September 4th, 1861:—

“At this time the weather was very wet, and the letters were all wet, and stuck together. In separating two of the letters the wafer of one was partly destroyed. On looking I found it was addressed to Alley. The next morning I took it to the Nowra Post Office. I intended taking it the same evening, but it rained so tremendously it was almost impossible to get there.”

The

INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ. 15

The following facts prove the utter falsehood of the foregoing statements of Brown, and his tergiversation :—

“ *Barellan, 6 September, 1861.*”

“ My dear Sir,

“ In answer to yours of the 5th, asking what statement was made to me by Mr. B. Brown, about a letter addressed to you,—as far as I can remember, he stated that it had come to him in an enclosure, and that it was unsealed, and that he sealed it and forwarded it to you.

“ I remain, &c.,

“ ALFRED ELYARD.”

“ G. U. Alley, Esq.,
“ Nowra.”

Brown made the same statement to other Magistrates at the time, but at a later period, finding it would not do, he fabricated the tale of the tremendous rain and sticking together of the letters, and the premeditated falsehood upon falsehood, of which the following facts incontestibly prove :—

Extract from Meteorological Register for 1860 :—

“ Sydney, November 13th, fine throughout. 14th, light shower 8:30 A.M.; fine day.
“ There was no rain at Parramatta on the 13th or 14th. No register kept at Campbelltown.
“ W. SCORR.”

Extract from diary of Mr. Lang, Postmaster, Numba :—

“ 1860.—13th November, fine day. 14th, dull morning. 15th, dull morning;
“ continued dull all day; came on to rain at night. 16th, wild looking morning; rained
“ all day. 17th, rained tremendously all day and night.”

Mr. Lang permits me to say that the letter could not have been stuck to Brown's, as it has the Numba postmark upon it, stamped by him; as from the position of the stamp near the seal, before he could place the stamp there he must have detached them, had they been stuck.

From the very few letters sent to Nowra at that time, and from the strong nature of Brown's private letter-bag, free from all pressure, even had the weather been tremendously wet, which it was not, and had the southern post-boy brought him the letter in his private bag (which he did not, as the 15th was not the southern mail day), it is not even probable the letters could be stuck together.

The foregoing are the facts which were, or should have been, submitted by the Postmaster General to the Attorney General, and the following is the strange opinion of that honorable and learned gentleman, viz. :—

“ Independently of the technical objection as to the Nowra Office not being an accredited Post Office, I am clearly of opinion that there is no ground disclosed in these papers for instituting any criminal proceedings against Mr. Brown.”

To sum up briefly,—

1st.—The letter was not sent in an enclosure to Brown; it was posted in Sydney, as directed, as the obliteration stamp proves.

2nd.—Throughout its whole course, per mail, 13th, 14th, 15th, from Sydney to Nowra, there was no rain.

3rd.—Brown did not bring the letter to the Nowra Post Office the next day; he had it from the 15th to the 17th, inclusive; thus he detained it two days, which, according to the law read to me by the Postmaster General, is a misdemeanor, and broke the seal, which is felony, which he has attempted to justify by falsehood upon falsehood.

4th.—The Nowra Office was an accredited Post Office in November, 1860, because the mail was regularly made up; letters, official and private, were addressed to Nowra; the Numba Postmaster made up the letter-bag, and the mail contractor conveyed it from Numba to the Nowra Post Office, by the express order of the Postmaster General—the Attorney General's technical objection is therefore wholly untenable; even though it were not an “accredited office” it would not in the least diminish the offences of detaining and breaking the seal, under the very marked circumstances attending the act.

There is, however, an additional fact, viz. :—

5th.—The letter was not “brought by the post-boy that goes to the southward” in his (Brown's) private letter-bag. The 15th was on Thursday, the day on which he had it; the next day, Friday, was the southern mail day; and on the 17th Brown himself handed the letters to the Nowra Postmaster.

“The wafer of the one addressed to Alley” was the part that “adhered”, as alleged; the direction was therefore plain to be seen, yet he says, “I took no care, not knowing but they belonged to me.”

Brown had a very strong and anxious reason for taking, detaining, and opening the letter addressed to me, from the Sheriff, viz. :—He was bailiff in the case of Hyam v. Alley, and before selling my lease, under the execution—worth to me £1,000, or to a buyer £500—he negotiated an arrangement with the landlord, and conspired with others to allow the landlord to purchase the lease unopposed, and at his own price, which he did for £80, on condition that he would pay to Mr. Hyam the balance due upon the execution, which bargain was literally carried into effect. Mr. Hall fully satisfied the execution, notwithstanding which Brown levied twice, and sold, after he knew the execution had been paid in full (at the time I informed the late Sheriff of the fact, but could get no redress from him); consequently it was of importance to Brown to know the nature of the replies from the Sheriff. I have no doubt but he took the letter from the Nowra Office knowingly and wilfully, which then he could have done very easily.

That,

That, in the face of such stubborn unquestionable facts, not admitting of even a shadow of doubt, a man should be permitted to go unpunished, and be still allowed to hold the office of District Constable, despite both legal and moral guilt, is an injury and insult to the community, a reproach to the law, and a mockery of justice; I therefore submit the whole to you, as Premier, expecting that you will recommend the Honorable the Attorney General to reconsider the matter, as I would fain hope there were some great omissions in the case submitted to him to warrant such an opinion, and that you will do that justice to the public and to me which the merits of the case so obviously demand.

I have, &c.,
GEO. UNDERWOOD ALLEY.

No. 38.

ATTORNEY GENERAL'S FURTHER OPINION.

G. U. Alley, Shoalhaven, respecting complaint against District Constable Brown, for breaking seal of letter addressed to him, &c.

MR. ALLEY, in the concluding paragraph of his letter, now, *for the first time*, suggests a motive for Brown's having unlawfully possessed himself of the letter in question, as to which there is not the slightest hint in Mr. Alley's previous long communication, and which I could not possibly guess.

Mr. Alley evidently views his own case with great partiality, and charges his opponent with falsehood in every fact alleged on *his* side of the matter.

I must decline giving any opinion on the case in its present state, as Mr. Alley's proper course is to proceed before the Magistrates in the usual way, when I doubt not the facts will come before me as legal evidence on oath, and in a fit state for me to decide upon.

31 December, 1861.

JNO. F. HARGRAVE,
Attorney General.

APPENDIX.

No. 39.

SHERIFF to COLONIAL SECRETARY.

Sydney, 19 November, 1861.

SIR,

As I am about to visit Maitland officially, and shall be away a couple of days, I have deemed it proper to place in your hands copies of correspondence arising out of the miscarriage of a letter addressed to Dr. Alley from this office.

I have, &c.,
GEO. UHR.

P.S.—Mr. Brown has been acting specially as Sheriff's Officer, when so directed by the Judges of the Supreme Court.

No. 40.

G. U. ALLEY, ESQ., to SHERIFF.

Extract from Geo. Underwood Alley's letter.

Your letter, marked 13/11/60, was abstracted from the Post Office, Nowra, or otherwise improperly received by him, and illegally detained for two whole days; opened by him, again closed, sealed with red wax, stamped with a wafer stamp, and by him handed, on the 17th, to the Postmaster, Nowra, without explanation.

You will see the ——— and other particulars with the Postmaster General.

GEO. UNDERWOOD ALLEY.

No. 41.

BERNARD BROWN to SHERIFF.

Extract from letter of Bernard Brown to George Uhr, Esq., Sheriff, Sydney.

With regard to the latter part of his letter, accusing me of abstracting a letter from Nowra Post Office, and his statement of my knowledge of his corresponding with your office, I deny. A letter of his was brought by the post-boy that goes to the southward, in my own private letter-bag; the weather at this time was very wet, and the mail-bags, as perhaps you are aware, are carried from Wollongong on horseback; the letters were wet, and adhered one to the other. In separating two of the letters a portion of the envelope of one stuck to the back

INTERCEPTION OF LETTER ADDRESSED TO G. U. ALLEY, ESQ. 17

back of the other, which partly destroyed the wafer of the one which I found was addressed to Alley. Of course in separating them I took no care, not knowing but they belonged to me. I can solemnly assure you the letter was never opened, nor the contents known, at my house. I immediately put some sealing-wax to secure it, and stamped it with my stamp, and took it to the Post Office, Nowra, the next morning.

I intended to have taken it the same evening, but the rain was so tremendous it was almost impossible to get there.

I am fully aware of a very strong dislike Alley has against me personally, and has often threatened to do all he could to deprive me of my situation, and would gladly avail himself of any opportunity of trumping up a charge against me. I trust therefore that you will, before you attach any blame to any of my actions in connection with your office, fully ascertain the grounds of complaint, and not depend alone on the report of such a man as George Underwood Alley.

The whole of the documents in connection with this matter are now in my hands, and I can assure you that I am not afraid of any investigation as to my conduct in this transaction, but would rather court the fullest inquiry you may think proper to make or institute with regard thereto. I hope I may hear from you as to the above explanation, and that it may be satisfactory.

I have, &c.,
BERNARD BROWN.

No. 42.

H. MOSS to G. U. ALLEY, Esq.

Green Hills,
19 September, 1861.

DEAR SIR,

I have perused Constable Brown's letter of explanation to the Sheriff, and find certain matters referred to which I have a personal knowledge of, and though, for obvious reasons, I decline to make them the subject of special reference, still I consider it a public duty, taking into consideration my official position and the responsible office *at present* held by Brown, to state that his explanation is perfectly false.

I am, &c.,
H. MOSS.

[Price, 5d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DETENTION OF LETTERS AND NEWSPAPERS AT
GUNDAROO POST OFFICE.
(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 12 June, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 3 June, 1862, That there be laid upon the Table of this House,—

“ Copies of all Correspondence between the people of Yass
“ and the Postmaster General, in reference to the Detention
“ of Letters and Newspapers at Gundaroo Post Office.”

(*Mr. Buchanan.*)

| NO. | SCHEDULE. | PAGE. |
|-----|--|-------|
| 1. | J. J. Brown to Postmaster General. 7 November, 1861 | 2 |
| 2. | Extract from <i>Golden Age</i> Newspaper | 2 |
| 3. | Postmaster General to J. J. Brown. 12 November, 1861 | 2 |
| 4. | J. J. Brown to Postmaster General. 16 November, 1861 | 3 |
| 5. | Copy of Letter in <i>Yass Courier</i> | 3 |
| 6. | J. J. Brown to Postmaster General. 20 November, 1861 | 3 |
| 7. | Copy of Letter in <i>Goulburn Chronicle</i> | 3 |
| 8. | Postmaster General to J. J. Brown. 9 December, 1861 | 4 |
| 9. | Report of Gundaroo Postmaster | 4 |
| 10. | J. J. Brown to Postmaster General. 16 December, 1861 | 4 |
| 11. | Wm. Affleck to same. 14 December, 1861 | 5 |
| 12. | Same to same. 14 December, 1861 | 5 |
| 13. | Gundaroo Postmaster to Postmaster General. 28 December, 1861 | 6 |
| 14. | Same to same. 28 December, 1861 | 6 |

DETENTION OF LETTERS AND NEWSPAPERS AT GUNDAROO
POST OFFICE.

No. 1.

J. J. BROWN, ESQ., to POSTMASTER GENERAL.

*"Courier" Office,
Yass, 7 November, 1861.*

SIR,

I take the liberty of calling your attention to the enclosed extract from the *Golden Age* newspaper, referring (apparently with some authority) to the discontinuance of the mail between Yass and Gundaroo, and the substitution therefor of an additional mail from Goulburn.

I have had several letters from correspondents on the subject, requesting me to endeavour to ascertain if such an alteration is contemplated, in order that the inhabitants of Yass and Gundaroo should take steps to ascertain the public feeling on the alleged contemplated change; and I have also been informed that the only two persons in the Gundaroo District in its favour are Mr. Charles Massey and Mr. Fraser—the Postmaster; the latter most probably being instigated thereto in order to check the circulation of the *Courier* in that District, he being the agent of another newspaper (the *Golden Age*), and I having had occasion at one time to withdraw the agency for the *Courier* from his hands.

In order to prove the extent of the inconvenience that will be occasioned to parties having correspondents at Gundaroo, I take the liberty of enclosing a letter which I only received yesterday (the 6th November), but which by coming direct I would have had delivered on the 1st November. If the existing mail is discontinued all our letters will be equally long delayed, so that it will take a fortnight to get a reply from a neighbouring township. By glancing at the postmarks you will perceive the route as well as the time taken in its transmission.

Not having endeavoured to ascertain the feelings of the people of Yass on the subject, I am now only in a position to state that the discontinuance of the mail will be a very great inconvenience to me personally, as well as occasion a positive pecuniary loss, as it is not to be expected that the present subscribers to the *Courier* shall continue the paper when it reaches them in not less than a week after publication, instead of on the afternoon of the same day. As the inconvenience will be equally felt by all persons having business connection with Gundaroo, I trust you will see fit to continue the present mail if its discontinuance was ever in contemplation.

I should have written earlier on the subject, were it not that I saw the line included in the list for which tenders were recently called.

I am, &c.,
J. J. BROWN.

No. 2.

EXTRACT from "Golden Age" Newspaper.

ADDITIONAL MAIL SERVICES.

ARRANGEMENTS are being made for an additional mail from Goulburn to Gundaroo *via* Collector, thus giving those places the advantage of three mails per week. But the extra mails should not only run to Gundaroo, but be brought on, through Gininderra, to Queanbeyan. Gininderra as much needs the additional mail as the other places, and while, in point of fairness, it ought to be brought on so far, a complete job might be made of it at once, by putting on the extra mail to run throughout the line from Goulburn to Queanbeyan. We should then be in possession of a daily mail, which our importance and necessities demand. It is also intended to take off the mail at present running between Yass and Gundaroo, it being thought by the authorities that the small number of letters and papers conveyed does not warrant the expense.

No. 3.

POSTMASTER GENERAL to J. J. BROWN, ESQ.

*General Post Office,
Sydney, 12 November, 1861.*

SIR,

Acknowledging the receipt of your letter of the 7th instant, I beg to acquaint you that the question as to the Yass and Gundaroo mail line being renewed during 1862 will have to be decided on by the Honorable the Colonial Treasurer; but it may be proper to remind you that the present correspondence between those places is very trifling.

I am, &c.,
W. H. CHRISTIE,
Postmaster General.

No. 4.

No. 4.

J. J. BROWN, ESQ., to POSTMASTER GENERAL.

"Courier" Office,
Yass, 16 November, 1861.

SIR,

I beg to thank you for your favour of the 12th instant, and to call your attention to the enclosed printed letter from the *Courier's* correspondent at Gundaroo, and request that inquiries as to the detention of the letter referred to (the cover of which was forwarded to you on the 7th instant) shall be at once instituted. I can guarantee that the writer of the letter can substantiate all he states.

I have, &c.,
J. J. BROWN.

No. 5.

COPY of Letter in "Yass Courier."

ORIGINAL CORRESPONDENCE.—THE GUNDAROO POSTMASTER.

To the Editor of the "Yass Courier."

SIR,

No doubt you have noticed the remarks of that remarkable functionary, our Postmaster, both in the *Goulburn Chronicle* and the *Golden Age*. As the document in the *Golden Age* refers to you alone, I will leave you to deal with it; but as I am spoken of in the *Chronicle* I will just say a few words, as I have answered it in full in the issue of that paper to be published to-morrow. Our Postmaster wishes to make it appear that your footnote, as he calls it, was written at my instigation. Now, I appeal to you if ever I passed any remarks to you about the delay of my communication. Again, he wishes to make it appear that the letter when posted was too late, but I assert it was nothing of the sort, for I have plenty of evidence to prove that the letter in question was posted about half-past eight a.m., and, as you are aware, the bag does not close until ten a.m. I ask you, was it too late? Perhaps our Postmaster considers all letters too late that are not posted twenty-four hours before the mail leaves. However, be that as it may, I think all unprejudiced persons will agree with me, that a letter posted an hour and a half before the mail starts ought to be in time. The only thing that makes me believe he alluded to me in the matter at all was, because he had no other thing to pick a quarrel with me about, and my opinion of him is that he is like the French, never at peace (I mean satisfied) unless when he is at war. However, I will leave him alone in his glory, and remain

YOUR CORRESPONDENT.

Gundaroo, 15th November, 1861.

No. 6.

J. J. BROWN, ESQ., to POSTMASTER GENERAL.

"Courier" Office,
Yass, 20 November, 1861.

SIR,

I have to apologize for further troubling you on the subject of a recent letter, but since writing I observe the following letter in the *Goulburn Chronicle* of the 16th inst., and last evening received the following letter from the *Courier's* correspondent at Gundaroo, authorizing me to supply you with his name, in order that the inquiry asked for may be properly instituted, if you should deem it a matter demanding investigation.

I have, &c.,
J. J. BROWN.

No. 7.

COPY of Letter in "Goulburn Chronicle."

To the Gundaroo Postmaster. Per favour of the *Goulburn Chronicle*.

SIR,

Your epistle, which appeared in yesterday's *Chronicle*, I would have passed by with silent contempt, were it not that I wish to give a few facts, which will enable the public to judge whether you were justified in writing the said letter. You say there you wish to let me into a secret about forwarding letters by the first mail after they are posted, which was not the case with the letter that this dispute arose about. To come to the point: The letter in question was posted on Friday, the 1st instant, about half-past 8 a.m., which Mr. Gambell, junior, is prepared to prove. The mail bag does not close until 10 a.m. Now, I ask, was it not posted in good time? Please answer that. You again say, if this letter did not

4 DETENTION OF LETTERS, &c., AT GUNDAROO POST OFFICE.

not come to hand in time for the Wednesday's issue of the *Courier*, I ought to be careful as to who I blamed for the delay. Now I defy our Postmaster to prove that I blamed you, and I beg of you to refer to the proprietor of the *Courier* if ever I mentioned your name to him in connection with the letter alluded to. I took no trouble concerning it, nor did I intend to do so until your letter appeared in the *Chronicle*; then I made inquiries concerning it. If I blamed any one I may state it was Mr. Gambell I wrongfully blamed for the delay. But the appearance of your letter has enabled me to put the saddle on the right horse, and that is on you as Postmaster.

THE COURIER'S CORRESPONDENT.

No. 8.

POSTMASTER GENERAL to J. J. BROWN, ESQ.

General Post Office,
Sydney, 9 December, 1861.

SIR,

I have to acknowledge the receipt of your communications, dated respectively on the 16th and 20th of November last, and to forward herewith, for your information, a copy of the report of Mr. Fraser, the Gundaroo Postmaster, on the matters alleged against him.

If his statement as to the time when Mr. Affleck's letter was *posted*, be correct, then the Postmaster has not been guilty of any neglect—as everything depends on this single point.

As regards the proposition of Mr. Affleck, contained in one of the two letters herein returned, viz., to despatch the mail from Yass at 7 o'clock in the morning instead of 10 a.m., as at present, I may state that alteration of time table to suit one particular place on the line can hardly ever be done, and in the instance of Mr. Affleck's suggestion, it would cause the Melbourne and other mail to be left at Yass, at which place they do not arrive before 9 o'clock a.m., or two hours after Mr. Affleck proposes the Yass mail shall start.

I have, &c.,

W. H. CHRISTIE,
Postmaster General.

No. 9.

POSTMASTER, GUNDAROO, to POSTMASTER GENERAL.

Post Office, Gundaroo.

SIR,

In answer to the complaint made by Mr. Brown, I have merely to state that the letter in question was not posted at this office at a $\frac{1}{4}$ to 10 a.m., when I made up the Yass mail on that day. I can remember distinctly taking from the letter-box one paper and two letters for Yass, at a $\frac{1}{4}$ to 10 a.m. The letter in question was not in the box at that time. I found it there after the mail had been despatched, and forwarded it to Yass on the Sunday, *via* Goulburn. Mr. Brown, and his correspondent at Gundaroo, Mr. Affleck, seems to have joined in a conspiracy against me, and the cause is simply because I gave you my opinion as to desirability of abolishing the Gundaroo and Yass mail, which I still say is of no benefit to any portion of the community but to Mr. Brown, and his paper, the *Yass Courier*. I admit a portion of Mr. Affleck's letter to Mr. Brown, where he says that he seldom posts his letters for Yass, but gives them to the mail-boy; and it answers his purpose to do so, as the Post Office is four miles from Mr. Affleck's residence, while the mail-boy resides within one and a half miles of him.

I have, &c.,

A. FRASER.

No. 10.

J. J. BROWN, ESQ., to POSTMASTER GENERAL.

"Courier" Office,
Yass, 16 December, 1861.

SIR,

I beg to acknowledge receipt of your favour, enclosing report of the Postmaster at Gundaroo, and to thank you for your courtesy. I have forwarded the report to the gentleman at Gundaroo who wrote the letter alleged to have been detained, and who is better able than I to form an opinion of the truthfulness of the Postmaster's statement. From my own acquaintance with the former, I would value his statement more than I should a much stronger asseveration from the latter (the Postmaster), who is an interested party, and bound to make the best of the matter for his own sake. However, from private information I am enabled to state, that if an oath is taken, the Postmaster will either have to oppose oath against oath or acknowledge he is in error.

I am, &c.,

J. J. BROWN.

No. 11.

No. 11.

MR. W. AFFLECK to POSTMASTER GENERAL.

Gundaroo, 14 December, 1861.

SIR,

This day I received a letter from Mr. Brown, of Yass, enclosing a communication from you, and a copy of a letter from Mr. Fraser, Postmaster of this place.

After perusing the documents referred to, I beg to inform you that I consider Mr. Fraser, in his report, has endeavoured to make me appear a liar; but perhaps the facts of the case will enable you to judge correctly which is most worthy of credence.

On the 30th October we played a cricket match at Gininderra, and I, as correspondent for the *Yass Courier*, wrote a report for that paper that night. Mr. William Gambell, of this place, was at my residence next morning, about 7 a.m., and I asked him to favour me by taking up the said letter with another two, and a newspaper, which he did; and he states to me that he is prepared, on oath, if necessary, to prove that the said letters and newspaper were posted by half-past 8 a.m. It is not at all likely that Mr. Gambell would post two note-paper letters and a newspaper, and forget to post a foolscap letter.

As to whether Mr. Gambell is worthy of being believed or not, I may inform you that I have now known him nearly seven years, and I can fully trust his statement as correct; however, I would not like you to believe him on my authority alone, but you can write to any person in Gundaroo as to Mr. Gambell's character, and I have no doubt but you will find that he is worthy of being believed.

Mr. Fraser again says—"Mr. Brown, and his correspondent at Gundaroo, Mr. Affleck, seem to have joined in a conspiracy against me." And he goes on to state the cause. Now I can assure you that I did nothing of the kind. Mr. Fraser knows well, if he would only state the truth, that I am afraid of no one, and anything I do or say I am at all times prepared to substantiate. I entered into no conspiracy with Mr. Brown, for, at the time alluded to, I was on the most friendly terms with Mr. Fraser, and I would not have taken any notice of the delay of my communication to Mr. Brown, had Mr. Fraser not wrote an unmanly letter to the *Goulburn Chronicle*, which every person that read the letter stated he alluded to me and Mr. Brown. As to his statement about my giving my letters to the mail-boy, I admit I generally did, but with this instruction—*If you are at the Post Office before the bag closes, post my letters at Gundaroo*; but since the delay of my communication my instruction to the mail-boy has always been *not to post at Gundaroo, but to carry them in his pocket to Yass Post Office*.

I trust I have now explained the matter sufficiently to shew you that I was not in the wrong. Mr. Fraser may say what he likes, and try to make me appear in your eyes anything he chooses; but I may inform you that I am not afraid, as far as character is concerned, to stand face to face with him in Gundaroo, and get public opinion expressed concerning us both.

I have, &c.,

WILLIAM AFFLECK.

No. 12.

MR. W. AFFLECK to POSTMASTER GENERAL.

Gundaroo, 14 December, 1861.

SIR,

Perhaps I may be allowed to draw your attention to a few facts, drawn from your letter as numbered in the margin.

You say it would not suit to change the hour of departure of the Yass mail from Yass to 7 a.m. for the convenience of one place on the line.

As the hour of departure from Yass at present stands, the Yass mail only benefits Yass and Gundaroo, for it does not arrive here until three hours after the Gininderra and Queanbeyan mails have left; therefore, any up-country letters that may come this way for Gininderra or Queanbeyan have to remain at the Gundaroo Post Office three days, so that it would make very little difference whether they remained in the Gundaroo or Yass Post Office. No doubt it would put the Gundaroo letters from Melbourne three days behind, but I think that ought to be overlooked when it would advantage other two post towns, and while there were no objections raised by the inhabitants of this place.

As I stated before, it would make the line pay much better, and convenience a great many more of the inhabitants of the County of Murray, for then letters arriving by the Yass mail could be forwarded to their respective destinations on the day of arrival in Gundaroo, instead of having to be kept here three days, as at present.

I hope I have explained the matter so as to enable you to see that it would be an advantage rather than otherwise.

I have, &c.,

WILLIAM AFFLECK.

10,866,
Mr. Brown's
letter, Yass.

No. 13.

POSTMASTER, GUNDAROO, to POSTMASTER GENERAL.

*Post Office, Gundaroo,
28 December, 1861.*

SIR,

In reply to enclosed document from Mr. Brown and Mr. Affleck, respecting their delayed letter, I have only to report as previous, that I believe it to be a concocted affair between the two, for the simple reason, I do not remember Affleck ever posting a single letter for Yass since that mail has been running. He always forwards them by the mail-boy who lives near him, as I said in my previous report. I took from the letter-box two papers and one letter that morning, at a $\frac{1}{4}$ to 10, and the letter complained of was not in at that time. The reason is simply this, because I reported to you, and gave my opinion to this effect, that the Yass and Gundaroo mail ran for the benefit of the *Yass Courier*. Mr. Affleck is a young man just emerging from boyhood, residing with his father and mother, and wishes to become Postmaster at Gundaroo; in fact, he has told me so, and no doubt his friend Mr. Brown will do all that lies in his power to procure him the office; but I can refer you to any gentleman in Gundaroo as to my character, and also as to my attention to Post Office duties. I can with confidence refer you to the following gentlemen, who are the most influential in this place:—

J. T. Styles, Esq.,
C. A. Massey, Esq.,
W. J. Packer, Esq.,
D. K. McLeod, Esq., J.P.,
J. Donnolly, Esq.

With these few remarks I leave the matter in your hands.

Your obedient servant,
A. FRASER.

No. 14.

POSTMASTER, GUNDAROO, to POSTMASTER GENERAL.

*Post Office, Gundaroo,
28 December, 1861.*

SIR,

I have the honor to report, in reference to the Yass and Gundaroo mail, that I consider it a waste of public money to continue the same; that it runs almost exclusively for the benefit of Mr. Brown, of Yass. The inhabitants generally of that place are of the same opinion with me—that it is not a public benefit. Mr. Brown and Mr. Affleck are the only persons that I have heard of who wish to have it continued; the latter gentleman is correspondent and agent to the former; of course it is to their interest to have the mail continued. It often happens that there is but one letter forwarded by that mail—sometimes none; at present it conveys the *Yass Courier* (about twelve copies) to Gundaroo, on the days of publication.

Your obedient servant,
A. FRASER.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POST OFFICE RETURNS.

(POSTMASTERS AND POSTMISTRESSES, SALARIES, &c.)

Ordered by the Legislative Assembly to be Printed, 3 June, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 27 September, 1861, That there be laid upon the Table of this House,—

“ A Return of all the Deputy Postmasters and Postmistresses
“ in the Colony, their present salaries and emoluments,
“ describing each, and dates of appointments; whether
“ in business, and of what kind; the number of mails
“ received and despatched on each day and night;
“ describing also the hours of attendance, including
“ Sunday duty; the amount of bonds required and
“ entered into by each Deputy Postmaster and Mistress;
“ and the dates of increase of salary, and amounts,
“ since appointed.”

(*Mr. Dangar.*)

RETURN of all the DEPUTY POSTMASTERS AND POSTMISTRESSES in the Colony of New South Wales,

| NAME OF POST OFFICE. | Name of Postmaster or Postmistress. | Business. | Date of Appointment. | Annual Salary on being appointed. | Subsequent Increase to Salary. | |
|--------------------------|-------------------------------------|----------------------------|----------------------|-----------------------------------|--------------------------------|-------------------|
| | | | | | Amount. | Date of Increase. |
| Aberdeen | Jesse M'Kay | None | 1 June, 1861 | £ 12 0 0 | £ | ..... |
| Adelong | Maria Watson | Do. | 14 Jan., 1861 | 20 0 0 | ..... | ..... |
| Adaminiby | F. M. Stokes | Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Albury | W. N. M. Edmonson | General Storekeeper | 1 Dec., 1860 | 125 0 0 | ..... | ..... |
| Appin | J. Armstrong | Do. | 1 April, 1857 | 20 0 0 | ..... | ..... |
| Araluen | James Maher | Do. | 1 May, 1861 | 15 0 0 | ..... | ..... |
| Armidale | John Moore | Do. | 1 July, 1858 | 120 0 0 | ..... | ..... |
| Ashfield | W. Dougan | Do. | 1 Sept., 1860 | 12 0 0 | ..... | ..... |
| Avisford | T. Gorrie | Butcher and Stockkeeper | 1 Nov., 1857 | 25 0 0 | ..... | ..... |
| Bald Hills | J. O. Phillips | Storekeeper | 1 Oct., 1859 | 12 0 0 | ..... | ..... |
| Ballalaba | J. South | Do. | 1 April, 1861 | 12 0 0 | ..... | ..... |
| Balmain Receiving Office | A. Chape | Grocer | 20 July, 1857 | 15 0 0 | ..... | ..... |
| Balranald | J. Cramsie | General Storekeeper | 1 July, 1859 | 15 0 0 | ..... | ..... |
| Bandon Grove | W. A. Smith | Storekeeper | 1 Jan., 1858 | 12 0 0 | ..... | ..... |
| Barraba | D. St. Clair | Do. | 1 April, 1857 | 12 0 0 | ..... | ..... |
| Bathurst | W. Thompson | None | 1 May, 1836 | 70 which increased to 140 0 0 | 80 0 0 1851 10 0 0 1857 | ..... |
| Baulkham Hills | J. Kelly | Storekeeper | 1 April, 1856 | 12 0 0 | ..... | ..... |
| Beger | J. Jagers | Do. | 1 Feb., 1858 | 12 0 0 | 3 0 0 | 1860 |
| Bendemeer | J. K. Osborne | Do. | 1 Oct., 1860 | 30 0 0 | ..... | ..... |
| Berrima | J. Powell | Do. | 1 Jan., 1851 | 30 0 0 | { 7 10 0 1851 2 10 0 1857 | ..... |
| Bigga | T. M'Guiness | Storekeeper and Innkeeper | 21 Dec., 1860 | 12 0 0 | { 10 0 0 1858 10 0 0 1859 | ..... |
| Binalong | M. Murphy | Storekeeper | 1 July, 1849 | 10 0 0 | { 2 10 0 2 10 0 2 10 0 | Do. |
| Binda | F. Webster | Poundkeeper | 1 Mar., 1855 | 25 0 0 | ..... | ..... |
| Bingera | W. Howard | Storekeeper | 1 Aug., 1858 | 18 0 0 | ..... | ..... |
| Black Creek | F. G. Street | Surgeon | 1 May, 1860 | 12 0 0 | ..... | ..... |
| Blaney | T. Davis | Storekeeper | 1 April, 1857 | 12 0 0 | ..... | ..... |
| Black Rock | G. Gallimore | Do. | 1 Sept., 1859 | 12 0 0 | ..... | ..... |
| Bodalla | A. Cowderoy | Do. | 7 Sept., 1858 | 12 0 0 | ..... | ..... |
| Bolong | M'Donald Munro | Farmer and Dairyman | 1 April, 1861 | 12 0 0 | ..... | ..... |
| Bombala | H. Hogarth | Auctioneer and Poundkeeper | 1 Feb., 1860 | 15 0 0 | 5 0 0 | 1857 |
| Bourke-street | D. Law | Grocer | 1 June, 1859 | 12 0 0 | ..... | ..... |
| Bong Bong | Mary Higgins | Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Booligal | T. Hitchcox | Storekeeper | 1 Mar., 1861 | 12 0 0 | ..... | ..... |
| Boro | Miss Hyland | None | 1 Oct., 1861 | 25 0 0 | ..... | ..... |
| Botany | Hy. Frape | Shoemaker | 1 Oct., 1861 | 12 0 0 | ..... | ..... |
| Bowenfels | W. Corderoy | Storekeeper | 1 Oct., 1858 | 20 0 0 | ..... | ..... |
| Bowling Alley Point | J. D. Davis | Do. | 1 May, 1861 | 12 0 0 | ..... | ..... |
| Braidwood | J. P. Quelch | Do. | 1 Dec., 1860 | 100 0 0 | ..... | ..... |
| Breeza | F. R. Ferrier | General Storekeeper | 1 April, 1856 | 12 0 0 | ..... | ..... |
| Brookfield | J. Thorndyke | Do. and Publican | 1 May, 1857 | 12 0 0 | ..... | ..... |
| Buckley's Crossing Place | R. Barnes | Publican | 13 Dec., 1859 | 12 0 0 | ..... | ..... |
| Bundarra | J. Priestly | Storekeeper | 1 Feb., 1858 | 12 0 0 | ..... | ..... |
| Bundaburra | A. Stephenson | None | 1 Jan., 1857 | 12 0 0 | 3 0 0 | 1860 |
| Bungendore | O. Byrnes | Do. | 1 Feb., 1854 | 18 0 0 | ..... | ..... |
| Bungonia | J. Armstrong | Innkeeper | 1 July, 1848 | 12 0 0 | 3 0 0 | 1857 |
| Bunyan | J. Cullen | Storekeeper | 1 Jan., 1859 | 12 0 0 | ..... | ..... |
| Burraborang | M. A. Meurant | Farmer and Storekeeper | 1 Nov., 1859 | 12 0 0 | ..... | ..... |
| Burrowa | J. Hurley | Hotelkeeper | 23 July, 1856 | 18 0 0 | ..... | ..... |
| Brownlow Hill | J. M. Palmer | ..... | 1 April, 1861 | 12 0 0 | ..... | ..... |
| Caidmurra | Walter Cooper | ..... | 1 May, 1861 | 12 0 0 | ..... | ..... |
| Caloola | E. Tyler | Storekeeper | 1 Feb., 1859 | 12 0 0 | ..... | ..... |
| Camberwell | T. S. Hawkins | None | 1 Jan., 1860 | 12 0 0 | ..... | ..... |
| Camden | E. Pearson | Do. | 1 July, 1841 | 90 0 0 | ..... | ..... |
| Campbelltown | W. Fowler | Do. | 7 Jan., 1846 | 40 with fuel & light. | { 35 0 0 1854 25 0 0 1857 | ..... |
| Canonbar | H. J. W. Egan | Private Tutor | 1 Jan., 1860 | 12 0 0 | ..... | ..... |
| Canowindra | W. Daley | Poundkeeper | 1 Jan., 1861 | 15 0 0 | ..... | ..... |
| Canterbury | W. Stocombe | Storekeeper | 4 April, 1858 | 12 0 0 | ..... | ..... |
| Carcoar | J. Whittaker | Wheelwright | 1 Jan., 1861 | 40 0 0 | ..... | ..... |
| Carroll | G. Walker | Poundkeeper | 1 May, 1859 | 12 0 0 | ..... | ..... |
| Casino | Maria Meanly | Publican | 1 April, 1861 | 15 0 0 | ..... | ..... |
| Cassilis | W. Piper | General Storekeeper | 15 Aug., 1851 | 25 0 0 | ..... | ..... |
| Castlereagh | J. Craig | National School Teacher | 9 May, 1860 | 12 0 0 | ..... | ..... |
| Cathcart | M. Gerathy | Storekeeper | 1 Jan., 1860 | 12 0 0 | ..... | ..... |

RETURNS.

their Salaries, Emoluments, Dates of Appointments, &c., &c., as ordered by the Legislative Assembly.

| Commission on Sale of Stamps for Six Months. | Other Emoluments for Six Months. | | Number of Mails despatched and received Weekly. | | | | Hours of Attendance. | | Amount of Bond. |
|--|----------------------------------|---------|---|-----------|--------------------------------|-----------|---|-----------------------------|-----------------|
| | | | During day, 6 a.m. to 8 p.m. | | During night, 8 p.m. to 6 a.m. | | On Week-days. | On Sunday. | |
| | Nature. | Amount. | Despatched. | Received. | Despatched. | Received. | | | |
| £ s. d. | £ s. d. | | | | | | | | |
| 1 5 0 | | | 12 | 12 | .. | .. | All day | When necessary | |
| 8 0 0 | | | 10 | 10 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m., & 4 to 5 p.m. | |
| 0 10 0 | | | 7 | 7 | .. | .. | Sunrise to 8 p.m. | Sunrise to 8 p.m. | |
| 35 0 0 | | | 68 | 68 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m., & 2 to 3 p.m. | |
| 3 0 0 | | | 12 | 12 | 12 | 12 | 7 a.m. to 10:30 p.m. | Not after 2 p.m. | |
| 1 10 0 | | | 4 | 4 | .. | .. | 9 a.m. to 6 p.m. | 4 to 6 p.m. | |
| 22 10 0 | Private bags | 3 0 0 | 48 | 40 | .. | .. | 7 a.m. to 9 p.m. | 1 to 2 p.m., & 6 to 9 p.m. | |
| | Discount on exchange of stamps | 0 0 2 | | | | | | | |
| 1 10 0 | Porterage | 6 0 0 | 19 | 25 | .. | .. | 7 a.m. to 8 p.m. | 9 to 10 a.m. | |
| 1 0 0 | | | 4 | 4 | .. | .. | Every day when called | upon | |
| 1 0 0 | | | 2 | 2 | .. | .. | 12 hours | 6 hours | |
| 0 10 6 | | | 2 | 2 | .. | .. | 6 a.m. to 6 p.m. | 6 a.m. to 6 p.m. | |
| 6 0 0 | | | .. | .. | .. | .. | 7 a.m. to 9 p.m. | .. | |
| 4 16 8 | | | 14 | 14 | .. | .. | 8 a.m. to 8 p.m. | 8 a.m. to 8 p.m. | |
| 1 0 0 | Discount on exchange of stamps | 0 1 0 | 3 | 3 | .. | .. | All reasonable hours | All reasonable hours | |
| 1 0 0 | | | 3 | 3 | .. | .. | 9 a.m. to 6 p.m. | 4:30 to 6 p.m. | |
| 53 0 0 | | | 221 | .. | .. | .. | Do. | 1 to 2 p.m. | |
| 2 0 0 | | | 18 | .. | .. | .. | 6 a.m. to 10 p.m., and 6:30 to 9 p.m. | 8 to 10 a.m. | |
| 5 5 6 | Private bags | 2 10 0 | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | 4 to 6 a.m. | |
| 4 6 0 | | | 54 | 54 | .. | .. | 8 a.m. to 6 p.m. | 8 a.m. to 4 p.m. | |
| 9 10 0 | | | 54 | 54 | .. | .. | 6 a.m. to 8 p.m. | 6 to 10 a.m. | |
| 0 16 0 | | | 1 | 1 | .. | .. | Daily attendance, but no | fixed hours | |
| 4 0 0 | | | 16 | .. | .. | .. | 9 a.m. to 6 p.m. | 1 to 6 p.m. | |
| 0 5 0 | | | 77 | .. | .. | .. | 6 a.m. to 9 p.m. | 6 to 9 a.m. | |
| 1 0 0 | | | 3 | 3 | .. | .. | 9 a.m. to 9 p.m. | 9 a.m. to 9 p.m. | |
| 3 0 0 | | | 10 | 10 | .. | .. | 8 a.m. to 6 p.m. | 12 to 1 p.m. | |
| 2 0 0 | | | 6 | 6 | .. | .. | 8 a.m. to 8 p.m. | 12 to 2 p.m. | |
| 0 8 0 | | | 12 | 12 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 1 0 0 | | | 20 | 6 | .. | .. | One person constantly | One person constantly | |
| 1 0 0 | | | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | None | |
| 9 0 0 | | | 10 | 10 | .. | .. | 9 a.m. to 10 p.m. | 1 to 2 p.m. | |
| 3 0 0 | | | .. | .. | .. | .. | | | |
| 1 10 0 | | | 6 | 6 | .. | .. | All day | All day | |
| 2 0 0 | | | 2 | 2 | .. | .. | 9 hours | 3 hours | |
| .. | | | 18 | 18 | .. | .. | Not stated | Not stated | |
| 5 10 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 1 10 0 | | | 33 | 33 | .. | .. | 7 a.m. to 9 p.m. | 7 to 10 a.m. | |
| 15 0 0 | | | 3 | 3 | .. | .. | Whenever called | Whenever called | |
| 1 10 0 | | | 48 | 48 | .. | .. | 9 a.m. to 6 p.m. | 1 hour | |
| 2 0 0 | | | 4 | 4 | .. | .. | 6 a.m. to 9 p.m. | 6 a.m. to 9 p.m. | |
| 1 0 0 | | | 6 | 6 | .. | .. | Do. | Do. | |
| 4 0 0 | | | 1 | 1 | .. | .. | Do. | 2 to 3 p.m. | |
| 1 8 4 | | | 1 | 1 | .. | .. | Always; Sun | days excepted. | |
| 1 0 0 | | | 9 | 9 | .. | .. | 6 a.m. to 9 p.m. | 6 a.m. to 9 p.m. | |
| 1 0 0 | | | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m. | |
| 1 0 0 | | | 6 | 6 | .. | .. | 8 a.m. to 6 p.m. | 8 a.m. to 6 p.m. | |
| 1 0 0 | | | 9 | 9 | .. | .. | 6 a.m. to 6 p.m. | 6 a.m. to 6 p.m. | |
| 0 10 0 | | | 3 | 3 | .. | .. | 8 a.m. to 6 p.m. | 8 a.m. to 6 p.m. | |
| 8 0 0 | | | 5 | 5 | .. | .. | 8 a.m. to 8 p.m. | 8 a.m. to 8 p.m. | |
| .. | | | 12 | 12 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m. | |
| 0 10 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | .. | |
| 0 12 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 0 8 0 | | | 6 | 6 | 6 | 6 | 6 a.m. to 8 p.m. | 2 to 3 p.m. | |
| 12 0 0 | | | 69 | 69 | .. | .. | 7:30 a.m. to 11:30 p.m. | 1 to 3 p.m. | |
| 15 18 0 | | | 108 | 108 | .. | .. | 9 a.m. to 6 p.m., and Saturday to 9:30 p.m. | .. | |
| 0 10 0 | | | 1 | 1 | .. | .. | All day | All day | |
| 1 10 0 | | | 3 | 3 | .. | .. | 6 a.m. to 6 p.m. | 6 a.m. to 6 p.m. | |
| 0 10 0 | | | 6 | 6 | .. | .. | 6 a.m. to 9 p.m. | 6 a.m. to 9 p.m. | |
| 5 12 0 | | | 3 | 3 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 1 0 0 | | | 4 | 4 | .. | .. | 9 a.m. to 5 p.m. | 9 a.m. to 5 p.m. | |
| 2 0 0 | | | 3 | 4 | .. | .. | 6 a.m. to 8 p.m. | 6 a.m. to 8 p.m. | |
| 4 0 0 | | | 20 | .. | .. | .. | 19 hours | 19 hours | |
| 1 0 0 | | | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | 12 to 1 p.m. | |
| 0 10 0 | Exchange of stamps | 0 0 6 | 4 | 4 | .. | .. | 7 a.m. to 10 p.m. | 7 a.m. to 10 p.m. | |

£100 and two sureties of £50 each.

POST OFFICE RETURNS.

| NAME OF POST OFFICE. | Name of Postmaster or Postmistress. | Business. | Date of Appointment. | Annual Salary on being appointed. | Subsequent Increase to Salary. | |
|---------------------------|-------------------------------------|--|----------------------|-----------------------------------|---|--|
| | | | | | Amount. | Date of Increase. |
| Charcoal Creek | W. Russell | General Storekeeper | 1 Oct., 1860 | £ s. d. 12 0 0 | ..... | ..... |
| Clarence Town | G. Farquahar | Storekeeper..... | 3 July, 1844 | 6 0 0 | { 4 0 0 8 0 0 | { 1852 1857 |
| Cobbora | J. Blakemore | Squatter, &c. | 1 Oct., 1859 | 12 0 0 | ..... | ..... |
| Collector | J. Simpson | Storekeeper..... | 1 Nov., 1849 | 6 10 0 | { 3 10 0 5 0 0 | { 1854 1860 |
| Condobolin | Jno. Devlin | General Storekeeper | 1 Jan., 1860 | 12 0 0 | ..... | ..... |
| Coolah | James M'Cubbin | Storekeeper and Publican | 1 July, 1859 | 15 0 0 | ..... | ..... |
| Cooma | G. Walters | Poundkeeper and Auctioneer | 19 May, 1854 | 30 0 0 | 10 0 0 | 1860 |
| Coonabarabran | C. J. Pegus | Clerk of Petty Sessions | 1 Oct., 1860 | 12 0 0 | ..... | ..... |
| Coonamble | J. M'Cullough..... | None..... | 1 April, 1860 | 12 0 0 | ..... | ..... |
| Cowra | T. Walsh | Storekeeper..... | 1 Jan., 1859 | 18 0 0 | ..... | ..... |
| Crown Flat | A. H. Soulby | General Storekeeper | 1 Feb., 1861 | 12 0 0 | ..... | ..... |
| Cundletown | H. Ahronson | Storekeeper | 4 Feb., 1861 | 16 0 0 | ..... | ..... |
| Corowa..... | Wm. Bain | General Storekeeper | 20 May, 1861 | 12 0 0 | ..... | ..... |
| Camperdown | J. Larkin | Storekeeper..... | 30 Mar., 1853 | 10 0 0 | 2 0 0 | 1853 |
| Dapto | T. Hobbs | General Storekeeper | 1 April, 1852 | 10 0 0 | { 10 0 0 10 0 0 5 0 0 | { 1856 1860 1860 |
| Delegate | C. Stewart | Storekeeper..... | 1 Jan., 1858 | 12 0 0 | ..... | ..... |
| Deniliquin | J. N. Alexander..... | Do. | 1 Oct., 1860 | 50 0 0 | ..... | ..... |
| Denison Town | J. Kerr | Publican and Storekeeper | 1 Jan., 1860 | 12 0 0 | ..... | ..... |
| Drungalee | J. Bartley | Storekeeper | 1 April, 1860 | 12 0 0 | ..... | ..... |
| Dubbo | J. E. Serrissier | General Merchant | 1 June, 1853 | 10 0 0 | 5 0 0 | 1860 |
| Dundee..... | R. N. Smith..... | Storekeeper | 1 Aug., 1859 | 15 0 0 | ..... | ..... |
| Dungog | T. Doust | Auctioneer | 1 April, 1858 | 18 0 0 | 7 0 0 | 1860 |
| Douglas Park | J. Barne | Storekeeper..... | 1 July, 1860 | 12 0 0 | ..... | ..... |
| East Kempsey | F. Litchfield | Tinplate Worker | 1 Sept., 1860 | 12 0 0 | ..... | ..... |
| East Maitland..... | E. Ogg | Draper, Grocer, &c. | 1 Sept., 1849 | 60 0 0 | 5 0 0 | 1858 |
| Eastern Creek | Hy. Knight | Schoolmaster | 1 May, 1861 | 12 0 0 | ..... | ..... |
| Eccleston | R. Livyer | Farmer..... | 1 Jan., 1859 | 12 0 0 | ..... | ..... |
| Eden | G. Barclay | Storekeeper..... | 20 June, 1849 | 5 0 0 | { 5 0 0 5 0 0 10 0 0 75 0 0 5 0 0 | { 1849 1855 1853 1860 1853 |
| Ennu | S. Smyth | Keeping an accommodation pad- dock, with three cottages | 1 Aug., 1852 | 5 0 0 | { 2 0 0 3 0 0 | { 1853 1860 |
| Enfield | W. J. Innes | Storekeeper | 1 July, 1855 | 10 0 0 | 2 0 0 | 1859 |
| Euston | F. Black | Do. | 1 Nov., 1859 | 12 0 0 | ..... | ..... |
| Fish River Creek | W. J. Jones..... | None..... | 1 Dec., 1854 | 10 0 0 | 2 0 0 | 1860 |
| Five Dock | D. Kelly | Blacksmith | 1 June, 1858 | 12 0 0 | ..... | ..... |
| Fordwich | J. Clarke | Carpenter and Wheelwright..... | 1 April, 1859 | 12 0 0 | ..... | ..... |
| Fort Bourke..... | A. Cottie | Grazier..... | 1 Sept., 1860 | 12 0 0 | ..... | ..... |
| Frederick's Valley | J. B. Flavelle | Surgeon | 1 Feb., 1861 | 12 0 0 | ..... | ..... |
| Frazer's Creek | James Leslie | Storekeeper | 5 July, 1853 | 15 0 0 | ..... | ..... |
| Frederickton | E. M'Carthy | Confectioner | 1 April, 1860 | 12 0 0 | ..... | ..... |
| Fryingpan | W. C. Knight | Storekeeper | 1 June, 1860 | 12 0 0 | ..... | ..... |
| Gerringong | T. Day | Carpenter..... | 1 Dec., 1859 | 12 0 0 | ..... | ..... |
| Ginninderra | H. Medley | Assistant Storekeeper | 1 April, 1861 | 12 0 0 | ..... | ..... |
| Gladesville | G. Buckingham | Wharfinger | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Glen Innes | J. Martin | Storekeeper | 1 Aug., 1854 | 25 0 0 | ..... | ..... |
| Gloucester | T. Lavers..... | Farmer and Stockholder | 1 June, 1859 | 12 0 0 | ..... | ..... |
| Goono Goono | W. Alderson | Storekeeper | 1 Jan., 1857 | 20 0 0 | { 5 0 0 5 0 0 | { 1859 1861 |
| Gosford..... | S. C. Battley | None..... | 20 Nov., 1860 | 15 0 0 | ..... | ..... |
| Goulburn | J. J. Woodward | Do. | 1 April, 1856 | 140 0 0 | 60 0 0 | 1857 |
| Grafton..... | T. Fisher | General Storekeeper | 1 Nov., 1859 | 40 0 0 | ..... | ..... |
| Gresford | Jno. Bash..... | Denominational School Teacher | 1 Nov., 1851 | 15 0 0 | { 3 15 0 1 5 0 | { 1853 |
| Gulligal | H. Johnstone | Storekeeper | 1 Mar., 1857 | 12 0 0 | { 3 0 0 5 0 0 | { 1853 |
| Gundagai..... | D. Winton | Do. | 1 Aug., 1856 | 75 0 0 | 25 0 0 | 1857 |
| Gundaroo | A. Frazer..... | Blacksmith | 1 Jan., 1859 | 12 0 0 | 3 0 0 | 1860 |
| Gunnedah | Geo. Cohen | General Storekeeper | 15 May, 1861 | 15 0 0 | ..... | ..... |
| Gunning | J. Downes | Storekeeper | 1 July, 1859 | 20 0 0 | ..... | ..... |
| Guyong | W. Rowe | Do. | 1 July, 1853 | 15 0 0 | ..... | ..... |
| Glebe Receiving Office .. | J. Dole | Chemist and Druggist | 24 July, 1858 | 12 0 0 | ..... | ..... |
| Hartley..... | P. Finn | None | 1 Aug., 1859 | 90 0 0 | ..... | ..... |
| Hexham | F. Harvey | Farmer..... | 1 Mar., 1860 | 12 0 0 | ..... | ..... |
| Hinton | H. Atkins | Storekeeper | 1 July, 1857 | 25 0 0 | ..... | ..... |
| Howlong | J. G. Drew | General Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Hunter's Hill | J. Stanmer | Wharfinger | 1 June, 1858 | 12 0 0 | ..... | ..... |
| Huntingdon..... | W. Lindsay | Farmer..... | 1 Jan., 1861 | 12 0 0 | ..... | ..... |

POST OFFICE RETURNS.

| Commission on Sale of Stamps for Six Months. | Other Emoluments for Six Months. | | Number of Mails despatched and received Weekly. | | | | Hours of Attendance. | | Amount of Bond. | | | | | |
|--|------------------------------------|--------------------------|---|-----------|--------------------------------|-----------|--|---------------------------------|------------------------------------|------------------------|------------------------------|----|--------------------------|--------------------------|
| | Nature. | Amount. | During day, 6 a.m. to 8 p.m. | | During night, 8 p.m. to 6 a.m. | | On Week-days. | On Sunday. | | | | | | |
| | | | Despatched. | Received. | Despatched. | Received. | | | | | | | | |
| £ s. d. 1 3 6 | | £ s. d. | 12 | 12 | .. | .. | 6 a.m. to 9 p.m. | 6 to 12 a.m. | £100 and two sureties of £50 each. | | | | | |
| 6 0 0 | ..... | ..... | 54 | 54 | .. | .. | 7 a.m. to 9 p.m. | 7 a.m. to 9 p.m. | | | | | | |
| 1 0 0 | ..... | ..... | 5 | 5 | .. | .. | Always in attendance | Always in attendance | | | | | | |
| 1 10 0 | Exchange of stamps | 0 2 0 | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | | | | | | |
| 2 0 0 | | | 2 | 2 | .. | .. | Do. | Do. | | | | | | |
| 0 10 0 | | | 4 | 4 | .. | .. | All day till 10 p.m. | All day till 10 p.m. | | | | | | |
| 10 0 0 | | | 26 | 26 | .. | .. | 11 hours | 5 hours | | | | | | |
| 1 10 0 | | | 2 | 2 | .. | .. | Irregular | Irregular | | | | | | |
| 4 0 0 | | | 2 | 2 | .. | .. | 11 a.m. to 3 p.m. | 11 a.m. to 3 p.m. | | | | | | |
| 4 10 0 | | | 14 | 14 | .. | .. | 9 a.m. to 8 p.m. | 9 to 10 a.m. | | | | | | |
| 2 10 0 | | | 2 | 2 | .. | .. | 8 a.m. to 8 p.m. | 8 a.m. to 8 p.m. | | | | | | |
| 0 10 0 | | | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | 2 hours | | | | | | |
| 2 0 0 | | | 2 | 2 | .. | .. | 8 a.m. to 6 p.m. | ..... |  |  |  |  |  |  |
| 6 0 0 | ..... | ..... | 38 | 38 | .. | .. | 6 a.m. to 9 p.m. | 6 a.m. to 9 p.m. | | | | | | |
| 2 0 0 | ..... | ..... | 2 | 2 | .. | .. | 6 a.m. to 6 p.m. | 6 a.m. to 1:30 p.m. | | | | | | |
| 40 0 0 | ..... | ..... | 16 | 16 | .. | .. | Every day and hour in the week. | ..... |  |  |  |  |  |  |
| 1 10 0 | ..... | ..... | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 5 to 6 p.m. | | | | | | |
| 0 10 0 | ..... | ..... | 2 | 2 | .. | .. | All day till 10 p.m. | All day till 10 p.m. | | | | | | |
| 3 14 0 | ..... | ..... | 8 | 8 | .. | .. | 12 to 1 p.m. on Fridays | 12 to 1 p.m. | | | | | | |
| 4 10 0 | Exchange of stamps | 0 2 0 | 4 | 4 | .. | .. | 9 a.m. to 8 p.m. | 1 hour | | | | | | |
| 5 8 0 | | | 30 | 30 | .. | .. | 9 a.m. to 6 p.m. | 9 to 11 a.m. | | | | | | |
| 2 10 0 | | | 12 | 12 | .. | .. | 6 a.m. to 8 p.m. | 1 to 2 p.m. | | | | | | |
| 1 13 0 | | | | | 2 | 2 | .. | .. | | 9 a.m. to 6 p.m. | Any time when calls are made | | | |
| 20 0 0 | | | | | 86 | 110 | .. | .. | | Office always open | Office always open | | | |
| 1 10 0 | ..... | ..... | 27 | 27 | 9 | 9 | 7:30 a.m. to 7 p.m. | 1 1/2 hour each mornng. & evng. | | | | | | |
| 0 10 0 | ..... | ..... | 1 | 1 | .. | .. | Constant attendance | no stated hours. | | | | | | |
| 9 1 0 | ..... | ..... | 6 | 6 | .. | .. | Wife never absent | Wife never absent | | | | | | |
| 2 10 0 | ..... | ..... | 18 | 18 | .. | .. | 8 a.m. to 9 p.m. | 3 to 4 p.m. | | | | | | |
| 1 0 0 | Porterage | 6 10 0 | 12 | 12 | .. | .. | 8 a.m. to 8 p.m. | 8 to 9 a.m. | | | | | | |
| 1 10 0 | | | 4 | 4 | .. | .. | 6 a.m. to 9 p.m. | 9 to 10 a.m. | | | | | | |
| 1 0 0 | | | 2 | 2 | .. | .. | Always open, except for 1/2 hour before closing mails. | hour before closing mails. | | | | | | |
| 0 10 0 | | | 7 | 7 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | | | | | | |
| 0 10 0 | | | 2 | 2 | .. | .. | 6 a.m. to 8 p.m. | 6 to 8 p.m. | | | | | | |
| 0 10 0 | | | 2 fortnightly | | 12 | 12 | .. | .. | | 7:30 a.m. to 6:30 p.m. | 10 a.m. to 2 p.m. | | | |
| 0 10 0 | | | | | 2 | 2 | .. | .. | | 10 a.m. to 4 p.m. | 10 a.m. to 4 p.m. | | | |
| 0 10 0 | | | | | 2 | 2 | .. | .. | | 8 a.m. to 8 p.m. | 11 a.m. to 12 | | | |
| 1 10 0 | | | | | 1 | 1 | .. | .. | | 8 a.m. to 8 p.m. | 8 a.m. to 8 p.m. | | | |
| 1 10 0 | | | | | 6 | 18 | 18 | 6 | | 9 a.m. to 8 p.m. | 9 a.m. to 8 p.m. | | | |
| 1 5 0 | ..... | ..... | 14 | 14 | .. | .. | 9 a.m. to 6 p.m. | 8 to 10 a.m. | | | | | | |
| 1 0 0 | ..... | ..... | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 7:30 to 8 a.m. | | | | | | |
| 0 15 0 | ..... | ..... | 12 | 12 | .. | .. | 2 hours | None | | | | | | |
| 7 0 0 | ..... | ..... | 27 | 27 | .. | .. | 8 a.m. to 8 p.m. | 2 hours | | | | | | |
| 1 0 0 | ..... | ..... | 4 | 4 | .. | .. | 7 a.m. to 8 p.m. | 12:30 to 1:30 p.m. | | | | | | |
| 3 0 0 | ..... | ..... | 25 | 25 | .. | .. | 7 a.m. to 10 p.m. | 9 to 10 a.m., and 3 to 4 p.m. | | | | | | |
| 4 0 0 | ..... | ..... | 3 | 3 | .. | .. | 9 a.m. to 6 p.m. | 1 hour | | | | | | |
| 53 14 0 | { Private bags Porterage Do. | 1 10 0 2 0 0 2 0 0 | 93 | 93 | .. | .. | 9 a.m. to 10:30 p.m. | 4:30 to 10:30 p.m. | | | | | | |
| 14 10 0 | | | | | | | | | 7 | 8 | .. | .. | 9 a.m. to 8 p.m. | 9:30 to 10:30 a.m. |
| 3 1 0 | | | | | | | | | 9 | 9 | .. | .. | Sunrise to 10 or 11 p.m. | Sunrise to 10 or 11 p.m. |
| 5 0 0 | Private bags | 5 0 0 | 7 | 7 | .. | .. | All day | All day | | | | | | |
| 12 0 0 | Private bags | 0 10 6 | 6 | 12 | 9 | 6 | 9 a.m. to 11 p.m. | 9 to 10 a.m., & 4 to 5 p.m. | | | | | | |
| 2 10 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 10:30 to 11:30 a.m. | | | | | | |
| 5 0 0 | | | 9 | 9 | .. | .. | 9 a.m. to 10 p.m. | 3 to 4 p.m. | | | | | | |
| 4 0 0 | | | 18 | 18 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m. | | | | | | |
| 2 0 0 | | | 30 | .. | .. | .. | Do. | 9 a.m. to 6 p.m. | | | | | | |
| 3 18 0 | ..... | ..... | .. | .. | .. | .. | Do. | All day, except Church hours. | | | | | | |
| 6 0 0 | ..... | ..... | 81 | 81 | .. | .. | 5 a.m. to 8 p.m. | 5 to 10 a.m., & 1 to 5 p.m. | | | | | | |
| 2 10 0 | Porterage | 11 10 0 | 118 | .. | .. | .. | 7 a.m. to 6 p.m. | 7 to 11 a.m. | | | | | | |
| 3 0 0 | Porterage and exchange of stamps | 4 12 6 | 78 | .. | .. | .. | 9 a.m. to 6 p.m. | 11 a.m. to 1 p.m. | | | | | | |
| 0 10 0 | ..... | ..... | 2 | 2 | .. | .. | 7 a.m. to 10 p.m. | 7 a.m. to 10 p.m. | | | | | | |
| 1 2 6 | ..... | ..... | 12 | 12 | .. | .. | 2 hours | None | | | | | | |
| 0 5 0 | ..... | ..... | 1 | 1 | .. | .. | Sunrise to sunset | Sunrise to sunset | | | | | | |

POST OFFICE RETURNS.

| NAME OF POST OFFICE. | Name of Postmaster or Postmistress. | Business. | Date of Appointment. | Annual Salary on being appointed. | Subsequent Increase to Salary. | |
|-------------------------|-------------------------------------|----------------------------------|----------------------|---|--------------------------------|----------------------|
| | | | | | Amount. | Date of Increase. |
| Hay | Robt. Neilson | Storekeeper | 1 April, 1859 | £ s. d. 15 0 0 | £ s. d. ..... | ..... |
| Inverell | C. Ross | Do. | 10 Nov., 1854 | 15 0 0 | ..... | ..... |
| Ironbark | R. A. Stace | Do. | 1 July, 1858 | 12 0 0 | ..... | ..... |
| Jamberoo | W. Alten | Do. | 1 Mar., 1855 | 15 0 0 | 5 0 0 | 1859 |
| Jerry's Plains | O. Saunders | Do. | 1 April, 1858 | 20 0 0 | ..... | ..... |
| Jones' Island | S. W. Dugdale | Do. | 15 Dec., 1859 | 12 0 0 | ..... | ..... |
| Jugiong | J. Sheahan | Do. | 1 Oct., 1856 | 12 0 0 | ..... | ..... |
| Juction, near Newcastle | W. Mills | None | 11 Mar., 1861 | 12 0 0 | ..... | ..... |
| Jembaicumbene | G. Summers | Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Kean's Swamp | Wm. Russell | Schoolmaster | 1 Sept., 1859 | 12 0 0 | ..... | ..... |
| Kelso | J. Glasson | Storekeeper | 1 April, 1860 | 12 0 0 | ..... | ..... |
| Kempsey | E. P. Dangar | General Storekeeper | 10 Mar., 1859 | 18 0 0 | 7 0 0 5 0 0 | 1860 |
| Kenny's Point | J. Kenny | Farmer and Grazier | 1 Jan., 1859 | 12 0 0 | ..... | ..... |
| Kiama | T. Fuller | Manager, E. S. and A. C. Bank | 1 July, 1856 | 25 0 0 | 10 0 0 | 1857 |
| Kiandra | A. F. Newman | Postmaster | 13 July, 1860 | { £25 & £175 as Clerk in G. P. Office } | ..... | ..... |
| Kircumba | H. Lane | Denominational Schoolmaster .. | 1 April, 1859 | 12 0 0 | ..... | ..... |
| Kirconnell | J. Bywater | Farmer and Poundkeeper | 1 Oct., 1859 | 12 0 0 | ..... | ..... |
| Laggan | W. A. Foster | Storekeeper and Auctioneer | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Lagoons | J. B. Carson | National School Teacher | 1 May, 1860 | 12 0 0 | ..... | ..... |
| Lane Cove | E. Edwards | Storekeeper | 1 Feb., 1860 | 12 0 0 | ..... | ..... |
| Lanyon | A. W. Cunningham | None | 1 Aug., 1860 | 12 0 0 | ..... | ..... |
| Lake Macquarie Road | J. Howden | General Storekeeper | 1 April, 1860 | 12 0 0 | ..... | ..... |
| Largs | G. Roberts | Storekeeper | 1 Jan., 1858 | 12 0 0 | ..... | ..... |
| Laurence | J. W. Stewart | Wharfinger | 1 April, 1859 | 12 0 0 | ..... | ..... |
| Lismore | W. Pursor | Private Tutor | 1 Oct., 1859 | 12 0 0 | ..... | ..... |
| Limeburner's Creek | C. H. Smith | None | 4 Feb., 1861 | 12 0 0 | ..... | ..... |
| Little Hartley | G. Jarvis | Storekeeper | 1 Nov., 1857 | 12 0 0 | ..... | ..... |
| Liverpool | H. B. Beresford | Auctioneer and Agent | 1 April, 1856 | 40 0 0 | ..... | ..... |
| Lochinvar | J. Smith | Storekeeper | 1 July, 1855 | 12 10 0 | 2 10 0 | 1857 |
| Longbottom | P. M'Grath | None | 24 July, 1857 | 5 0 0 | 7 0 0 3 0 0 | 1857 1859 |
| Long Creek | J. Wigram | Publican | 1 Jan., 1859 | 12 0 0 | ..... | ..... |
| Long Swamp | W. Jones | Storekeeper | 1 Jan., 1859 | 12 0 0 | ..... | ..... |
| Lostock | H. Fowler | Teacher, &c. | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Louisa Creek | W. Hickey | None | 1 June, 1859 | 18 0 0 | ..... | ..... |
| Lower Portland | H. Everingham | Farmer | 1 April, 1860 | 12 0 0 | ..... | ..... |
| Luddenham | W. Neal | Blacksmith | 1 June, 1859 | 12 0 0 | ..... | ..... |
| Lambing Flat | J. H. Butchart | Storekeeper | 1 Mar., 1861 | 100 0 0 | ..... | ..... |
| Major's Creek | J. H. Blatchford | General Storekeeper | 1 Jan., 1861 | 18 0 0 | ..... | ..... |
| Mangrove Creek | D. MacIntosh | Farmer | 1 Jan., 1857 | 12 0 0 | ..... | ..... |
| Manilla | G. Veness | Store and Innkeeper | 9 Aug., 1854 | 12 0 0 | ..... | ..... |
| Manly | Jno. Fox | Grocer | 1 June, 1861 | 12 0 0 | ..... | ..... |
| Marengo | Joseph Hancock | Storekeeper | 1 Jan., 1857 | 20 0 0 | ..... | ..... |
| Marulan | James Mauney | Do. | 1 Jan., 1858 | 18 0 0 | ..... | ..... |
| Mary Land | G. Wilson | General Storekeeper | 1 July, 1859 | 12 0 0 | ..... | ..... |
| Meadow Flat | H. F. Brown | National Schoolmaster | 1 Dec., 1860 | 12 0 0 | ..... | ..... |
| Merrendee | R. Hall | Do. | 1 July, 1859 | 12 0 0 | ..... | ..... |
| Merri Merri | Donald M'Lean | Grazier | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Merimbula | H. J. Bate | Miller | 1 Nov., 1860 | 18 0 0 | ..... | ..... |
| Merriwa | S. Dorton | Newspaper Agent | 15 July, 1846 | 15 0 0 | 5 0 0 | 1858 |
| Merton | J. West | None | 1 Jan., 1851 | 30 0 0 | ..... | ..... |
| Michelaga | R. Cameron | Storekeeper | 1 Feb., 1860 | 12 0 0 | ..... | ..... |
| Miller's Forest | J. P. Collier | Schoolmaster | 1 Jan., 1859 | 12 0 0 | ..... | ..... |
| Millfield | H. Crothiers | Miller and Storekeeper | 1 Mar., 1861 | 12 0 0 | ..... | ..... |
| Milton | Geo. Knight | General do. | 1 Jan., 1860 | 12 0 0 | ..... | ..... |
| Minmi | W. Charlton | Colliery Overseer | 1 Oct., 1860 | 12 0 0 | ..... | ..... |
| Moama | T. Waltham | General Storekeeper | 1 Jan., 1857 | 25 0 0 | ..... | ..... |
| Molong | J. Liscombe | Auctioneer | 1 Dec., 1847 | 18 0 0 | 4 0 0 8 0 0 5 0 0 | 1852 1853 1859 |
| Molonglo | Wm. Ray | Storekeeper | 1 Dec., 1860 | 12 0 0 | ..... | ..... |
| Moonyb | M. Breerton | Do. | 1 Oct., 1859 | 12 0 0 | ..... | ..... |
| Morangarell | D. C. M'Gregor | Grazier | 1 Jan., 1858 | 12 0 0 | ..... | ..... |
| Moree | D. Muro | Storekeeper | 14 April, 1857 | 12 0 0 | ..... | ..... |
| Morpeth | J. Larymore | None | 1 Mar., 1854 | 30 0 0 | 23 2 6 7 10 0 9 7 6 | 1857 1854 1855 |
| Monga | J. Rodd | Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Moruya | O. Lodge | General Storekeeper | 1 Aug., 1857 | 15 0 0 | 3 0 0 | 1860 |
| Montefiores | Hy. Lambert | Storekeeper | 1 June, 1861 | 12 0 0 | ..... | ..... |
| Mount Murchison | E. S. Bonney | Do. | 1 Jan., 1860 | 12 0 0 | ..... | ..... |
| Mount Vincent | W. Giles | Do. | 1 April, 1859 | 12 0 0 | ..... | ..... |

POST OFFICE RETURNS.

| Commission on Sale of Stamps for Six Months. | Other Emoluments for Six Months. | | Number of Mails despatched and received Weekly. | | | | Hours of Attendance. | | Amount of Bond. |
|--|----------------------------------|-------------------|---|-----------|--------------------------------|-----------|---|---|---|
| | | | During day, 6 a.m. to 8 p.m. | | During night, 8 p.m. to 6 a.m. | | On Week-days. | On Sunday. | |
| | Nature. | Amount. | Despatched. | Received. | Despatched. | Received. | | | |
| £ s. d. 15 0 0 | Private bags | £ s. d. 7 10 0 | 12 | 12 | .. | .. | 9 a.m. to 6 p.m. or half an hour later. | 9 to 10 a.m. | £100 and two sure- ties of £50 each. |
| 3 0 0 | Do. | 6 0 0 | 3 | 3 | .. | .. | 7 a.m. to 7 p.m. | None | |
| 6 0 0 | | | 9 | 9 | .. | .. | Day time, during business hours | ..... |  |
| 4 0 0 | | | 6 | 6 | 12 | 12 | 9 a.m. to 7 p.m. .... | ..... |  |
| 2 14 0 | | | 3 | 3 | .. | .. | 12 hours | None | |
| 0 11 0 | | | 2 | 2 | .. | .. | All hours | 4 to 5 p.m. | |
| 2 10 0 | | | 6 & by steamer. | | 6 | 6 | 8 a.m. to 11 p.m. | 1 hour before noon, and 1 hour after noon. | |
| 2 3 4 | | | 27 | 14 | .. | .. | 7 a.m. to 4 p.m. | 7 to 9 a.m. | |
| 1 10 0 | | | 3 | 3 | .. | .. | 7 a.m. to 9 p.m. | 8 a.m. to 6 p.m. | |
| 2 0 0 | | | 24 | 24 | .. | .. | 7 a.m. to 8 p.m. .... | ..... |  |
| 1 0 0 | | | 36 | .. | .. | .. | 9 hours | 1 hour | |
| 6 0 0 | | | 7 | 7 | .. | .. | Any hour | { Any hour, except during Divine Service. | |
| 0 10 0 | | | 1 | 1 | .. | .. | 8 a.m. to 8 p.m. | 8 to 10 a.m., & 12 to 4 p.m. | |
| 16 0 0 | Porterage | 5 0 0 | 36 | 45 | .. | .. | 9 a.m. to 6 p.m. | | £50 with two sure- ties of £25 each. |
| 7 16 0 | | | 3 | 3 | .. | .. | 9 a.m. to 6 p.m. | 9 to 11 a.m. | |
| 0 10 0 | | | 1 | 1 | .. | .. | At any time | At any time | |
| 1 15 3 | | | 24 | .. | .. | .. | 8 a.m. to 8 p.m. | 4 to 5 p.m. | |
| 0 10 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 12 to 1 p.m. | |
| 0 10 0 | | | 2 | 2 | .. | .. | 8 a.m. to 8 p.m. | 8 a.m. to 3 p.m. | |
| 1 0 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 1 to 2 p.m. | |
| 2 15 0 | | | 2 | 2 | .. | .. | Do. | 9 a.m. to 6 p.m. | |
| 3 8 0 | Exchange of stamps | 0 0 4 | 21 | 14 | .. | .. | 6 a.m. to 8 p.m. | 8 to 9 a.m. | |
| 1 4 0 | | | 14 | 14 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m. | |
| 2 0 0 | | | 5 | .. | .. | .. | 6 a.m. to 8 p.m. | 6 a.m. to 8 p.m. | |
| 1 0 0 | | | 4 | 4 | .. | .. | Daylight to 9 p.m. | Daylight to 9 p.m. | |
| 0 16 6 | | | 8 | 8 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 2 0 0 | | | 11 | 11 | .. | .. | 9 a.m. to 8 p.m. | 9 a.m. to 8 p.m. | |
| 12 0 0 | Porterage | 6 10 0 | 84 | .. | .. | .. | 9 a.m. to 6 p.m., and 8 to 9 p.m. | 1 hour | |
| 29 0 0 | | | 34 | 34 | .. | .. | 8 a.m. to 6 p.m. | 8 to 10 a.m. | |
| 1 10 0 | Porterage | 9 0 0 | 12 | 12 | .. | .. | 7 a.m. to 9 p.m. | 8 to 9 a.m. | |
| 1 0 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 5 to 6 p.m. | |
| 0 10 0 | | | 1 | 1 | .. | .. | 8 a.m. to 7 p.m. | 8 a.m. to 7 p.m. | |
| 0 10 0 | | | 2 | 2 | .. | .. | 8 a.m. to 8 p.m. | 8 to 10 a.m. & 2 to 5 p.m. | |
| 1 10 0 | | | 10 | .. | .. | .. | 9 a.m. to 6 p.m. | 1 hour | |
| 0 12 0 | | | 3 | 3 | .. | .. | Do. | 9 a.m. to 6 p.m. | |
| 2 10 0 | | | 6 | 6 | .. | .. | All hours | All hours | |
| 31 0 0 | Exchange of stamps | 0 3 0 | 20 | 20 | .. | .. | 9 a.m. to 6 p.m. | 12 to 1 p.m., & 2 to 4 p.m. | |
| 4 0 0 | | | 14 | .. | .. | .. | 9 a.m. to 8 p.m. | 1 to 3:30 p.m. | |
| 0 10 0 | | | 1 | 1 | .. | .. | Every day in | the week. | |
| 1 10 0 | | | 1 | 1 | .. | .. | Do. | Do. | |
| 1 10 0 | | | 6 | 6 | .. | .. | 8 a.m. to 9 p.m. | 8 a.m. to 9 p.m. | |
| 1 0 0 | | | 6 | 6 | .. | .. | 6 a.m. to 6 p.m. | 7 to 10 a.m., & 5 to 6 p.m. | |
| 3 0 0 | | | 18 | 18 | .. | .. | All hours | All hours | |
| 1 10 0 | | | 3 | 3 | .. | .. | All day long, except a | few hours on Sunday | |
| 1 19 0 | | | 24 | 24 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 0 10 0 | | | 2 | 2 | .. | .. | Do. | 1 to 2 p.m. | |
| 0 10 0 | | | 1 | 1 | .. | .. | Whenever required | Whenever required | |
| 3 2 0 | | | 6 | 6 | .. | .. | 8 a.m. to 6 p.m. | None | |
| 3 2 0 | Private boxes | 1 0 0 | 15 | 15 | .. | .. | 7 a.m. to 8 p.m. | Except during Divine Service. | |
| 1 10 0 | | | 6 | 6 | .. | .. | All day | All day | |
| 0 10 0 | | | 3 | 3 | .. | .. | 9 a.m. to 6 p.m. | 9 to 11 a.m., & 2 to 4 p.m. | |
| 1 10 0 | Porterage | 6 0 0 | 18 | 24 | .. | .. | Do. | 1 hour | |
| 1 0 0 | | | 1 | 1 | .. | .. | 7 a.m. to 8 p.m. | 2 hours | |
| 2 0 0 | | | 6 | 6 | .. | .. | 8 a.m. to 10 p.m. | 1 to 2 p.m. | |
| 3 0 0 | | | 6 | 6 | .. | .. | 8 a.m. to 8 p.m. | None | |
| 2 0 0 | | | 4 | 9 | .. | .. | 8 a.m. to 6 p.m. | 8 to 10 a.m. | |
| 3 1 6 | Private bags | 0 10 0 | 5 | 6 | .. | .. | 9 a.m. to 6 p.m. | 1 to 2 a.m. | |
| 1 5 0 | | | 3 | 3 | .. | .. | 6 a.m. to 6 p.m. | 8 to 10 a.m. | |
| 2 0 0 | | | 10 | 10 | .. | .. | 5:30 a.m. to 6 p.m. | 5:30 to 11 a.m. | |
| 1 0 0 | | | 1 | 1 | .. | .. | 1 hour | 1 hour | |
| 3 0 0 | | | 2 | 2 | .. | .. | 12 hours | 12 hours | |
| 13 5 0 | | | 52 | 48 | .. | .. | 11 hours | 3 hours | |
| 0 10 0 | | | 4 | 4 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 3 p.m. | |
| 5 0 0 | Exchange of stamps | 0 2 0 | 8 | 8 | .. | .. | 7 a.m. to 9 p.m. | 1 hour | |
| | | | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | 12 to 1 p.m. | |
| 2 10 0 | | | 1 | 1 | .. | .. | 9 a.m. to 6 p.m. | 12 to 2 p.m. | |
| 0 10 0 | | | (fortnightly.) | | 1 | 1 | Do. | Do. | |

POST OFFICE RETURNS.

| NAME OF POST OFFICE. | Name of Postmaster or Postmistress. | Business. | Date of appointment. | Annual Salary on being appointed. | Subsequent Increase to Salary. | |
|---------------------------------|-------------------------------------|-------------------------------|----------------------|-----------------------------------|---|--|
| | | | | | Amount. | Date of Increase. |
| Moulamein | T. Linton | General Storekeeper | 1 Sept., 1859 | £ s. d. 12 0 0 | ..... | ..... |
| Mudgee | H. Tebbutt | Town Clerk | 1 Feb., 1859 | 70 0 0 | { 5 0 0 5 0 0 | 1859 1860 1860 |
| Myrtleville | Chas. Capon | National School Teacher | 1 May, 1861 | 12 0 0 | ..... | ..... |
| Mullenderree | M. Lynch | None | 1 Oct., 1859 | 18 0 0 | ..... | ..... |
| Murrumbah | W. Beadman | Do. | 1 May, 1861 | 12 0 0 | ..... | ..... |
| Mundooran | T. Webster | Poundkeeper | 1 Jan., 1856 | 12 0 0 | ..... | ..... |
| Murrumburrah | J. English | Licensed Publican..... | 1 Sept., 1860 | 12 0 0 | ..... | ..... |
| Murrurundi | H. Wheeler | None | 1 Aug., 1856 | 75 0 0 | { 25 0 0 10 0 0 15 0 0 | 1857 1853 1860 |
| Muswellbrook | G. Denshire..... | Do. | 1 July, 1850 | 40 0 0 | ..... | ..... |
| Mutt Billy | T. J. Lodge | Publican | 1 Feb., 1860 | 12 0 0 | ..... | ..... |
| Mutton Falls | R. M. Welch | Butcher | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Narellan | J. Hartley | Schoolmaster | 1 Aug., 1857 | 12 0 0 | 3 0 0 | 1859 |
| Narrabri | Geo. Lewis | Builder | 1 June, 1861 | 12 0 0 | ..... | ..... |
| Nelligen | H. Rashleigh | Storekeeper | 1 May, 1861 | 18 0 0 | ..... | ..... |
| Narranderra | K. Ennis | Do. | 28 Feb., 1859 | 12 0 0 | ..... | ..... |
| Nerriga | D. M'Grath | Farmer | 1 Aug., 1859 | 12 0 0 | ..... | ..... |
| Newcastle | W. Thompson | None | 29 June, 1855 | 100 0 0 | { 50 0 0 10 0 0 | 1857 1860 |
| Nimitybelle | David Bell | General Storekeeper | 1 June, 1861 | 12 0 0 | ..... | ..... |
| North Richmond | J. Winter | Storekeeper | 1 Dec., 1858 | 12 0 0 | ..... | ..... |
| Norwood | J. Jones | Grocer, &c. | 1 May, 1860 | 12 0 0 | ..... | ..... |
| Nowra | J. Macarthur | Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Nundle | A. M'Clelland | Farmer | 1 June, 1856 | 30 0 0 | ..... | ..... |
| Newtown Receiving Office | M. Holroyd | Storekeeper | 1 June, 1859 | 15 0 0 | ..... | ..... |
| Oaks | E. Reilly | Poundkeeper | 1 Jan., 1858 | 12 0 0 | 3 0 0 | 1859 |
| Oakey Creek | J. Allison ..... | ..... | 1 April, 1859 | 12 0 0 | ..... | ..... |
| O'Connell | D. Nolan | General Storekeeper | 1 July, 1860 | 12 0 0 | ..... | ..... |
| Orange | J. Dale | Sadler | 1 Mar., 1855 | 22 10 0 | { 2 10 0 15 0 0 10 0 0 | 1857 1859 |
| Oranmore..... | M. N. O'Connell..... | Storekeeper | 1 Aug., 1859 | 12 0 0 | ..... | ..... |
| Obley | R. Cragg | Do. | 1 July, 1858 | 12 0 0 | ..... | ..... |
| Paddington | R. Westaway | Draper | 22 July, 1849 | 10 0 0 | 5 0 0 | 1857 |
| Pambula | Cyrus Covington, junr. | Storekeeper | 20 Feb., 1861 | 20 0 0 | ..... | ..... |
| Parramatta | J. Wickham..... | None | 1 April, 1838 | 75 in 1848 | { 5 0 0 20 0 0 25 0 0 35 0 0 15 0 0 15 0 0 | 1852 1853 1855 1857 1859 1860 |
| Paterson | M. L. Saunders | Denominational Teacher | 1 May, 1859 | 30 0 0 | ..... | ..... |
| Peel | J. Reed | None | 1 Aug., 1856 | 12 0 0 | ..... | ..... |
| Penrith | F. A. Kellett | Stationer | 5 April, 1860 | 100 0 0 | ..... | ..... |
| Petersham | H. Williams | Do. | 1 April, 1860 | 12 0 0 | ..... | ..... |
| Picton | P. Mulloy..... | Storekeeper | 1 June, 1853 | 12 0 0 | { 3 0 0 5 0 0 | 1853 1859 |
| Pitt Town | T. Grono | Do. | 1 Feb., 1859 | 12 0 0 | ..... | ..... |
| Port Macquarie | M. J. Spence | Do. | 1 Nov., 1852 | 12 0 0 | { 8 0 0 10 0 0 | 1854 1859 |
| Prospect | M. A. Brown ..... | ..... | 1 Mar., 1859 | 12 0 0 | 6 0 0 | 1861 |
| Pennant Hills | W. Spuraway | Farmer | 1 Mar., 1861 | 12 0 0 | ..... | ..... |
| Perry | E. Wicker | Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Pymont Receiving Office | E. Flemming ..... | ..... | 14 Feb., 1853 | 10 0 0 | 2 0 0 | 1859 |
| Queanbeyan..... | G. Soars | Assistant Teacher | 1 Nov., 1860 | 60 0 0 | ..... | ..... |
| Quirindi | T. Trevor | Storekeeper | 1 July, 1859 | 12 0 0 | ..... | ..... |
| Randwick | J. Grice | Do. | 1 May, 1859 | 12 0 0 | ..... | ..... |
| Raymond Terrace | M. E. Shaw | Auctioneer and Agent | 1 May, 1860 | 50 0 0 | ..... | ..... |
| Redbank | R. Fitzpatrick..... | Farmer | 1 Jan., 1859 | 12 0 0 | ..... | ..... |
| Reid's Flat | J. Reid | Farmer and Grazier | 1 June, 1859 | 12 0 0 | ..... | ..... |
| Richmond | W. Price | None | 1 Sept., 1858 | 30 0 0 | { 10 0 0 10 0 0 | 1859 1860 |
| Richmond River Heads.. | E. Ross | Cedar Dealer, &c. | 1 April, 1858 | 12 0 0 | ..... | ..... |
| Riversford | S. C. Drewe | Schoolmaster | 1 Feb., 1853 | 12 0 0 | 6 0 0 | 1860 |
| Rockley | A. Budden | Storekeeper | 1 April, 1861 | 21 0 0 | ..... | ..... |
| Rocky River | A. W. Haylis | Do. | 1 Oct., 1856 | 50 0 0 | ..... | ..... |
| Rolland's Plains | J. Churchill | Farmer, &c. | 1 Jan., 1856 | 10 0 0 | 2 0 0 | 1857 |
| Rouse Hill | J. Retallick | Publican | 1 Oct., 1857 | 12 0 0 | ..... | ..... |
| Russells | J. J. Patrick | Storekeeper | 18 Nov., 1860 | 12 0 0 | ..... | ..... |
| Rylstone | A. M. Armstrong | Do. | 1 Feb., 1857 | 25 0 0 | ..... | ..... |
| Rydal | J. M'Laughlin | None | 1 July, 1859 | 12 0 0 | ..... | ..... |
| Ryde | Geo. Pope..... | Shoemaker | 1 July, 1846 | 15 0 0 | { 5 0 0 5 0 0 | 1853 1854 |
| Redfern Receiving Office | W. Love | Grocer | 1 Aug., 1860 | 12 0 0 | ..... | ..... |
| Sackville Reach | H. C. Kirwin | None | 1 Jan., 1858 | 12 0 0 | 3 0 0 | 1859 |
| Sassafra | Thos. Ganderton ..... | ..... | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| St. Albans | A. Pescud | Farmer | 1 July, 1854 | 10 0 0 | 2 0 0 | 1858 |
| St. Leonard's Receiving Office. | G. H. Stevens | House Agent | 1 May, 1854 | 10 0 0 | 2 0 0 | 1860 |

POST OFFICE RETURNS.

| Commission on Sale of Stamps for Six Months. | Other Emoluments for Six Months. | | Number of Mails despatched and received Weekly. | | | | Hours of Attendance. | | Amount of Bond. |
|--|----------------------------------|------------------|---|-----------|--------------------------------|-----------|--|--------------------------------|--------------------------------------|
| | Nature. | Amount. | During day, 6 a.m. to 8 p.m. | | During night, 8 p.m. to 6 a.m. | | On Week-days. | On Sunday. | |
| | | | Despatched. | Received. | Despatched. | Received. | | | |
| £ s. d. 2 10 0 | | £ s. d. | 4 | 4 | .. | .. | 6 a.m. to 10 p.m..... | 6 a.m. to 10 p.m..... | } £100 and two sureties of £50 each. |
| 30 0 0 | | | 59 | 57 | .. | .. | 6 a.m. to 8 p.m. | 9 a.m. to 12, & 2 to 3 p.m. | |
| 0 10 0 | | | 3 | 3 | .. | .. | 9 a.m. to 8 p.m. | 12 to 5 p.m. | |
| 1 10 0 | Exchange of stamps. | 1 0 0 | 9 | 10 | .. | .. | 9 a.m. to 6 p.m. | 12 to 1 p.m. | |
| ..... | Do. | 0 5 7 | 1 | 2 | .. | .. | 3 and 11 a.m. | 3 and 11 a.m. | |
| 0 10 0 | | | 3 | 3 | .. | .. | 9 a.m. to 6 p.m. | 3 to 8 p.m. | |
| 3 10 0 | | | 6 | 6 | .. | .. | 9 a.m. to 7 p.m. | 10 a.m. to 3 p.m. | |
| 13 0 0 | | | 61 | 55 | .. | .. | 9 to 12 hours | Ditto. | |
| 12 0 0 | | | 39 | 39 | .. | .. | 6 a.m. to 10 p.m..... | 6 a.m. to 10 p.m..... | |
| 1 0 0 | Exchange of stamps. | 1 2 6 | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 0 14 0 | | | 3 | 3 | .. | .. | 6 a.m. to 6 p.m. | 9 a.m. to 11 p.m. | |
| 2 10 0 | | | 12 | 12 | 12 | 12 | 8 a.m. to 10 p.m..... | 9 to 10 a.m. & 3 to 4 p.m. | |
| 0 10 0 | | | 3 | 3 | .. | .. | 9 a.m. to 6 p.m. | 1:30 to 2:30 p.m. | |
| 2 10 0 | | | 8 | 10 | .. | .. | 9 a.m. to 6 p.m. | 10 to 11 a.m. | |
| 2 0 0 | | | 8 | 8 | .. | .. | All hours | All hours | |
| 0 10 0 | Fees for private boxes | 0 9 4 | 2 | 2 | .. | .. | All reasonable hours .. | All reasonable hours .. | |
| 60 0 0 | Do. | 2 2 0 | 122 | 131 | .. | .. | All hours | All hours | |
| 3 0 0 | | | 4 | 4 | .. | .. | 12 hours | 4 hours | |
| 1 0 0 | | | 6 | 6 | .. | .. | 8 a.m. to 8 p.m. | 8 a.m. to 4 p.m. | |
| 0 10 0 | | | 12 | 12 | .. | .. | 7 a.m. to 9 p.m. | 9 to 10 a.m. | |
| 3 0 0 | | | 9 | 9 | .. | .. | 6 a.m. to 6 p.m. | 6 a.m. to 6 p.m. | |
| 3 0 0 | | | 9 | 9 | .. | .. | 7 a.m. to 8 p.m. | 7 a.m. to 8 p.m. | |
| 24 0 0 | | | 3 | 3 | .. | .. | Early morning till bed-time | None | |
| 1 5 0 | | | 15 | 15 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m. | |
| 2 10 0 | | | 1 | 1 | .. | .. | 9 a.m. to 8 p.m. | 9 to 10 a.m. | |
| 2 13 6 | | | 4 | 4 | .. | .. | 9 a.m. to 6 p.m. | 10:30 to 11 a.m. | |
| 15 0 0 | Private boxes | 1 10 0 | 74 | .. | .. | .. | 7:30 a.m. to 10 p.m. | 4 hours | |
| 0 8 0 | | | 2 | 2 | .. | .. | 10 a.m. to 5 p.m..... | 10 a.m. to 5 p.m..... | |
| 1 0 0 | | | 1 | 1 | .. | .. | 6 a.m. to 10 p.m..... | 6 a.m. to 10 p.m..... | |
| 3 0 0 | | | 6 | 4 | .. | .. | 9 a.m. to 6 p.m. | None | |
| 3 0 0 | | | 6 | 4 | .. | .. | 8 a.m. to 8 p.m. | 9 to 10 a.m. | |
| 29 0 0 | Exchange of stamps. | 4 0 0 | 24 | 25 | .. | .. | 7 a.m. to 7 p.m. | 9 to 11 a.m. | |
| 4 10 0 | | | 54 | 54 | .. | .. | 9 a.m. to 6 p.m. | 10 a.m. to 2:30 p.m. | |
| 1 5 0 | | | 7 | 7 | .. | .. | 7 a.m. to 9 and 10 p.m... | 9 a.m. to 6 p.m. | |
| 15 0 0 | | | 69 | 99 | 30 | .. | 7 a.m. to 8 p.m. | 2 hours in mornings & evenings | |
| 2 0 0 | Porterage | 9 0 0 | 6 | 6 | .. | .. | 7 a.m. to 6 p.m. | 1 hour | |
| 8 17 0 | | | 48 | .. | .. | .. | All hours from 8 a.m. | All hours from 8 a.m. | |
| 0 10 0 | | | 8 | 8 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m. & 4 to 5 p.m. | |
| 6 15 0 | | | 11 | 13 | .. | .. | 9 a.m. to 6 p.m. & 10 p.m. on Tuesdays & Fridays | 1 hour in forenoon .. | |
| 2 0 0 | | | 5 | 5 | .. | .. | 9 a.m. to 6 p.m. | 9 to 10 a.m. | |
| 0 10 0 | Porterage | 6 10 0 | 6 | 6 | .. | .. | 6 a.m. to 6 p.m. | 8 to 10 a.m. | |
| 0 10 0 | | | 1 | 1 | .. | .. | 8 a.m. to 4 p.m. | 8 a.m. to 4 p.m. | |
| 0 3 0 | | | fortnightly. | .. | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 9 4 7 | Private boxes | 1 2 6 | 27 | 27 | .. | .. | 9 a.m. to 6 p.m. | 2 to 3 p.m. | |
| 1 0 0 | | | 1 | 1 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 1 10 0 | | | 2 | 2 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 9 0 0 | Porterage | 4 12 0 | 46 | 50 | .. | .. | 9 a.m. to 6 p.m. | 1 hour | |
| 0 15 0 | | | 2 | 2 | .. | .. | 12 hours | 2 hours | |
| 0 10 0 | | | 3 | 3 | .. | .. | 6 a.m. to 6 p.m. | 6 a.m. to 6 p.m. | |
| 8 0 0 | | | 21 | 21 | .. | .. | 7:30 a.m. to 8:30 p.m..... | 9 to 10 a.m. | |
| 1 10 0 | | | 2 | 2 | .. | .. | At all times | At all times | |
| 2 0 0 | | | 12 | 12 | .. | .. | 9 a.m. to 6 p.m. | 9 to 11 a.m. | |
| 3 19 6 | | | 6 | 6 | .. | .. | 8 a.m. to 6 p.m. | 10 to 11 a.m. | |
| 2 10 0 | | | 3 | 3 | .. | .. | 8 a.m. to 8 p.m. | 9 to 10 a.m. | |
| 1 0 0 | | | 6 | 6 | .. | .. | All hours | All hours | |
| 1 0 0 | | | 1 | 4 | 2 | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 1 0 0 | | | 4 | 4 | .. | .. | 9 a.m. to 6 p.m. | 3 to 4 p.m. | |
| 4 0 0 | | | 6 | 6 | .. | .. | 7 a.m. to 6 p.m. | 1 to 2 p.m. | |
| 0 10 0 | | | 2 | 2 | .. | .. | 8 a.m. to 8 p.m. | 8 to 10 a.m. & 4 to 6 p.m. | |
| 3 0 0 | Porterage | 13 18 0 | 12 | 18 | .. | .. | 7 a.m. to 7 p.m. | 12 a.m. to 2 p.m. | |
| 0 10 0 | | | 6 | 6 | .. | .. | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 0 10 0 | | | 4 | 4 | .. | .. | All day | All day | |
| 1 0 0 | | | 2 | 2 | .. | .. | 7 a.m. to 9 p.m. | 7 a.m. to 9 p.m. | |
| 3 0 0 | | | .. | .. | .. | .. | 9 a.m. to 6 p.m. | 10 to 11 a.m. | |

POST OFFICE RETURNS.

| NAME OF POST OFFICE. | Name of Postmaster or Postmistress. | Business. | Date of Appointment. | Annual Salary on being appointed. | Subsequent Increase to Salary. | |
|----------------------|-------------------------------------|--------------------------------------|----------------------|-----------------------------------|---|--------------------------------|
| | | | | | Amount. | Date of Increase. |
| | | | | £ s. d. | £ s. d. | |
| St. Mark's | F. M'Lean | Butcher | 1 April, 1853 | 12 0 0 | ..... | ..... |
| St. Mary's | M. Webb | Storekeeper | 1 April, 1861 | 30 0 0 | ..... | ..... |
| St. Peter's | J. M'Kenzie | Grocer | 1 Sept., 1858 | 12 0 0 | ..... | ..... |
| Scone | F. Isaac | Storekeeper | 1 Sept., 1860 | 40 0 0 | ..... | ..... |
| Seaham | R. Barton | National Schoolmaster | 1 July, 1855 | 12 10 0 | 2 10 0 | 1857 |
| Shell Harbour | E. Graham | General Storekeeper | 1 April, 1859 | 12 0 0 | ..... | ..... |
| Shoalhaven | J. Long | Wheelwright | 1 Feb., 1853 | 12 0 0 | { 3 0 0 10 0 0 5 0 0 10 0 0 | { 1853 1857 1859 1860 |
| Singleton | C. Petit | Draper and Grocer | 1 Mar., 1860 | 120 0 0 | ..... | ..... |
| Smithfield | J. Manfield | | 1 May, 1857 | 12 0 0 | ..... | ..... |
| Sofala | W. Walker | Druggist | 1 April, 1856 | 75 0 0 | ..... | ..... |
| South Gundagai | C. E. Thurlow | Storekeeper | 1 April, 1859 | 12 0 0 | ..... | ..... |
| South Wangan | J. Newell | Do. | 1 May, 1860 | 12 0 0 | ..... | ..... |
| Stroud | T. Laman | Clerk of Petty Sessions | 1 Jan., 1857 | 25 0 0 | ..... | ..... |
| Sutton Forest | F. Bingmann | General Storekeeper | 25 Nov., 1859 | 15 0 0 | ..... | ..... |
| Swatcbfield | R. Stapleton | Publican | 4 April, 1860 | 12 0 0 | ..... | ..... |
| Tableland | S. Horton | General Storekeeper | 1 Aug., 1859 | 12 0 0 | 3 0 0 | 1860 |
| Tabulam | J. A. Young | None | 1 June, 1859 | 15 0 0 | ..... | ..... |
| Tambaroora | W. J. Slack | Hotelkeeper | 1 Dec., 1853 | 40 0 0 | ..... | ..... |
| Tamworth | Abraham Cohen | General Storekeeper | 1 June, 1861 | 125 0 0 | ..... | ..... |
| Taralga | J. Phillips | National School Teacher | 1 May, 1856 | 10 0 0 | 2 0 0 | 1857 |
| Tarcutta | T. Mate | Squatter | 1 June, 1860 | 40 0 0 | ..... | ..... |
| Taree | E. Doust | Storekeeper | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Tarlo | R. Ryley | National School Teacher | 1 July, 1860 | 12 0 0 | ..... | ..... |
| Ten Mile Creek | J. Ford | Storekeeper | 1 Jan., 1857 | 12 0 0 | { 13 0 0 5 0 0 10 0 0 | { 1860 1859 1860 |
| Tenterfield | D. O'Connell | Do. | 1 Dec., 1853 | 20 0 0 | ..... | ..... |
| Timbarra | H. Smith | Innkeeper | 1 Oct., 1859 | 12 0 0 | ..... | ..... |
| Tinonee | H. Richardson | General Storekeeper | 1 April, 1859 | 15 0 0 | 15 0 0 | 1860 |
| Toooloom | Geo. Aitken | Storekeeper | 1 Oct., 1860 | 12 0 0 | ..... | ..... |
| Tuena | H. G. Chard | Do. | 1 Mar., 1860 | 18 0 0 | ..... | ..... |
| Tumut | H. Hilton | Auctioneer | 1 April, 1853 | 12 0 0 | ..... | ..... |
| Tumberumba | M. Langford | Poundkeeper and Assistant Registrar. | 1 Aug., 1860 | 12 0 0 | { 23 0 0 15 0 0 20 0 0 5 0 0 | { 1857 1858 1860 1850 |
| Ulladulla | D. Warden | Shipbuilder | 1 July, 1846 | 5 0 0 | { 2 10 0 2 10 0 | { 1853 1857 |
| Ullmarra | A. Cameron | Storekeeper | 1 April, 1859 | 12 0 0 | ..... | ..... |
| Upper Adelong | A. Watson | General Storekeeper, Publican, &c. | 1 Aug., 1860 | 12 0 0 | ..... | ..... |
| Uralla | J. M'Crossin | Storekeeper | 28 Jan., 1858 | 8 0 0 | 12 0 0 | 1858 |
| Urana | J. Warby | Do. | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Vacy | C. W. Chapman | National School Teacher | 1 Mar., 1860 | 12 0 0 | ..... | ..... |
| Wagga Wagga | P. S. Murray | None | 1 June, 1859 | 40 0 0 | ..... | ..... |
| Walcha | J. D. Daniel | Storekeeper | 1 Mar., 1855 | 10 0 0 | 5 0 0 | 1860 |
| Wallgett | J. Hoath | Do. | 1 Feb., 1861 | 15 0 0 | ..... | ..... |
| Wallabadah | C. Bourke | None | 1 April, 1858 | 12 0 0 | ..... | ..... |
| Waratah | P. Dyer | Station Master, G. N. R. | 1 Feb., 1860 | 12 0 0 | ..... | ..... |
| Warialda | J. Geddes | Storekeeper | 1 June, 1860 | 30 0 0 | ..... | ..... |
| Wandandian | T. Walsh | Farmer | 1 Dec., 1860 | 12 0 0 | ..... | ..... |
| Watson's Bay | W. Saunders | National Schoolmaster | 1 July, 1860 | 12 0 0 | ..... | ..... |
| Waverley | T. Grace | | 1 Jan., 1858 | 12 0 0 | ..... | ..... |
| Wee Waa | J. H. Burrell | None | 1 Jan., 1860 | 15 0 0 | 5 0 0 | 1860 |
| Welaregang | B. Gray | Squatter | 1 Jan., 1861 | 12 0 0 | ..... | ..... |
| Wellingrove | Ewen M'Master | Storekeeper | 1 Aug., 1859 | 15 0 0 | ..... | ..... |
| Wellington | H. Pike | Do. | 1 Dec., 1857 | 25 0 0 | 5 0 0 | 1860 |
| Wentworth | A. M'Clymont | Do. | 1 Jan., 1857 | 12 0 0 | 6 0 0 | 1860 |
| West Maitland | E. W. Daley | None | 1 Mar., 1853 | 144 0 0 | { 30 0 0 26 0 0 25 0 0 23 0 0 | { 1854 1857 1858 1859 |
| Wheeo | T. Armson | Farmer | 1 Feb., 1857 | 12 0 0 | ..... | ..... |
| Wheaney Creek | J. Lamrock | Store and Innkeeper | 1 Jan., 1857 | 12 0 0 | ..... | ..... |
| Wilberforce | M. Wenban | Schoolmistress | 1 Jan., 1860 | 15 0 0 | ..... | ..... |
| Windeyer | Geo. Dickinson | Storekeeper | 1 July, 1855 | 12 0 0 | ..... | ..... |
| Windsor | R. Dick | Do. | 1 May, 1855 | 100 0 0 | ..... | ..... |
| Wingham | F. M'Lean | Do. | 1 Sept., 1857 | 15 0 0 | ..... | ..... |
| Wiseman's Ferry | J. B. M'Kenzie | Farmer and Innkeeper | 1 Oct., 1858 | 12 0 0 | ..... | ..... |
| Wollombi | M. Byrne | None | 1 July, 1860 | 18 0 0 | ..... | ..... |
| Wollongong | G. Hewlett | Bank Manager | 1 June, 1852 | 30 0 0 | { 7 10 0 22 10 0 10 0 0 10 0 0 | { 1854 1857 1859 1860 |
| Woonoona | H. Fry | General Storekeeper | 1 Oct., 1859 | 12 0 0 | ..... | ..... |
| Wattle Flat | T. Moorehouse | Storekeeper | 1 April, 1861 | 12 0 0 | ..... | ..... |
| Waterloo | W. West | News Agent | 1 May, 1858 | 10 0 0 | 2 0 0 | 1860 |
| Yass | W. R. Laidlaw | Storekeeper | 30 Aug., 1859 | 120 0 0 | ..... | ..... |

POST OFFICE RETURNS.

| Commission on Sale of Stamps for Six Months. | Other Emoluments for Six Months. | | Number of Mails despatched and received Weekly. | | | | Hours of Attendance. | | Amount of Bond. |
|--|----------------------------------|---------|---|-----------|--------------------------------|-----------|--|-------------------------------------|-----------------|
| | | | During day, 6 a.m. to 8 p.m. | | During night, 8 p.m. to 6 a.m. | | On Week-days. | On Sunday. | |
| | Nature. | Amount. | Despatched. | Received. | Despatched. | Received. | | | |
| £ s. d. | £ s. d. | | | | | | | | |
| 3 0 0 | | | 12 | 12 | | | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 4 14 0 | | | 36 | 36 | | | 7 a.m. to 8 p.m. | 1 to 2 a.m. | |
| 3 10 0 | | | 12 | 12 | | | 7 a.m. to 7 p.m. | Any time | |
| 7 0 0 | | | 14 | | | | 13½ hours | 13½ hours | |
| 1 0 0 | | | 6 | 6 | | | 9 a.m. to 6 p.m. & 1 a.m. | to 2 p.m. | |
| 2 0 0 | | | 2 | 2 | | | 6 a.m. to 10 p.m. | 6 a.m. to 10 p.m. | |
| 8 2 8 | | | 40 | 37 | | | 6 a.m. to 8 p.m. | 1 to 6 p.m. | |
| 29 12 0 | | | 29 | 52 | 41 | 24 | 9 a.m. to 6 p.m. | 1 hour | |
| 1 16 0 | | | 3 | 3 | | | 7 a.m. to 9 p.m. | Do. | |
| 13 0 0 | | | 14 | 14 | | | 9 a.m. to 6 p.m. | 9 to 10 a.m. | |
| 1 10 0 | | | 9 | 9 | | | 15 hours | 1 hour | |
| 0 18 0 | | | 3 | 3 | | | 7 a.m. to 6 p.m. | 7 a.m. to 6 p.m. | |
| 4 10 0 | | | 11 | 12 | | | 7 a.m. to 8 p.m. | 1 to 3 p.m. | |
| 4 5 0 | | | 6 | 6 | | | Do. | 4 to 5 p.m. | |
| 0 15 0 | | | 2 | 2 | | | 9 a.m. to 6 p.m. | 1 to 5 p.m. | |
| 2 10 0 | | | 4 | 4 | | | 7 a.m. to 10 p.m. | 7 a.m. to 10 p.m. | |
| 1 0 0 | | | 8 | 8 | | | Always in attendance | Always in attendance | |
| 4 0 0 | | | 5 | 5 | | | 8 hours | 8 hours | |
| 13 0 0 | | | 67 | 67 | | | 9 a.m. to 11 p.m. | 9:30 to 10:30 a.m. and 8 to 10 p.m. | |
| 1 0 0 | | | 3 | 3 | | | 8 a.m. to 6 p.m. | 12:30 to 2:30 p.m. | |
| 4 0 0 | | | 15 | 15 | | | 7 a.m. to 6 p.m. | 7 a.m. to 6 p.m. | |
| 1 10 0 | | | 5 | 5 | | | 8 a.m. to 8 p.m. | 1 hour | |
| 0 10 0 | | | 3 | 3 | | | 8 a.m. to 6 p.m. | 8 a.m. to 4 p.m. | |
| 4 10 0 | | | 15 | 15 | | | 8 a.m. to 9:45 p.m. | Noon to 9:45 p.m. | |
| 10 0 0 | | | 14 | 14 | | | 9 a.m. to 8 p.m. | 9 to 10 a.m. | |
| 0 10 0 | | | 4 | 4 | | | 9 a.m. to 6 p.m. | 11 a.m. to 3 p.m. | |
| 2 0 0 | | | 14 | 14 | | | 7 a.m. to 10:30 p.m. | 6 to 9 p.m. | |
| 1 0 0 | | | 1 | 1 | | | | | |
| 1 10 0 | | | 4 | 4 | | | 8 a.m. to 6 p.m. | 10 a.m. to 1 p.m. | |
| 12 0 0 | | | 13 | 10 | | | 9 a.m. to 6 p.m. | 9 a.m. to 6 p.m. | |
| 2 12 6 | | | 4 | | | | 9 a.m. to 8 p.m., and 10 p.m. post nights. | 10 a.m. to 6 p.m. | |
| 3 0 0 | | | 18 | 16 | | | 6 a.m. to 10 p.m. | 8 a.m. to 1 p.m. | |
| 3 0 0 | | | 3 | 3 | | | All day | All day | |
| 1 0 0 | | | 2 | 2 | | | 6 a.m. to 10 p.m. | 6 a.m. to 10 p.m. | |
| 6 0 0 | | | 21 | 21 | | | 9 a.m. to 6 p.m. | 9 to 10 a.m. & 3 to 5 p.m. | |
| 2 17 2 | | | 6 | | | | 9 a.m. to 8 p.m. | 9 a.m. to 10 p.m. | |
| 0 15 0 | | | 3 | 3 | | | 7 a.m. to 10 p.m. | 7 a.m. to 10 p.m. | |
| 20 0 0 | Private bags | 36 0 0 | 13 | 13 | | | 9 a.m. to 6 p.m. | 9 to 10 a.m. | |
| 3 12 0 | | | 3 | 3 | | | Do. | 9 a.m. to 6 p.m. | |
| 4 0 0 | | | 3 | 3 | | | 8 a.m. to 6 p.m. | 8 a.m. to 6 p.m. | |
| 1 0 0 | | | 16 | 16 | | | 9 a.m. to 6 p.m. | 1 hour | |
| 1 4 5 | | | 5 | | | | 6 a.m. to 6 p.m. | 7 to 11 a.m. | |
| 5 0 0 | Private boxes | 6 10 0 | 6 | 6 | | | Always in attendance | Always in attendance | |
| 0 10 0 | | | 18 | 18 | | | Constantly | Constantly | |
| 2 15 10 | | | 6 | 6 | | | Constant | Constant | |
| 2 0 0 | | | 6 | 6 | | | Two hours | Two hours | |
| 3 0 0 | Private boxes | 10 0 0 | 3 | 3 | | | 9 a.m. to 6 p.m. | 9 a.m. to 12 | |
| 0 15 0 | | | 1 | 1 | | | 10 a.m. to 4 p.m. | 10 a.m. to 4 p.m. | |
| 2 0 0 | | | 2 | 2 | | | 6 a.m. to 6 p.m. | 6 a.m. to 6 p.m. | |
| 4 0 0 | Private boxes | 1 0 0 | 13 | 13 | | | 9 a.m. to 6 p.m. | 1 hour | |
| 10 0 0 | | | 4 | 4 | | | 8 a.m. to 8 p.m. | 11 a.m. to 4 p.m. | |
| 67 10 0 | Exchange of stamps | 0 1 3 | 134 | 128 | | | 9 a.m. to 6 p.m. | 1 to 2 p.m. | |
| 1 0 0 | | | 5 | 5 | | | 8 a.m. to 6 p.m. | 8 a.m. to 6 p.m. | |
| 1 10 0 | | | 4 | 4 | | | 6 a.m. to 10 p.m. | 6 a.m. to 10 p.m. | |
| 1 10 0 | | | 3 | 3 | | | 9 a.m. to 6 p.m. | 10 to 11 a.m. | |
| 1 0 0 | | | 2 | 2 | | | 9 a.m. to 9 p.m. | 9 a.m. to 9 p.m. | |
| 22 11 0 | | | 41 | 54 | | | 9 to 7:30 | 9 to 10 a.m. | |
| 4 0 0 | | | 2 | 2 | | | 12 hours | 2 hours | |
| 0 10 0 | | | 6 | 5 | | | At all times | At all times | |
| 3 0 0 | | | 6 | 6 | | | 7 a.m. to 8 p.m. | 1 hour | |
| 25 0 0 | Porterage | 7 10 0 | 60 | 60 | | | 8 a.m. to 5 p.m. | 8 to 10:30 a.m. | |
| 1 10 0 | | | 2 | 2 | | | 7 a.m. to 11 p.m. | 7 to 11 a.m. | |
| 1 0 0 | | | 6 | 6 | | | 9 a.m. to 6 p.m. | 12 to 1 p.m. | |
| 3 0 0 | | | 12 | 12 | | | 8 a.m. to 8 p.m. | None | |
| 30 0 0 | | | 46 | 46 | | | 7 a.m. to 6 p.m. | 7 to 11 a.m. | |

£100 and two sureties of £25 each.

£100 and two sureties of £50 each.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

REPORT OF THE BOARD OF INQUIRY
INTO THE
MANAGEMENT AND WORKING
OF
THE POST OFFICE DEPARTMENT,
WITH
MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
3 June, 1862.

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 2s. 9d.]

4-a

LIST OF WITNESSES.

| | PAGE. |
|--------------------------------|-------------|
| W. H. Christie, Esq. | 1, 101, 107 |
| R. A. Hunt, Esq. | 11, 79 |
| J. Keble, Esq. | 21, 88 |
| T. K. Abbott, Esq. | 25, 31, 72 |
| Mr. T. W. Levinge.. .. . | 40 |
| T. Richards, Esq. | 46 |
| Mr. H. Reeves | 49 |
| Mr. F. W. Hill | 53 |
| Mr. R. Thompson | 57 |
| John Fairfax, Esq. | 59, 93, 19 |
| Mr. F. W. Webb | 60 |
| W. Hanson, Esq. | 62, 95 |
| Mr. A. Dillon | 67 |
| Mr. N. Nelson | 75 |
| T. Dangar, Esq., M. P. | 82 |
| H. Moore, Esq. | 87 |
| Mr. D. Winton | 90 |
| M. Metcalfe, Esq. | 92 |
| Mr. R. Craig | 94 |
| H. Lane, Esq. | 120 |

REPORT.

THE Board appointed by His Excellency the Governor, with the advice of the Executive Council, as notified in the letter of the Under Secretary for Finance and Trade, dated 6th March, 1862, “for the purpose of instituting a thorough and searching inquiry into the whole management and general working of the Post Office Department, of reporting thereon, and of recommending such changes as they may deem necessary to insure its efficiency to meet the increasing requirements of the Colony,”—have agreed upon the following Report.

The Board commenced their investigation on the 11th March, and have carefully perused a very large amount of correspondence and documentary evidence laid before them—have minutely examined the Post Office buildings and the various books of the Department—and have taken such evidence as they deemed necessary to promote the objects of their inquiry. The Minutes of the Board, forwarded herewith, will give more full information upon their proceedings.

REPORT.

1. We are of opinion that few of the recommendations of this Report can have any practical or permanent value, unless a new Post Office, suitable in every way to the requirements of the Department be erected with as little delay as possible.

2. It is difficult to imagine a locality more completely unsuited to the increasing wants of the office than the buildings now occupied by the Postal Department. The different branches are scattered, rendering complete surveillance almost impossible, and the employees are, consequently, unable to render that effectual assistance which is required in any other branch when a momentary pressure of business may need their aid; letters are carried in baskets from building to building, across an open yard; nor is it possible that the same unity of direction can exist as if the entire business of the department were carried on under one roof.

3. The offices are also for the most part miserably unhealthy. That portion of the business of the department which comes most immediately in contact with the public, is carried on in a wooden building, badly drained and ventilated, and close to the stables and Tank Stream.

4.

4. In all other countries the health of the officers employed appears to be a primary consideration; but in this Colony, where the great changes of temperature and extreme heat should render such attention more than ever necessary, it appears to have been entirely ignored.

5. The Store Room and Newspaper Sorting Room are damp unwholesome cellars. It is in these cellars, which are quite unfit for occupation, that a large portion of the business is carried on.

6. There is no public department in which the community have so direct a personal interest as in the Post Office, and we have no hesitation in declaring that a new building is of perhaps more importance than any other public work.

7. We find that the efficiency of the department has been much impaired by the want of accord between the other officers of the establishment and Mr. Hunt, leading to lengthy correspondence, or minutes, as they are called, and engendering a want of harmony of action and feeling among the clerks in the different branches. A great number of documents, establishing this want of accord, have been laid before us, and have had our attentive perusal.

8. Taking into consideration the very pointed manner in which this subject was commented upon by the Postal Board of 1851, we must express our astonishment and regret that a similar state of affairs should be existing at the present moment.

9. We have arrived at the conclusion that blame is more attributable to the Superintendent of the Letter Branch than to the other officers of the establishment, and accordingly recommend that the former gentleman should be removed to some other department, where his services may prove of greater advantage.

10. We strongly deprecate the habit that appears to have grown up in the department, among many of those employed in it, of communicating to others, not connected with the office, either *vivâ voce* or by newspaper correspondence, their opinions upon the details or probable action of the establishment; and we recommend that, in future, any party to whom such conduct can be brought home should be summarily dismissed.

11. Having carefully examined all the details of the working of the establishment, and the books kept by the various clerks, we are of opinion that, as far as the present departmental arrangements will allow, the work is generally well done, the books carefully kept, the checks upon clerks sufficient, and the few irregularities of which complaint has been made, whenever substantiated, we attribute principally to want of the necessary accommodation.

12. We must, however, except the office of Postal Inspector, whose duties, we conceive, should lead him to be always travelling, visiting every road at least once in each year, inspecting] the various Post Offices, and reporting upon the mode in which the contracts are carried out. We consider that but little of his time should be passed
in

in the metropolis, but that he should, without further instructions, make a monthly report of his inspection to the Postmaster General.

13. It is to the want of attention on the part of Postal Inspectors to the Instructions of 1st January, 1859, (*Vide* Appendix to Mr. Levinge's Evidence, p. 45,) that we attribute many of the complaints that have been urged against the Post Office; and we are of opinion that it would be more advisable that there should be two Postal Inspectors, than that each postal route should not be visited annually.

14. We doubt if the Accountant's Branch is carried on as satisfactorily as it might be, owing to want of harmony among the officials—a portion of work being even now in arrear, notwithstanding that the clerical assistance is more than sufficient for the duties to be performed—and this assistance could, we apprehend, be economized with advantage.

15. We have given great attention to the working of the Stamp Department, and, with the exception that we recommend that a self-registering printing press should be employed as soon as procurable, we see no reason to be other than satisfied with this branch of the establishment.

16. The system followed with respect to the issue and repurchase of stamps meets with our decided disapproval. We are of opinion that stamps once issued should never be repurchased. We believe that the present system of selling stamps to up-country postmasters is essentially bad, and much clerical labour would be saved if it were conducted in a different manner.

17. We suggest that all country postmasters should be paid a salary in proportion to the business they may have to transact, instead of receiving their emolument in the shape of discounts; and that they should be obliged to keep on hand a stock of stamps sufficient for the requirements of their offices, paying for the same when issued at an uniform discount of five per cent., while the allowance to licensed vendors should be no more than two and a half per cent.

18. There appears to have been considerable discussion in the Post Office upon the respective merits of Road and Alphabetical sorting; and we are inclined to believe that when a new building is erected, affording sufficient space, the Alphabetical system, if carried out in its integrity, will, in the greater degree, economize labour and insure regularity.

19. We are under the impression that Post Offices in outlying districts (which, in proportion to revenue, entail the greatest expense on the department) have often been established with a greater view to the accommodation of individuals than to the public advantage, and several of these might, we think, be suppressed.

20. We recommend that some arrangement should be made with the Railway Department, to prevent the delay that continually occurs in forward mails being detained twelve or fifteen hours in
Campbelltown

Campbelltown before transmission to Sydney, and that the immediate attention of the Postal Inspector should be directed to such re-arrangement of the time tables as may prevent the inconvenience, to which the public are often subjected in country districts, of missing a course of post.

21 We find that, at many Post Offices in the interior, the mail does not arrive until seven or eight o'clock in the evening, and the letters are not delivered until nine o'clock the next morning, while the return mail is despatched at 8 or 9 a.m., a course of post thus being lost. Inasmuch as the postmaster is obliged to receive the mails on arrival, we would suggest that he should be instructed to deliver during the space of one hour after receipt of mail.

22. We have been exceedingly desirous of ascertaining from correct data the exact number of newspapers and letters that passed annually through each Post Office in the Colony, but we find that the whole of this information could not be obtained under six months, for which period of time we did not feel justified in extending this inquiry. But from the documents we have received, we are led to believe that some postal contracts are made use of almost solely for the conveyance of newspapers, thus making correspondence with the interior the accessory, and not the principal aim, in the establishment of Post Offices and postal routes.

23. We think it very advisable that when a change is contemplated in any time table, the same should be advertised in the Sydney papers and the nearest local journals for at least one month, and that suggestions should be invited respecting the same. When any alteration in a time table is finally decided upon, it should not only be advertised in the papers, but should also be posted in legible characters outside the local Post Offices.

24. We observe with pleasure that the last English mail brought out to the Colony Money Orders from Great Britain upon the Post Office here, although they are as yet unauthorized; and it is much to be regretted that all arrangements to establish this scheme are not perfected in New South Wales. We earnestly recommend that immediate steps should be taken to carry out the Money Order System with all the principal towns of this Colony, and those of the Colonies adjacent, as well as with the Mother Country, with as little delay as possible.

25. Much clerical labour might be spared, and accumulation of papers and vouchers avoided, if some effort were made to diminish the cash accounts of the country postmasters; and it would tend to further this object if accounts for postage payable in the interior were, when practicable, collected at the head office.

26. We find that the postal speed throughout the Colony averages scarcely more than four miles an hour, but from the evidence we have taken, there appears but little likelihood of this rate being improved upon without greatly limiting the number of passengers permitted

permitted to be conveyed by the mail, and the so doing would considerably increase the expense of the postal contracts.

27. We are of opinion that it would be very desirable to expedite and extend the course of post of the Suburban Post Offices, and advise that the recommendation of Mr. Hunt in this matter, as contained in Appendix A, paragraph 3, of that gentleman's evidence, be carried into effect.

28. In connection with the recommendations hereinafter contained, we are of opinion that a similar postal rate should be established for a circuit of five miles from and around Sydney with that chargeable in the metropolis.

29. It would be very advisable that some effort should be made to reciprocate with the Post Office in Victoria for the transmission of ship letters arriving in either Colony unstamped. It appears that, though such are now forwarded hence, correspondence so arriving is often detained for some length of time in the Post Office at Melbourne, to the great inconvenience of the parties interested.

30. We are of opinion that, as a general rule, no clerks should be appointed to the department of the Post Office unless commencing at the lowest grade, after examination; and that promotion should be regulated more by efficiency than by seniority, but nevertheless with a due regard to length of service.

31. We hold it to be unwise to expect due efficiency among the officers of the establishment, or that they should be zealous in and proud of the employ, unless they feel a conviction that energy and talent will be rewarded. It appears to us that the system hitherto pursued of nominating strangers to the department has been injudicious, and we recommend that the appointment and promotion of officers should be vested only in the Postmaster General.

32. We entertain a strong opinion that the situation of Postmaster General should be a political and independent office, seeing that he is brought into immediate contact with the public to a greater extent than any other official,—that he is frequently called upon to exercise immediate judgment, the good effects of which may be lost by referring to another department,—that in order to secure the greatest amount of accommodation to the public he should possess a large discretionary power,—and thus he should be in a position to act independently, and at need to defend his actions.

33. The Postmaster General should possess full and uncontrolled direction of his own department, enabling him to act with the most perfect independence, and should have an able clerk under him, who should be termed Secretary of the Post Office.

34. The Accountant's duties might be limited strictly to the care of the books, while the Clerk appointed to act as Cashier might at the same time take charge of the issue of stamps, as falling more directly in his province, and these officers would act as checks one on the other.

35. The management of the Letter Branch does not appear to us to require a Superintendent, but should vest in a Chief Clerk; and all the officers of the establishment should be made to understand that it is a part of their duty to study the working of every portion of the department, and not only to lend their aid when required in any branch in which they may not be directly employed, but also to be competent to do so effectively.

36. We disapprove of the lengthened correspondence which has taken place and still exists in the establishment, called "Minutes," and upon which we think much valuable time is wasted, while a single sentence rendered *virá voce* would have answered all the purpose.

37. The deficiency in the income of the Post Office has become a heavy charge upon the revenue of the Colony, and this is the more to be regretted, as the increase in the material wealth and numbers of the community gives them a right to demand increased postal facilities commensurate with the expansion of trade, but which it would be impossible to hope to accomplish in the present state of the postal revenue. In many countries of the world Government derives a large income from this source (see margin), whilst in this Colony the total revenue of the Post Office in the past year appears to have been £48,167 18s. 6d. and the expenditure (including the English postal subsidy but exclusive of stores, stationery, &c.) amounting to no less a sum than £97,225 5s. 10d. We cannot hold that the Post Office should at present be a source of revenue, but we are decidedly of opinion that it would be vain to seek to give the public any greater facilities, or to increase the efficiency of the department, in the face of the larger deficit that would be thereby created.

| | |
|---------------|------------|
| England about | £1,500,000 |
| France " | £660,000 |
| Prussia " | £225,000 |
| Sardinia " | £158,000 |
| Belgium " | £105,000 |
| &c., &c. | |

38. We find by the latest returns, that the number of letters posted in England was 22 per annum to each unit of the population, and the number of newspapers about $2\frac{1}{2}$. When unstamped the latter pay a postal rate of one penny, but which rate otherwise is considered as equalized by the stamp; and we observe that a similar charge for the conveyance of newspapers exists in the neighbouring Colony of Victoria.

39. In this Colony the average number of letters conveyed by post is about 12 per annum to each unit of the population, and of newspapers about 10; or, according to the estimate of weight, the conveyance of newspapers costs about six times as much as the cost of transmission of letters.

40. By the subsidized English Mail Contract, the weight of letters despatched during 1861 amounted to only 5,154 lbs., while that of newspapers reached 75,724 lbs.; the amount received for the conveyance of the former was £6,443, and of the latter, £1,147; and in fact, setting aside the difference in weight, there was 41,019 more newspapers despatched than there were letters. These newspapers paid a postage of one penny, and even then, upon this contract alone, the deficiency reaches over £8,000 per annum.

41. Considering that a large portion of the expenditure on our postal contracts arises from the weight of newspapers to be conveyed, it appears to us manifestly unjust that, without enjoying ratable advantages, any one portion of the community should contribute by taxation for the amusement, luxury, or instruction of any other portion; and this they are, without their consent, compelled to do, whilst the deficiency in the income of the Post Office is supplemented year by year by contributions out of the Consolidated Revenue.

42. This is the more to be deprecated, since the recipients of newspapers are for the most part those who can well afford to pay for the luxury, whilst the revenue of the Colony, which is raised almost entirely by indirect taxation, is principally, and in consequence of their greater number, derived from the earnings of the daily labour of the working classes, who are thus in a double degree the sufferers by the free transmission of newspapers.*

43. Thus, although the argument might be valid for the conveyance of newspapers without charge if the department were self-supporting, it appears quite untenable whilst it shews a large deficiency.

44. It does not seem to us necessary to urge the increasing circulation of provincial newspapers, which impart locally that national information which might not otherwise have been made public, but we confine ourselves to the broad principle that those alone who receive an advantage should be called upon to pay for it.

45. We think that the following remarks of Lord Elgin, which appear in the English Postal Report for 1859, are peculiarly pertinent to the subject:—"It is of great importance, doubtless, that every person should be able to procure cheap bread, yet no one proposes to establish State Mills at which corn shall be ground for half the cost, or even at the full expense without profit. In truth, the demand for special privileges in the case of newspapers is, in my opinion, only one of the many forms of a claim for *protection*, and resolves itself into a proposal to tax the country at large for the advantage, real or imaginary, of a particular class."

46. It may be urged as an example illustrating the views of Lord Elgin, that in the course of their inquiry the Board have learned that one of the weekly journals published in Sydney at present employs the Post Office to circulate its suburban delivery; nor does there appear any reason why, if it suited their convenience, all other newspaper proprietors should not follow the same plan, should increased facilities be afforded for the delivery of letters and newspapers in the city and suburbs.

47.

* NOTE.—Although foreign to this Report, yet fearful of their opinions being misquoted, the Board would carefully guard themselves from being supposed to be antagonistic to indirect taxation as it now exists in the Tariff of New South Wales, but in stating a bare fact, apprehend that by other additional imposts the incidence of taxation might be rendered more equitable.

47. Entertaining these views, we would suggest that all newspapers transmitted through the post should henceforth pay a postage of one penny; and we estimate that this impost would increase the revenue of the department by about £10,000 per annum.

48. In the neighbouring Colony of Victoria, the postage upon town letters is two-pence, and upon country letters four-pence. Taking into consideration the much greater extent of our postal lines, we recommend that these rates should be adopted in New South Wales; and, as abundant evidence is before us that a small and legitimate increase in a postal rate will not diminish the amount of correspondence, this would, we consider, further increase the revenue to the extent of £25,000 per annum. If to these items be added the alteration proposed of the discount upon stamps, the total annual revenue of the Post Office would be augmented by about £40,000; while, taking into consideration the reduction that might be effected in the withdrawal of distant and expensive postal lines, and the exercise, after the erection of a new Post Office, of a more rigid economy in all branches of the establishment, we feel very sanguine that it would in a few years cover its own expenses.

49. It appears to us not out of place, before closing this Report, to allude to the very large sum now paid for the conveyance of the English mails, which service in 1861 shewed a deficit of £8,398 1s. 10d. It is well to remark with respect to this subsidy that this Colony pays a ratable share of the contract with Great Britain and Victoria, yet without enjoying anything like ratable advantages; and we think that such advantages as we may now possess are more likely to be diminished than to be increased.

50. The amount of loss accruing from the contract now in existence is about £72,000 per annum, of which the Mother Country bears only one-half, while the losses sustained by the contracts for the West Indies, North America, and India, are respectively £198,000, £78,000, and £70,000, falling entirely upon Great Britain. Taking into consideration the amount of trade, and apart from questions of national policy, the arrival of an Australian mail is of more importance to the English money market than that of any other country, yet we do not find that any State contributes as liberally as do the Australian Colonies to a subsidized postal route with England.

51. Viewing the class of boats now employed by the Peninsular and Oriental Steam Navigation Company in carrying out the Mail Contract, and bearing in mind the performances of the "City of Sydney," we are of opinion that the service might be performed as efficiently for a much smaller subsidy than the one now paid, £134,672,* and with equal advantage to the public. We would therefore suggest whether it might not be advisable to carry out the plan

* NOTE.—It is reported that, at the last meeting of the Peninsular and Oriental Company, the Chairman, in reply to a question as to whether the Australian line was paying, stated that the Directors had taken great care to obtain a subsidy for it sufficient to make it pay, independently of goods or passenger traffic.

plan proposed by Sir William Denison, that the Colonies should deliver their own letters at King George's Sound, where collectively they might offer some small subsidy to the Mother Country towards conveying their mails thence to England.

52. Failing the carrying out of this recommendation, it appears to us that application might be made to the Home Government to convey our mails from Point de Galle to England, and to contribute £30,000 a year in aid of a subsidy which the Colonies might be called upon to pay for delivering their letters at Ceylon; and we recommend that an early opportunity should be taken of cancelling the existing contract, with the view of effecting such an arrangement, or of subsidizing a local company.

53. In conclusion, we have only to add, that although it is quite possible that our Report may not have touched upon every alteration or amelioration that might be made in the business of the Post Office Department, yet, having adverted to all those which seem of the greatest importance, we consider that any others, should such appear, would be merely in points of detail, which ought without difficulty to be rectified by the energy of the Postmaster General, when possessing the larger powers with which we recommend that he should be invested, and when a new and convenient Post Office shall have been erected.

JACOB L. MONTEFIORE.

JOHN B. WATT.

T. W. SMART.

EDW. KNOX.

GEO. KING.

Sydney, 29 May, 1862.

1862.

MINUTES OF EVIDENCE
 TAKEN BEFORE THE
 BOARD OF INQUIRY
 INTO THE
 MANAGEMENT AND WORKING
 OF THE
 POST OFFICE DEPARTMENT.

THURSDAY, 13 MARCH, 1862.

Present :—

MR. MONTEFIORE IN THE CHAIR.

| | |
|-----------|------------|
| MR. KING, | MR. WATT, |
| MR. KNOX, | MR. SMART. |

William Harvie Christie, Esq., Postmaster General, called in and examined :—

1. *By the Chairman*: You are Postmaster General? I am.
2. Do you superintend the general management of the Post Office? Yes.
3. In every department? In every department; but the Letter Branch being more a matter of detail, I have interfered less with that than any other.
4. You consider the Letter Branch immediately under the supervision of Mr. Hunt? I have seldom interfered with it, except where an abuse has been brought forward which required my interposition. Generally speaking, I have let Mr. Hunt arrange everything in his own way.
5. Do you give your personal supervision to the management of the accounts and correspondence? The correspondence chiefly comes before the Postmaster General; it of course comprises all letters received and despatched, time tables, contractors' arrangements, new Post Offices, and so on.
6. Who is the clerk in the Post Office that has, under yourself, the supervision of the correspondence? Everything comes before me, and the Secretary of course carries out my instructions.
7. That is Mr. Abbott? Mr. Abbott.
8. What supervision do you exercise over the Accountant, Mr. Keble? Every month an attested statement of the country postmasters' accounts, including the accounts of the General Post Office, is brought before me. This statement gives all the collections for postage and for postage stamps, and I go over them and check the accounts myself; I further see that all the vouchers are sent in. Every cheque is signed by myself.
9. Do you supervise the issuing of stamps? Requisitions are made out by the office in Sydney, and also by the country postmasters, and if it is certified by the Accountant that 75 per cent. has been paid on the previous issue, I approve the requisition; it is then taken to the Inspector of Stamps, which is a distinct department, and he grants these postage stamps on such requisitions; and they are then furnished to the General Post Office, or forwarded to the country postmasters from the Sale of Stamps Room.
10. Suppose a country postmaster had paid 75 per cent. on an issue to the extent of £10, and then made a requisition for £200, would it be granted? Certainly not. Even with regard to the General Post Office, I thought at one time that they were in the habit of drawing too much, and I made a limit to them of £300 at any one time. But the Accountant, in a case like that you put, would say the application was altogether ridiculous, and it would not of course be granted. Of course the larger the Post Office the larger would be the amount of stamps that would be issued to the postmaster at one time.*
11. Supposing that the postmaster at Maitland, for instance, were to ask one month for £50, and paid 75 per cent. upon that, and suppose that the following month he asked for £100, would he have the £100 worth of stamps issued to him without any payment at all? Certainly; the £100 would be more than covered by his security, and his salary is of that importance that I would give it.

W. H.
Christie, Esq.
13 Mar., 1862.

4—A

12.

**By witness on revision*:—An order was given by me that no country postmaster should receive a larger supply than £100 at a time, which is the amount of his personal bond.

W. H.
Christie, Esq.
13 Mar., 1862.

12. Is that issue at par cost, or at any discount? Ten per cent. discount. It was originally five per cent., but I think it was when Sir Henry Watson Parker was Premier, I shewed him that the country postmasters were not sufficiently paid, and he then said that, rather than put any additional sum on the Estimates to increase their salaries, he would prefer increasing their commission on the sale of stamps, which was accordingly done.

13. Does the Post Office purchase back stamps that have been issued? Yes. I found that in Victoria, in some of the larger Post Offices, it was allowed, and I recommended that it should be done here—that we should receive back stamps that had not been defaced, on payment by the public of five per cent.

14. If not defaced they are good for use? They are; but Mr. Richards, the Government Printer, and the Auditor General, I think, wished that they should be destroyed, and they are destroyed. That is not in my province. I believe Mr. Richards prefers destroying the stamps, although they are supposed to be not unfit for use.

15. You think it advisable that stamps should be purchased back in this way? I think it is a great convenience to the public; it acts as a kind of minor money order, and to people up the country it is very convenient. The only abuse I have known arise from it will be prevented if a recommendation of mine is carried out. I may state that this is the rule under which postage stamps are taken from the public. (*The witness handed in the same. Vide Appendix A.*) This is the letter of the Treasury which approves of the mode in which it was to be conducted (*Handed in. Vide Appendix B.*), and this is the draft of a subsequent letter I sent in on the subject, which was acted on. (*Handed in. Vide Appendix C.*) But if a proposition of mine is carried out which I sent in in September, 1860, the country postmasters will get a fixed salary, and the only two objections to the system of giving commission on stamps will at once cease. The two objections are these, that while we give the licensed stamp sellers in Sydney five per cent. only, we give the country postmasters ten per cent., and in two instances country postmasters have undersold other parties; for instance, the postmaster at Newtown has been underselling the licensed vendors of stamps by going round to the banks in Sydney and other places and offering them at a reduction. Again, having a commission of ten per cent. on the sale of stamps, and being allowed for simplicity's sake to send stamps, for which money has been exchanged, as cash, and such exchange having only a deduction of five per cent., the country postmasters can, if they choose, take an advantage of the larger per centage, which was not intended. This is the draft of the letter in which I recommended that there should be no commission whatever to country postmasters. (*Handed in. Vide Appendix D.*)

16. You have had no answer to this? No. This is a Minute of mine, made for my own satisfaction, which puts more clearly the two objections I have just pointed out. (*Handed in. Vide Appendix E.*) What I proposed was, that the commission on the sale of postage stamps for the year might be taken as a guide, and that the country postmasters should have their salaries permanently increased to that extent. After this year the revenue would gain by such an arrangement; the postmasters would get less, and there would be less trouble in keeping the accounts.

17. When money is received for these postage stamps, does the Accountant take notice of it? Yes.

18. Does he enter it in a cash book? Yes. There is £100 placed to credit to meet advances, and these stamps that come in go to the debtor account against that. I think he settles once a quarter, closes the account, and a number of stamps are handed in equivalent to the advance.

19. Are you aware what books the Cashier keeps? Yes; he keeps a regular cash book—or as it may be more correctly styled, a revenue book and an expenditure book—and a separate book shewing the account of postage stamps exchanged; and some other books that perhaps he will explain better than I can. The bulk of the books kept by him is as Secretary, the correspondence being very large, and the registration of letters very complete. The letters received are about 1,000 a month, or 12,000 per annum; the manuscript letters in reply about 3,000 per annum; and the blank covers about 5,000, besides the various returns. A personal inspection of the books will be more satisfactory than my description. They are very well kept.

20. Are they separate departments—the Secretary and Cashier? The Secretary and Cashier are united in one, which I do not approve. The Cash and Corresponding, the Letter Branch, and the Account, are the three great branches; and they are perfectly distinct, except as they come before me in official correspondence, through the Secretary.

21. Are there separate clerks in each of these? Yes, but they go from one to the other as I think right.

22. Then, supposing there were a press of business, you would direct some of the clerks from one department to go into another for the time? I invariably do that. On an English mail arriving I send clerks down into the Letter Branch to assist, and the same occasionally in the case of the despatch of mails; but there is a difficulty about reciprocating, the clerks are not brought up from the Letter Branch to assist the other branches.

23. Is there perfect harmony reigning between these branches? No, I am sorry to say very much the contrary.

24. How do you account for that? I account for it by the influence of Mr. Hunt entirely.

25. In what way exercised? Before I came into the office—I believe I must go into the history of the matter—there existed a great deal of party feeling, and Mr. Thacker's Board reported, that though the Government did not think proper to remove two officers, Mr. Hunt and Mr. Raymond, they were at all events ordered to eschew all party spirit as much as possible. That was confirmed by a Minute of the Executive Council. On that check being given to Mr. Hunt, things went on very fairly till he went on leave to England, when Mr. Abbott took charge of the department, and I never had it in such good order as it was then.

It

It was nearly perfect. Mr. Hunt returned from England, and he then put some printed suggestions in the newspapers, which I did not think correct in the first place, and in the next I considered that it was impossible for me to carry on the department if the officers under me were to put printed suggestions in the papers; and as he attached his name, I at once represented the matter to the Government, and they reprimanded him very severely. Mr. Hunt was then tolerably quiet until the Retrenchment Committee of the Assembly sat; he then gave evidence, in which he alluded to other branches of the department, that he knew nothing about, and reflected on them. My evidence was given before his, and therefore I had no means of counteracting the prejudicial tendencies of his evidence; but the whole of the clerks in the Secretary's and the Accountant's Branches sent in a remonstrance to the Colonial Secretary, and requested a Board of Inquiry. I also requested to be heard before the Retrenchment Committee. Mr. Cowper did not think a Board of Inquiry necessary at the time, but he stated that when Parliament met again the remarks made by myself and the Secretary, the Accountant, and the clerks would be considered by the Committee. However, the matter was not taken up, and I think from that time Mr. Hunt thought he had more power than any one else. At all events, from that time more particularly he has carried on a system of annoyance, and the officers in the other branches fancying they were aggrieved, of course that did not tend to unanimity; and from that time the department of the General Post Office has not been what it should be as far as dissensions are concerned. To prove all that I am stating, in the fullest manner, I will ask the Board—although they seem a great mass of papers—to be kind enough to accept these papers. (*Papers handed in.*) I have not selected any papers prior to 1858, when he gave his evidence. These papers will shew the difficulties I have had to contend with. For the years 1858, 1859, 1860, and 1861, certain papers only have been selected; but to shew that I have not been unjust, I have put in the whole of the correspondence for the two months last, viz., January and February, 1862. There are minutes of various officers on these papers, and if the Board will be good enough to cause them to be printed, I think they will shew better than any document or evidence how the office has been conducted.

W. H. Christie, Esq.
13 Mar., 1862.

26. Is Mr. Hunt under your immediate supervision? He is under my supervision.
27. Do you interfere at all with his branch—I do not mean interfere in the sense of meddling, but do you supervise and order the duties? Very little. I have felt from the first that the Letter Branch was a branch, being a matter of detail, that it was impossible for me to go into minutely with advantage, and in fact, if I attempted to meddle with it too much, I saw that it might be brought against me; and therefore I have let Mr. Hunt have his own way very much indeed. Of course, if anything goes wrong in that branch it is brought before me, and I then deal with it, as may be seen from the papers selected, but the minor internal details I leave very much to the Superintendent.
28. Have you had any occasion to find fault with Mr. Hunt in the management of his department? Yes, very much so.
29. Are you aware that letters have not only gone astray, but that very often there have been great delays in the delivery? The Letter Branch is the branch in my department that is the least satisfactorily conducted.
30. Are you aware that what I have mentioned is the case? I am aware of it, and I think it is the fault of superintendence; and I say distinctly that it is perfectly impossible that the Post Office can be properly conducted as long as the present Superintendent of the Letter Branch holds his present appointment.
31. Who has the supervision of the clerks in that department? The Superintendent; everything is under his own control.
32. Do you not look after them in any way? When these questions arise, of course I do—when anything goes wrong, as will be seen from the papers I have just handed in, I issue an order, give a reprimand, or impose a fine, or deal otherwise with the case, as may be required; but in the details of the department, as I have said, I do not interfere.
33. You are cognizant of them all? Of course.
34. Are you aware what time the clerks come in the morning? There are attendance books kept, and they all have seven hours a day in the office. It is a continuous attendance in the case of the Account and Corresponding Branches, but it is not so in the Letter Branch, as some of the clerks have to be in attendance earlier and later for the receipt and despatch of mails, and they are consequently allowed certain hours of intermission.
35. They have to work extra time when there is an English mail? They have, and they then get extra pay.
36. Do you consider that the Letter Branch could be conducted in any way more advantageously to the public than it is now—giving greater facilities to the public. I do not know if you are aware of it, but in Victoria the facilities afforded to the public are greater than they are here? I do not know to what you particularly allude, but I have already stated that I do not think the Secretary ought to be Cashier, and if he were not, he would be able to look after the Letter Branch. He did so before, and it was then very well conducted indeed. That alteration would be the first step towards a great amelioration.
37. I will point out a particular instance:—If a mail from Melbourne arrives at the Post Office between five and six o'clock in the afternoon, although we know the mails from Melbourne are sometimes important in consequence of bringing English news, yet the letters are not delivered until the next day? It is perfectly true that the Delivery Branch closes at 5 p. m., and that the letter carriers do not go out after 4 p. m., except in the case of the English mail.
38. But they are not sorted for the boxes? The Hunter River mails are sorted.
39. The Melbourne mails are not? No, if they arrive after the office hours. The truth is, the Victorian Government are much more liberal in their expenditure than is the case here, and of course that has an important influence on the amount of facilities which can be afforded to the public.

W. H.
Christie, Esq.
13 Mar., 1862.

40. They could give greater facilities with more liberal arrangements? Yes; we pay £100 a year for the Hunter River mails. That has covered everything, and the clerks do not grumble; they are glad to wait and deliver the Hunter River mails, and to receive letters for post up to half-past seven. No doubt the Melbourne mails could be sorted for a trifle more. Anything of that kind is a matter of finance, and of extra pay.
41. Are you aware that in Melbourne the holders of boxes also receive their letters, after the arrival of an important mail, at six o'clock the following morning? I was not aware of that. But any arrangement of the kind is only a matter of money. I have drawn up a comparison between the Victorian and New South Wales Estimates for 1862, which presents a strong contrast not only in the details, but even more so in the totals. (*Handed in. Vide Appendix F.*)
42. Are your orders communicated directly to the Letter Branch when you require the clerks to wait. Is it by your orders they wait, or by Mr. Hunt's? Mr. Hunt's; except in the case of the English mail; that is always regulated by me. The rule is, that with the exception of the Hunter and Clarence River mails the Letter Branch closes at six o'clock.
43. If the Melbourne mail were to arrive, with late English news, who would give the orders for the clerks to remain. Supposing you thought it advisable, would you give the order? If I thought so, I would; but the Post Office regulation is that the Letter Branch closes at six o'clock, and, except in the case of the English mail and the Hunter River and Grafton mails, I would be disposed to allow the clerks to shut up at the hour named.
44. Do they never work after hours except when you give them instructions? It has not been usual with regard to the Letter Branch, but with regard to the Corresponding Branch that is more under my own eye.
45. Do you consider it advisable that the clerks in the Post Office should rigidly adhere to the hours named, regardless of the public convenience? No, but I think if they work overtime they should be allowed extra pay.
46. Would they not be allowed extra pay for other mails besides those you have named? They might be if reference was made to the Government. Of course, if it is desirable, arrangements could be made to afford greater facilities by increasing the payments.
47. Do you supervise the country contracts that are entered upon? Entirely, with the assistance of the Board that opens the tenders.
48. Do you consider that the work of the up-country contracts is as well done as it could be under the circumstances? I do.
49. Would you consider it advisable that the postal contractors should undertake large contracts for the whole of one district. In Victoria, I will explain, the contractors are generally men of large means, who undertake the whole postal lines of a district? Of course I would prefer the more responsible men, but whenever the American contractors have come down here their terms have always been so much dearer than those of others that they have not been recommended, and the Government have always stood out for the lowest tender.
50. Is the lowest tender always the best? It is not always the best; but it is always the one that is taken—except of course where there has been any previous breach of contract, or any other disqualification against a man who has tendered at a low price.
51. Is the delivery of the mails tolerably regular? I think it is very fairly so, considering the state of the roads, the bridges that are required, and the rivers and creeks that have to be crossed.
52. Are the mail routes as direct as they might be? Sometimes the direct route would not answer the object in view. On the banks of the great rivers in the interior, for instance, the great point is to visit every station that can be reached, and therefore it is not desirable to take the shortest route.
53. Is it desirable that the mail route should be diverted for the sake of calling at different stations? Decidedly. These are the only parties to be benefited in such districts. There are hardly any townships to supply on these rivers. But a great deal of trouble is taken in settling the mail routes, and if any question arises, the Postal Inspector reports on the route, and I also take the opinion of the Bench of Magistrates for the district.
54. Do you know what accounts are kept by the country postmasters? Yes; there is a ledger, in two volumes; there are three sets of accounts kept with them—a salary and fine account, a postage stamp account, and a postage account.
55. Is there any account current by which you can ascertain at a moment the liability of any individual? Certainly.
56. How is that made up? Daily. The cash for postage accounts is sent down monthly, the salary account goes out quarterly, and the postage stamps account half-yearly.
57. The stamps account only half-yearly? Yes.
58. Is that the case with all the postmasters of large towns as well as others? Yes.
59. Might it not happen that in Maitland or Bathurst, during the half-year, there would be some hundreds of pounds worth of stamps used? They would not be indebted to the full extent. You must recollect that they have to pay 75 per cent. on the previous issue before they can obtain another; then they have all given bonds for security; and, practically, the debts are very little indeed; altogether from £2,000 to £4,000 would cover the whole outstanding accounts of the country postmasters. I have held the office of Postmaster General for ten years, and our bad debts I may say are nothing. Care has always been taken with regard to the payment of 75 per cent. I should also point out that a new regulation has been made, which changes the present system as to the supply of postage stamps to country postmasters. Perhaps I had better hand in the whole of these regulations, which when promulgated will become the rules of the Post Office. (*Handed in.*)
60. *By Mr. Knox*: Clause 31 is the one you refer to? Yes.
61. *By the Chairman*: When you consider a step necessary for the immediate advantage of the public, or the good of the Post Office, do you act on it at once? I have no power without referring to the Government.

62. You have to apply to the Government first? Yes.
63. When such cases do occur, do you get an answer immediately? Sometimes.
64. And sometimes I suppose you have to wait some months? I think anything of the nature you mentioned, with regard to the Melbourne mails, would be answered at once. If there had been any requisition or representation on that subject from the merchants of the city, I should have at once forwarded it and recommended it, and no doubt immediate attention would have been given to it. But the truth is, the Post Office building itself has a great deal to answer for, it is so small and inconvenient in every way.
65. You find the accommodation not sufficient? Yes; but the chief difficulty lies, perhaps, not so much in its insufficiency, as in the detached nature of the accommodation it affords, which in a manner forces us to keep up all these separate branches, instead of having the business conducted in a long room like a bank. I have prepared myself with a few recommendations for the improvement of the Post Office arrangements, if the Board would be good enough to accept them. In the first place, I think that a new Post Office is very urgently required, and that it is impossible that the work can be done as efficiently and economically as it ought to be until there is a new Post Office. Then I have said before, and I will say again, that the Post Office can never be properly conducted so long as the present Superintendent of the Letter Branch is at the head of that branch. If you ask my reasons, I will state that he has always obstructed me, which I can prove, and which I trust these memoranda (*alluding to papers before handed in*) will prove incontestably. On another point, it is difficult to prove who prompts the newspaper editors, but it is a fact that there have always been articles in the papers puffing up Mr. Hunt and depreciating others connected with the Post Office. He has also, as I believe, been the cause of dissensions amongst the officers of the establishment, which I can only prove negatively, by saying that they were very unanimous as long as Mr. Abbott was at the head of the Letter Branch. I should recommend that the office of Cashier should be distinct from that of Secretary altogether. The Cashier's duties are duties that must be attended to at once, and I find at times, when the Secretary is required for higher duties, that I cannot take him off from the duty of counting the money. I think the present Secretary should be relieved of the duties of Cashier; and that, having been formerly Superintendent of the Letter Branch, he ought to have the superintendence of it again, and in that case we could do without a Superintendent of the Letter Branch at all. In making that recommendation, the only difficulty I feel is as to whether the Cashier should be in the Account Branch; but perhaps that might in some degree get rid of the check that has hitherto existed, and therefore I should be disposed to put him under the Secretary. In Victoria there are at different Post Offices in the interior forty Government officers who are not storekeepers, but entirely under the control of the Government; and I think that ought to be the case in many instances in New South Wales. For example, I am of opinion that Post Offices ought to be built, and there ought to be Government officials as postmasters, at Bathurst and Mudgee on the Western Road; at Maitland, Murrurundi, Tamworth, and Armidale on the Northern Road; and at Goulburn, Albury, and Deniliquin on the Southern Road; and that gradually that system ought to be extended to any very rising township. Then, as I have mentioned elsewhere, I think the per centage on the sale of stamps ought to cease, and that a permanent increase of salary to the country postmasters ought to be made equal to their present commission on the sale of stamps, as I stated in my letter of the 12th September, 1860. Your questions do not lead to retrenchment, and, perhaps, I need not now take up that subject; but I may say, that if the present duties of the establishment are augmented, not much retrenchment can be made. I certainly have a clerk in charge of the Delivery Branch, who has not during the day a particular compartment to attend to; and if it were an object to pinch very closely, he might be dispensed with; but if there is to be any increased work thrown on the Delivery Branch, I would not make that recommendation.
66. When does he attend? He attends in the morning, and is engaged in sorting for the private boxes, and he also has charge of the registered letters; but during the day he is not employed continuously in serving the public; and if there were a great question of retrenchment, perhaps he might be more easily spared than any other.
67. What is the name of that clerk? Mr. Buchanan. I do not mean to prejudice him personally; he might be employed at other work; I am speaking without reference to the party himself.
68. Have you any other suggestions to offer? The public have called for the Money Order System for a very long time, and I have recommended it. I think it ought to be carried out. Whether it could be carried out in the General Post Office, I cannot say; but my Report of 1860 specifies the way I propose to introduce it. I know no reason why a separate building could not be taken, where the Money Order System could be commenced; and until it is introduced into this country, we cannot get the advantage of the same system between this Colony and the United Kingdom.
69. You are aware there is a Money Order System working in connection with the Telegraph Office? Yes; but I do not think that serves the same purpose as the other would do.
70. Do you think it would add to the better conduct of the one department or the other, if the Telegraph Office were under the Post Office? It might be desirable, but I think they are distinct systems. One is the quickest mode, but the other is altogether the most businesslike.
71. You have mentioned that there is disunion among the clerks, and that that disunion has caused parties in the Post Office? It has got to be a kind of up-stairs and down-stairs thing. Mr. Hunt, being the head of the Letter Branch, has got his adherents of course; but I believe the Superintendent of the Letter Branch is at the bottom of it all; I am obliged to say that. It never existed when Mr. Hunt was away, and it existed to a very small extent shortly after Mr. Hunt was reprimanded; but certainly it now exists to an extent that makes it very unpleasant to everybody.

W. H.
Christie, Esq.

13 Mar., 1862.

W. H. Christie, Esq. 72. Is the Letter Office locked every night? Yes, there is a party in charge as housekeeper, being the wife of the party who drives the mail cart, and is resident at the General Post Office; they are very respectable people, and the keys are given to them; but all the compartments are locked up, and each of the clerks takes the key of his own. The registered letters are all kept in safes, and those for delivery are represented in the Delivery Room pigeon holes, by envelope only, bearing their address. With regard to the sorting of the English mails I recommended, when the mails were delivered at Kangaroo Point, South Australia, that two clerks should go down there and come up with the return mail steamer, and sort the mails on the passage. It would be more expensive now that they would have to come from Western Australia, but the delivery would be quicker, and they might make up mails going down.

13 Mar., 1862.

73. You mean in the same way as the Post Office authorities do in the steamers going home? Yes; that might be done if expense was no object. Then I consider that the letter carriers and officers of that grade, and also all country postmasters under £100 a year, ought to be appointed by the Postmaster General. I have nothing to do with the appointments now.

74. Who appoints them now? The Treasurer. I am not allowed to suspend officers; I consider I ought to have the right of suspension, even if I have no right of dismissal. I think with regard to the inferior officers, such as letter carriers, I ought to have the right of dismissal, as I used to have.

75. *By Mr. Knox*: Has that only been altered lately? I will hand in the papers connected with the cases that gave rise to the above decisions. The next suggestion I have to make relates to an unpopular tax; but if revenue is really required, it is one of the first things that should be dealt with. Newspapers, except after being published seven days, pay nothing; and I suppose they make up four-fifths of the whole weight of the mail bags. I think 20 newspapers weigh 3 lbs. Of course, if a tax were put on newspapers, not only would an additional revenue be derived, but the contracts would be immeasurably less expensive. I am hardly prepared to say how much it would affect the mail contracts; I certainly think I am within the mark when I say it would make a difference of £12,000 a year.

76. *By the Chairman*: You refer to colonial newspapers? Yes, and to re-addressed newspapers, on which no postage is sometimes paid, and yet they pass without detection.

77. *By Mr. Knox*: It would be the difference of weight that would make the difference in the cost of contracts? Yes. The postage on newspapers may be called a tax on knowledge, but if the object is to make the Post Office yield more revenue, that is the most feasible tax. Then, as I have already said, I would propose that no commission should be allowed on the sale of stamps, and I would extend that to the licensed stamp sellers in Sydney also, and allow all parties to sell who might choose to do so. I think it would be very desirable to appoint sub-offices in Sydney, and perhaps in some of the larger towns, to take in registered letters (and they might also sell stamps), and that they should receive a fixed salary. I think that would be a great convenience. I, some time back, was asked by Mr. Parker, when Colonial Secretary, to draft a new Postage Bill, which repealed all former Acts, and gave a great deal more power to the Executive. This I did, and the Bill was subsequently referred back to me by the present head of the Government, and it is now with the Parliamentary Draftsman. At present, though the Executive can make postal arrangements with Great Britain, they have very little power to do so with the colonies, or foreign countries. For instance—from Victoria there is a proposition to put a fine on letters and book-packets which are not sufficiently paid by stamps, but our law is against that; the law is, that they must be delivered without further charge. The only other two recommendations I have to make are matters of detail. It was proposed formerly, when a Postage Bill was brought in, that ships proceeding outwards should not be allowed to clear at the Customs till they had shewn a certificate from the Post Office that they had given notice of the port they were going to, and their probable time of departure. That was called an Algerine clause in the Assembly, and it was got rid of; but I am still of opinion that it ought to be the rule. At present many vessels start without our knowing it, and we have no opportunity to put mails on board. I think that might be prevented by a port regulation.

78. *By Mr. King*: You know that, sometimes, the captain of a vessel does not himself know where he is going to when he puts to sea, that he is guided often by the winds he meets with—he “goes seeking,” as it is called? At all events, the time of departure ought to be stated.

79. *By Mr. Watt*: Supposing a ship does not wish to carry a mail, why should she be compelled to do so? For the general good of the public. We oblige them to carry mails by law, and I do not think they ought to evade it by not giving notice. The only other recommendation I have to make is a mere matter of detail. In the Port Regulations it is stated that mails are to be delivered to the Postmaster General, or any officer he may appoint, or to the Portmaster. I find that has led to some little confusion; and I think the Portmaster ought to be left out, and the Post Office only be made responsible. It has been stated to me that it has given rise to a little trouble.

80. *By the Chairman*: Does the revenue derived from the boxes form part of the general revenue of the Post Office? Yes; the revenue of the department is derived from postage stamps; from postage, which is now a very small item, being made up chiefly by loose ship letters, and from private boxes. I would beg to hand in a return of the revenue and expenditure of the Post Office for the last nine years, from 1852 to the end of 1861. (*Handed in. Vide Appendix G.*) I have also prepared a return of the Sydney Establishment, shewing the cost of the three branches separately, and the number of persons employed; that is also from 1852 to 1861. (*Handed in. Vide Appendix H.*) By this it will be seen that, lately, the Establishment though increasing has not been extravagant.

81. *By Mr. Watt*: Is there a uniform charge for private boxes? Yes. It will be raised by the new regulations, and was recommended to be raised by the Post Office Board of 1856. It will be £2 2s. next year.

82. *By Mr. Knox:* Can you furnish us with details of the number of letters and newspapers and so on? My last Report contains all that so fully that I beg to refer the Board to it for information of that kind. I beg to hand in some papers relating to certain cases which the Treasurer directed to be laid before the Board. The first case, No. 32, is one in which I felt it necessary to call attention to the general tone of the Minutes of the Superintendent of the Letter Branch, Mr. Hunt, in his correspondence of a very recent date. (*Papers handed in.*) The other, No. 34, relates to a complaint of Mr. Hunt, respecting certain letters which appeared in the newspapers. (*Papers handed in.*) There are other papers which bear upon the matter, but which were not specially directed to be laid before the Board; as these will, doubtless, be referred to, I beg to hand them in. (*Handed in.*) I also hand in a Nominal Return of the Department of the General Post Office, on 31st December, 1861. (*Handed in. Vide Appendix I.*)

W. H.
Christie, Esq.
13 Mar., 1862.

APPENDIX.

A.

*The Treasury, New South Wales,
26 June, 1861.*

POSTAGE STAMPS.

THE public are informed, that on and after the 1st July next, they can procure money for postage stamps at all Post Offices throughout the Colony.

A charge of 5 $\frac{1}{2}$ cent. will be made for such accommodation, on the following scale:—

| | s. | d. |
|---|----|----|
| For stamps not exceeding 1s. 8d. in value | 0 | 1 |
| Exceeding 1s. 8d., and not exceeding 3s. 4d. | 0 | 2 |

and so on, at the rate of 1d. for every 1s. 8d., or portion of 1s. 8d.

None but New South Wales postage stamps will be exchanged, and those only on condition that they are neither soiled nor damaged.

E. C. WEEKES.

B.

*The Treasury, New South Wales,
2 August, 1861.*

Sir,

The propositions contained in your letter of the 13th ultimo, respecting the further arrangements which are necessary for the purpose of giving effect to the Regulations for converting postage stamps into cash, having been duly considered, I am now directed to inform you, that it has been decided to adopt the following measures:—

1. Stamps purchased by country postmasters are to be received by you in payment of their remittances.
 2. These stamps will be paid for, at their representative value, by the Inspector.
 3. Stamps purchased at the General Post Office are to be periodically handed over to the Inspector, who will reimburse you the amount paid for them.
 4. The stamps thus transferred to the Inspector are to be accompanied by an account shewing their number and value, and the difference between the amount paid and that represented by them.
 5. All such stamps will be destroyed at stated periods, under due supervision.
- A credit will be opened, on application, to enable you to make payments, as above.

I have, &c.,

HENRY LANE,
Under Secretary.

The Postmaster General.

C.

Sir,

I have the honor to enclose, for the information of the Honorable the Secretary for Finance, communications from the postmasters, Bendemeer and Peel respectively, shewing the necessity for making further arrangements in order to carry out effectually the late plan adopted by the Government of allowing the public to obtain money for postage stamps.

2. As stated by the Peel postmaster, 5 per cent. instead of 10 per cent. is the commission allowed to postmasters on the purchase of stamps, according to the recent notice. It must be remembered, however, that 5 per cent. is the minimum commission, and that if the postmaster only obtains that on a sale of one-eighth, the commission is much more on smaller sales.

3. As the plan proposed by me of an increase of salary to country postmasters equivalent to 5 per cent. commission on their sale of stamps, and a consequent reduction of their present commission to 5 per cent., has not been adopted, I have no other remedy to propose, and am disposed to think that there is not much to complain of on the head of the commission authorized.

4. It will no doubt be a hardship to postmasters if they have not the power of obtaining money for their stamps, and I would therefore propose that the stamps purchased by country postmasters should be used as remittances to the General Post Office, and that all stamps purchased from the public should be exchangeable for money at the office of the Inspector of Stamps, where they can be destroyed or served out again as that officer may decide.

4. As the Auditor General concurs with me in the expediency of adopting the plan pointed out in the preceding paragraph, I have to request the sanction of the Honorable the Treasurer thereto, and that the necessary instructions be given to the Inspector of Stamps.

I have, &c.

D.

*General Post Office,
Sydney, September, 1860.*

Sir,

I have the honor to request that you will bring under the notice of the Honorable the Minister for Finance and Trade, the desirability of withdrawing, from the 1st January next, the commission on the sale of postage stamps now allowed to postmasters and licensed vendors, and of substituting therefor a fixed addition to the salary of each postmaster, equal to the amount of commission that will be received by him during the present year, and to each licensed vendor the minimum amount of salary allowed to postmasters on this revised scale.

2. The getting rid of the commission in question will considerably increase the revenue, simplify the accounts, and abolish the competition that has sprung up on the part of some country postmasters with the licensed vendors of stamps. The competition to which I allude is caused by some of the postmasters furnishing the public with wholesale supplies of postage stamps at a discount, thereby rendering comparatively useless the discontinuance, at the General Post Office, of the discount formerly allowed

W. H. Christie, Esq. allowed the public, and competing unfairly with the licensed stamp sellers, who only receive 5 per cent. commission, and are consequently not able to sell postage stamps to the public on the same advantageous terms.

13 Mar., 1862.

3. The amount that will be received by the postmasters for the present year, as commission on the sale of postage stamps, I estimate at something short of £3,000, and the proposed salary to licensed vendors of stamps at £700 per annum; so that, if the change proposed by me be approved, it will be necessary to supplement the vote for country postmasters' and licensed vendors' salaries by the sum of £3,700, which will not only provide for the additions to the salaries of the postmasters of offices already in existence, but will allow for the increase that will have to be made to the salary given to the postmasters of any new offices that may be established during 1861; whilst it is certain that the augmented revenue derivable from the sale of stamps without commission will more than compensate for the increase in the estimate, and the proportionate saving will be greater every year.

I have, &c.,

The Under Secretary
for Finance and Trade.

Postmaster General.

E.

MEMO. for Secretary, and for my own reference.

With reference to the matter of exchanging postage stamps for money, I am disposed to think that abuses that were not foreseen may arise therefrom. For example:—Postmasters may remit stamps to Cashier as cash, on account of sale of postage stamps, on which they have received already a discount of 10 per cent., and may then send in another requisition, and receive 10 per cent. commission on such requisition, the supply from which may be the substitute for the stamps remitted.

My recommendation that the commission allowed on the sale of stamps should cease, and an increased rate of fixed salary be accorded to country postmasters, has not yet been replied to.

If the proposed recommendation be carried out, it will put a stop to the abuse above alluded to, and also to that of country postmasters underselling licensed vendors of stamps.

4/3/62.

F.

THE ESTIMATES OF EXPENDITURE of the Post Office Departments of Victoria and New South Wales, for the Year 1862, compared.

| VICTORIA (MELBOURNE). | | | NEW SOUTH WALES (SYDNEY.) | | |
|---|---------------|-------------|---|---------------|------------|
| | £ | s. d. | | £ | s. d. |
| Postmaster General | 1,200 | 0 0 | Postmaster General | 950 | 0 0 |
| Secretary | 900 | 0 0 | Secretary and Cashier | 530 | 0 0 |
| Two 1st class, including £250 travelling expenses to Postal Inspector | 1,450 | 0 0 | Superintendent Letter Branch and Postal Inspector, the latter not receiving travelling allowance .. | 1,030 | 0 0 |
| One 2nd class | 485 | 0 0 | Accountant | 530 | 0 0 |
| Clerical Staff, 52 persons | 11,235 | 0 0 | Clerical Staff, 27 persons | 5,799 | 0 0 |
| Stampers, Sorters, Mail Guards, Letter Carriers, 73 persons .. | 10,994 | 2 6 | Stampers, Sorters, Mail Guards, Letter Carriers, &c., 45 persons | 5,613 | 0 0 |
| 365 Postmasters, 40 being Government Officers | 14,375 | 0 0 | 350 Postmasters, 1 being a Government Officer | 8,500 | 0 0 |
| Country Clerical Staff, 19 persons. | 4,088 | 6 8 | Nil. | | |
| Country Letter Carriers, Sorters, &c., 45 persons | 6,416 | 10 0 | Country Letter Carriers, 10 persons | 1,200 | 0 0 |
| Total for Establishment, 559 persons* | 51,143 | 19 2 | Total for Establishment, 437 persons | 24,152 | 0 0 |

CONVEYANCE OF MAILS.

| | | | | | |
|---|-----------------|-------------|---|----------------|------------|
| Length of Postal lines on 31st December, 1861, 4,071 miles .. | 50,000 | 0 0 | Length of Postal Lines on 31st December, 1861, 9,359 miles .. | 60,000 | 0 0 |
| Grand Total, Establishment | 51,143 | 19 2 | Grand Total, Establishment | 24,152 | 0 0 |
| And Conveyance of Mails | 50,000 | 0 0 | And Conveyance of Mails | 60,000 | 0 0 |
| | £101,143 | 19 2 | | £84,152 | 0 0 |

* This total exceeds the total given in the Victorian Estimates by £1,450, being £1,200 for the Postmaster General's salary, and £250 for the Postal Inspector's travelling expenses, neither of which items are to be found under the division of the Estimates from which this return is derived.

N.B.—The expense of the P. & O. Company's Contract does not appear in the above return.

G.

REVENUE and EXPENDITURE, from 1852 to 1861.

| YEAR. | REVENUE. | | EXPENDITURE. | | YEAR. | REVENUE. | | EXPENDITURE. | |
|-------|----------|-------|--------------|-------|-------|----------|-------|--------------|-------|
| | £ | s. d. | £ | s. d. | | £ | s. d. | £ | s. d. |
| 1852 | 18,174 | 1 11 | 25,304 | 8 0 | 1857 | 35,715 | 13 4 | 63,220 | 4 7 |
| 1853 | 20,379 | 10 1 | 34,954 | 5 10 | 1858 | 39,953 | 15 8 | 69,660 | 9 3 |
| 1854 | 24,127 | 19 5 | 52,333 | 2 7 | 1859 | 43,678 | 14 8 | 71,805 | 13 10 |
| 1855 | 24,962 | 5 7 | 60,221 | 8 1 | 1860 | 45,612 | 10 3 | 72,371 | 15 4 |
| 1856 | 29,458 | 10 11 | 58,879 | 11 3 | 1861 | 48,167 | 18 6 | *79,416 | 7 11 |

* Actual amount expended to 28th February, 1862, on account of 1861. P. and O. Company's Mail Contract not included.

H.

RETURN of the Sydney Establishment, shewing the cost of each of the Three Branches separately, and the number of Persons employed.—1852 to 1861.

| YEAR. | SECRETARY'S BRANCH. | | | | | | | | | LETTER BRANCH. | | | | | | | | | ACCOUNT BRANCH. | | | | | | | | | | | |
|-----------|---------------------|----------------|---------------------------|---------|---------------------------------|---------|-------------------------------|---------|--------|-----------------|---------------------------|-------|---------------------------------|----------|-------------------------------|--------|---------|-------------|---------------------------|--------------|---------------------------------|----------------|-------------------------------|---------|--------|---------|-----|---------|---|---------|
| | Secretary. | | Clerks on fixed Salaries. | | Extra Clerical Assistance Fund. | | Sorters doing Clerks' duties. | | TOTAL. | Superintendent. | Clerks on fixed Salaries. | | Extra Clerical Assistance Fund. | | Sorters doing Clerks' duties. | | TOTAL. | Accountant. | Clerks on fixed Salaries. | | Extra Clerical Assistance Fund. | | Sorters doing Clerks' duties. | | TOTAL. | | | | | |
| | No. | Yearly Salary. | No. | Amount. | No. | Amount. | No. | Amount. | No. | | Yearly Cost. | No. | Yearly Salary. | No. | Amount. | No. | Amount. | | No. | Yearly Cost. | No. | Yearly Salary. | No. | Amount. | No. | Amount. | No. | Amount. | | |
| | | £ s. | £ s. | | £ s. | | £ s. | | £ s. | £ s. | | £ s. | | £ s. | | £ s. | £ s. | | £ s. | | £ s. | | £ s. | | £ s. | | | | | |
| 1852..... | 1 | 410 0 | 1 | 125 0 | 2 | 170 0 | ... | ..... | 4 | 755 0 | 1 | 440 0 | 11 | 1,653 0 | 1 | 70 0 | 2 | 196 10 | 15 | 2,359 10 | 1 | 330 0 | 3 | 505 0 | ... | ..... | ... | ..... | 4 | 825 0 |
| 1853..... | 1 | 575 0 | 2 | 440 0 | 2 | 190 0 | ... | ..... | 5 | 1,205 0 | 1 | 575 0 | 10 | 2,593 10 | 3 | 210 0 | 3 | 420 0 | 17 | 3,798 10 | 1 | 575 0 | 3 | 855 0 | 1 | 50 0 | ... | ..... | 5 | 1,480 0 |
| 1854..... | 1 | 575 0 | 3 | 655 0 | 2 | 170 0 | ... | ..... | 6 | 1,409 0 | 1 | 525 0 | 12 | 2,958 10 | 4 | 310 0 | 4 | 560 0 | 21 | 4,383 10 | 1 | 575 0 | 3 | 800 0 | 1 | 50 0 | ... | ..... | 5 | 1,425 0 |
| 1855..... | 1 | 575 0 | 3 | 675 9 | 3 | 300 0 | ... | ..... | 7 | 1,550 0 | 1 | 575 0 | 12 | 3,252 0 | 3 | 270 0 | 4 | 560 0 | 20 | 4,657 0 | 1 | 575 0 | 3 | 940 0 | 2 | 170 0 | ... | ..... | 6 | 1,685 0 |
| 1856..... | 1 | 575 0 | 4 | 929 10 | 1 | 100 0 | 1 | 80 0 | 7 | 1,684 10 | 1 | 575 0 | 13 | 3,493 0 | 3 | 300 0 | 2 | 280 0 | 19 | 4,648 0 | 1 | 575 0 | 2 | 700 0 | 1 | 100 0 | 1 | 80 0 | 5 | 1,455 0 |
| 1857..... | 1 | 530 0 | 3 | 820 0 | 2 | 170 0 | 1 | 132 0 | 7 | 1,652 0 | 1 | 530 0 | 16 | 3,720 0 | 1 | 70 0 | 2 | 264 0 | 20 | 4,584 0 | 1 | 530 0 | 2 | 670 0 | 1 | 100 0 | 1 | 132 0 | 5 | 1,432 0 |
| 1858..... | 1 | 530 0 | 3 | 580 0 | 3 | 300 0 | ... | ..... | 7 | 1,410 0 | 1 | 530 0 | 16 | 3,690 0 | 2 | 200 0 | 1 | 132 0 | 20 | 4,552 0 | 1 | 530 0 | 2 | 675 0 | 1 | 100 0 | 1 | 132 0 | 5 | 1,437 0 |
| 1859..... | 1 | 530 0 | 4 | 875 0 | 1 | 100 0 | 1 | 132 0 | 7 | 1,637 0 | 1 | 530 0 | 18 | 3,935 0 | ... | ..... | 1 | 132 0 | 20 | 4,597 0 | 1 | 530 0 | 3 | 850 0 | ... | ..... | ... | ..... | 4 | 1,380 0 |
| 1860..... | 1 | 530 0 | 4 | 850 0 | 1 | 100 0 | 1 | 132 0 | 7 | 1,612 0 | 1 | 530 0 | 17 | 3,715 0 | 1 | 95 0 | 1 | 132 0 | 20 | 4,472 0 | 1 | 530 0 | 3 | 825 0 | ... | ..... | ... | ..... | 4 | 1,355 0 |
| 1861..... | 1 | 530 0 | 5 | 1,025 0 | ... | ..... | 1 | 132 0 | 7 | 1,687 0 | 1 | 530 0 | 16 | 3,510 0 | 1 | 182 10 | 1 | 132 0 | 19 | 4,354 10 | 1 | 530 0 | 3 | 825 0 | ... | ..... | ... | ..... | 4 | 1,355 0 |

4-B

MANAGEMENT AND WORKING OF THE POST OFFICE DEPARTMENT.

W. H. Christie, Esq.
13 Mar., 1862.

W. H.
Christie, Esq.
13 Mar., 1862.

I.

NOMINAL RETURN of the Department of the General Post Office, on 31st December, 1861.

| No. | SITUATION. | NAME. | SALARY. | |
|-----|---|--------------------------|---------------|---------|
| | | | Rate per Day. | Annual. |
| | | | | £ s. d. |
| | Postmaster General .. | W. H. Christie .. .. . | .... | 950 0 0 |
| | Secretary and Cashier .. | T. K. Abbott .. .. . | .... | 530 0 0 |
| | Superintendent of Letter Branch | R. A. Hunt .. .. . | .... | 530 0 0 |
| | Accountant | John Kebble .. .. . | .... | 530 0 0 |
| | | N. Nelson .. .. . | .... | 375 0 0 |
| | | F. W. Hill .. .. . | .... | 375 0 0 |
| | Clerks, 2nd Class | C. Nightingale .. .. . | .... | 300 0 0 |
| | | A. Dillon .. .. . | .... | 300 0 0 |
| | | H. Garnett .. .. . | .... | 300 0 0 |
| | | H. Reeve .. .. . | .... | 275 0 0 |
| | | W. Buchanan .. .. . | .... | 275 0 0 |
| | | S. H. Lambton .. .. . | .... | 215 0 0 |
| | | B. C. Bradshaw .. .. . | .... | 215 0 0 |
| | | L. G. Thomson .. .. . | .... | 215 0 0 |
| | Clerks, 3rd Class | J. N. Brooks .. .. . | .... | 215 0 0 |
| | | C. H. Atkinson .. .. . | .... | 200 0 0 |
| | | F. E. Salisbury .. .. . | .... | 200 0 0 |
| | | R. C. Springett .. .. . | .... | 200 0 0 |
| | | T. L. R. Pierce .. .. . | .... | 200 0 0 |
| | | T. R. Stone .. .. . | .... | 175 0 0 |
| | | H. Atkins .. .. . | .... | 175 0 0 |
| | | A. F. Newman .. .. . | .... | 175 0 0 |
| | | E. T. Parker .. .. . | .... | 175 0 0 |
| | Assistant Clerks | W. C. Johnson .. .. . | .... | 175 0 0 |
| | | Asher Day .. .. . | .... | 175 0 0 |
| | | C. B. Cuttriss .. .. . | .... | 175 0 0 |
| | | G. Miller .. .. . | .... | 150 0 0 |
| | | E. T. Sayers .. .. . | .... | 150 0 0 |
| | | J. Bayly .. .. . | .... | 150 0 0 |
| | | J. Dalgarno .. .. . | .... | 132 0 0 |
| | Stampers and Sorters | J. M'Mahon .. .. . | .... | 132 0 0 |
| | | W. G. Graves .. .. . | .... | 132 0 0 |
| | Openers and Tiers | T. Balderstone .. .. . | .... | 132 0 0 |
| | | E. Flynn .. .. . | .... | 132 0 0 |
| | | J. Glasheen .. .. . | .... | 132 0 0 |
| | | W. Barker .. .. . | .... | 132 0 0 |
| | News Sorters | D. M'Kennery .. .. . | .... | 132 0 0 |
| | | B. Dewson .. .. . | .... | 132 0 0 |
| | | T. S. L. Vogan .. .. . | .... | 132 0 0 |
| | | G. Crerar .. .. . | .... | 132 0 0 |
| | | D. M'Grath .. .. . | .... | 132 0 0 |
| | | A. Mooney .. .. . | .... | 132 0 0 |
| | | G. Ginnery .. .. . | .... | 132 0 0 |
| | | M. Finnerty .. .. . | .... | 114 0 0 |
| | | T. M'Grath .. .. . | .... | 132 0 0 |
| | | J. Baird .. .. . | .... | 132 0 0 |
| | | R. Baird .. .. . | .... | 132 0 0 |
| | Letter Carriers | A. Appleton .. .. . | .... | 132 0 0 |
| | | W. E. Madden .. .. . | .... | 132 0 0 |
| | | A. P. Williams .. .. . | .... | 132 0 0 |
| | | S. Pinnington .. .. . | .... | 132 0 0 |
| | | R. Condell .. .. . | .... | 132 0 0 |
| | | J. Eve .. .. . | .... | 132 0 0 |
| | | M. Hartigan .. .. . | .... | 132 0 0 |
| | | J. Smith .. .. . | .... | 132 0 0 |
| | | E. Quinn .. .. . | .... | 132 0 0 |
| | Shipping Officer | T. M'Mahon .. .. . | .... | 200 0 0 |
| | Principal Messenger | A. Porter .. .. . | .... | 120 0 0 |
| | | H. Williams .. .. . | .... | 108 0 0 |
| | Messengers | W. Doolan .. .. . | .... | 108 0 0 |
| | | J. Dickson .. .. . | .... | 108 0 0 |
| | | H. Harding .. .. . | .... | 108 0 0 |
| | | T. Marquies .. .. . | .... | 78 0 0 |
| | Mail Boys | M. M'Donnell .. .. . | .... | 78 0 0 |
| | | J. Caine .. .. . | .... | 78 0 0 |
| | Office Keeper | M. Finnerty | 3s. 4d. | 60 16 8 |
| | Night Watchman | J. Glynn .. .. . | .... | 84 0 0 |
| | | J. Vigors .. .. . | .... | 150 0 0 |
| | Mail Guards | J. Frost .. .. . | .... | 150 0 0 |
| | | H. H. R. Lockyer .. .. . | .... | 150 0 0 |
| | | S. S. Sandon .. .. . | .... | 120 0 0 |
| | | H. Sims .. .. . | .... | 120 0 0 |
| | | C. Ramsay .. .. . | .... | 120 0 0 |
| | | J. Booker .. .. . | .... | 120 0 0 |
| | | J. Hollohan .. .. . | .... | 120 0 0 |
| | | T. Rushforth .. .. . | .... | 120 0 0 |
| | | J. Burton .. .. . | .... | 120 0 0 |
| | | L. Butler .. .. . | .... | 120 0 0 |
| | | T. King .. .. . | .... | 120 0 0 |
| | | J. Dunkin .. .. . | .... | 120 0 0 |
| | | G. Smith .. .. . | .... | 120 0 0 |
| | | A. Matchett .. .. . | .... | 120 0 0 |
| | | J. Higham .. .. . | .... | 120 0 0 |
| | | T. Cambridge .. .. . | .... | 120 0 0 |
| | Postal Inspector | T. W. Levinge .. .. . | .... | 500 0 0 |

MONDAY, 24 MARCH, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

| | | |
|-----------|--|------------|
| MR. KING, | \| | MR. SMART, |
| MR. KNOX, | \| | MR. WATT. |

Robert Allen Hunt, Esq., called in and examined:—

1. *By the Chairman*: You are the Superintendent of the Letter Branch of the Post Office? R. A. Hunt,
Esq.
Yes.
2. The Letter Branch falls immediately under your own supervision? Yes.
3. The Postmaster General does not interfere with your department? Yes, he does, very much. 24 Mar., 1862.
4. Do you then consider your management of it interfered with? Yes, by him and the Secretary; I have no authority in the matter; I must refer to the Postmaster General for instructions upon every point.
5. What do you consider your duties to be? Merely the superintendence of the mechanical department, the delivery and despatch of mails. I see that the clerks and letter carriers attend to their duties, and are punctual in their attendance. I also attend to verbal complaints of non-delivery of letters.
6. Are the clerks directly under your supervision? Yes, directly, the clerks in the letter branch, the letter carriers and messengers.
7. Are they so much under your supervision that if you thought it advisable for the convenience of the public to direct them to remain beyond the usual hours, for the delivery of the mails, you could do so? I have no authority; the hours are fixed by Act of Council for the closing and opening the office; the Act prevents it being open longer than from 7 a.m. to 6 p.m. A mail arriving after 5 o'clock cannot be delivered.
8. Is that according to Act of Council? According to the rules of the Executive.
9. Are not the Hunter River mails delivered after five? That is a special service, and for which the clerks are paid extra; they attend two hours later.
10. Would it not be for the convenience of the public if in the case of a mail arriving from Melbourne with late intelligence the letters were delivered until a later hour? No doubt.
11. Have you ever represented that? No, I never have; because the hours appeared to be fixed, and therefore it would require this clause in the regulations to be abrogated.
12. *By Mr. Knox*: Have not the Executive the power of altering those regulations? Yes; and the Postmaster General may suggest any improvements.
13. *By Mr. Watt*: Which the Executive adopt or otherwise? Yes. All rules by the Act must be submitted to the Executive—that is the second clause of the Postage Act.
14. *By the Chairman*: Have you anything to do with the issue of stamps? They are sold in my department; I have nothing to do with the issue of them. There is a clerk who has charge of stamps.
15. To whom does he account? To the Cashier, through me; the cash goes through me up to the Cashier. He locks the money up in a box, to prevent the necessity of two people counting, and I send it up to the Cashier.
16. Is it in your department stamps are received back? It is.
17. And payment made for them? Yes.
18. And then I believe these stamps are destroyed? They are returned to the Government Printer, with the account current every month shewing the whole amount returned, and I believe he destroys them.
19. Do you consider the re-purchase of stamps beneficial to the public? I do not think it is any great benefit; I think the Money Order System better.
20. Can you conceive it to be any advantage for stamps to be bought back at five per cent. discount which had been issued at ten per cent., and then to be destroyed? No, I cannot. I thought at the time that alteration was made it would be better to have the stamps exchanged by the stamp sellers, who were allowed five per cent for selling, instead of reselling them to the office; there would thus be necessity for their destruction.
21. Are you aware of many complaints of postal irregularities in the suburbs? If you will allow me I will read some suggestions which I think will meet the case of the suburban districts, and the Board may afterwards put any questions to me.
22. Does the paper to which you refer bear upon the question I have asked you? Yes, upon the suburban districts.
23. Does it refer to irregularities that have occurred or to the prevention of them in future? To the prevention of them in future.
24. You are aware that these irregularities have occurred? Yes.
25. To what department can blame be attached for that—is it to your branch? If the clerks in making up the mails mis-sort the letters, that of course causes the irregularity; which is more serious in consequence of the alphabetical system of sorting in the Post Office here. That system has been found to be highly objectionable in England.
26. Your department is entirely separate from that of the Secretary and Cashier, is it not? As far as this, they are up stairs and we are down.
27. Does the Secretary's Branch work beneficially? I do not know much of the working of it latterly; since I gave my evidence before the Retrenchment Committee in 1858 there has been an unpleasant feeling.
28. You are not able to state whether it is worked to the advantage of the public? I cannot speak from my own knowledge; and I may say the same of the Account Branch.
29. Does the time of the arrival of mails fall immediately under your supervision? Yes.

- R. A. Hunt, Esq.
 24 Mar., 1852.
30. Are the mails pretty regular? Yes; they may be a few minutes later on the Monday morning, the train on the Southern line is generally later then.
31. That is immediately into Sydney? Yes—that is the Secretary's Department.
32. Then I imagine it would be to the Secretary we should look for the working of the Postal Inspector's department? Yes.
33. Have you ever suggested any improvement in the inland postal service? I have.
34. Could you attach any copy of such suggestions to your evidence? They are contained in the evidence I gave before the Retrenchment Committee.
35. *By Mr. Watt*: Were those suggestions made some time ago? In 1858.
36. Do you now adopt them without amendment? I do; I still think they should be carried out. You will find them in the 113th page of the Report. I refer particularly to the 5th suggestion.
37. You have nothing to add to that? No; I thought at the time that ought to have been carried out, and I think so still.
38. *By the Chairman*: Would not the delivery of letters on the arrival of an English mail be facilitated by having a Post Office clerk on board the mail coming from Melbourne? Yes, very much; and at the establishment of the service the Home Government wrote out here requesting the co-operation of this Government to pay a portion of the expenditure. It was suggested that there should be four clerks substituted for the Admiralty Agent, and I recommended Major Christie to comply with the suggestion. The proposal was, that there should be two clerks sent from England, and, as they would know nothing of our method of sorting, that there should also be a clerk sent from Melbourne and one from Sydney who, from their local knowledge, could sort the letters ready for delivery. The Government here declined to have anything to do with it.
39. What I ask is, would not the sorting of the mail be facilitated by having a clerk on board the vessel from Melbourne to Sydney? Very much.
40. Would there be any difficulty in carrying out such an arrangement? No; it would require two clerks merely, a senior and a junior clerk.
41. Would two clerks be sufficient? Quite sufficient to sort the letters.
42. To sort the letters only? Yes; if they could join with the Melbourne people and send to King George's Sound it would be much better.
43. Would it not much increase the expense? The Melbourne people might co-operate to send to King George's Sound.
44. *By Mr. Smart*: Do you think there would be sufficient time on the passage from Melbourne to Sydney to enable two clerks to sort the letters? Yes, I think two good clerks would do it.
45. It would then be necessary to provide a model Post Office on board the steamers, as there is on the Southampton line? They have spare fittings at Suez, and they might put them on board the steamers down here.
46. Have they spare boxes at Suez? They have, all ready to ship.
47. Belonging to the British Government? Either to the British Government or to the P. and O. Company, but it would be necessary to give six months notice before the abolition of the office of Admiralty Agent.
48. *By Mr. Watt*: Do you think there would be sufficient space? Yes.
49. *By Mr. King*: They would merely want pigeon holes in alphabetical order? Not in alphabetical order; the letters must be sorted in divisions, into town and country; for town into eight districts.
50. *By the Chairman*: The inland contract service in no way falls under your supervision? No.
51. Does not the despatch of mails? Not the contracts, I have nothing to do with contracts.
52. Could the time of the despatch of mails in your opinion be advantageously altered in any case? I think we are at the mercy of the railway authorities. You mean the Southern and Western mails?
53. All mails—all or any mails? It would be a great convenience if they could all be despatched at the same hour, as they are in London. The railway people will not wait for us, we are obliged to comply with their rules. We have been obliged to shift and change several times. They now go at five o'clock, and last winter they went at half-past six. These changes are very inconvenient, and upset all our arrangements.
54. *By Mr. Knox*: They now leave at five? Yes, and we are obliged to close the mail at four, while the Southern and Western mails go at one, at the special request of the inhabitants of Bathurst.
55. They used to close at half-past four? They used to go at five, and the train went at half-past six.
56. How long has that been the case? Three or four months.
57. *By Mr. Watt*: There is now a train at half-past six? That goes only to Parramatta.
58. *By the Chairman*: Have you made any suggestions by which the working of the department under your immediate supervision could be improved for the benefit of the public? I have; I have a copy of them here. (*The witness handed in the same. Vide Appendix A.*) My own impression is that the office ought to be amalgamated, and that I ought to have the control of the clerks in the Account Branch and Secretary's Office, and be able to call upon them to assist in cases of emergency.
59. Do they not assist in cases of emergency? I receive the assistance of two on the arrival of the English mail, on its despatch I get none; the consequence is, that I have to go myself to Moore's Wharf to receive late letters.
60. How many clerks are there in the department under your supervision? Seventeen.
61. Are you aware how many there are in the Accountant's Department? Two.

62. How many are there under the Secretary? I think five or six.
63. You receive the assistance of two only in cases of emergency? Yes, two on the receipt of the mail—I have had three—but I get no assistance in despatching the mail.
64. Do you think such assistance is necessary? I do; in fact ten years ago all I had to do was to ring the bell and the whole of the clerks came down without further notice—now I am obliged to send in a requisition for the assistance of two or three.
65. *By Mr. Smart*: To whom do you send the requisition? To the Postmaster General. I am obliged to go to Moore's Wharf myself to keep the mail open. I was there on Saturday last, and received 255 letters, the revenue derived from the late fee upon which amounted to £23.
66. That is for the outward mail? Yes. I go myself, and have done so since I commenced it.
67. *By the Chairman*: What are the hours of attendance for the clerks in the Post Office? In the Inland Rooms the hours are from 7 a.m. to 6 p.m., seven hours.
68. How many are there at seven o'clock? The inland clerks are seven.
69. Do you consider that the duties of all the clerks in the Letter Department extend over eleven hours? I do not say eleven, but seven hours. The hours are fixed by the Government. The clerks who go at seven go away to breakfast and dinner—those in the Inland Room. They come at seven and open the mails that come from the Hunter and railway, and despatch the letter carriers at nine. The clerks in the Delivery Room come at eight, and go away at eleven to get their dinners; they then come back at one o'clock and leave at five. They do not all leave at the same time, but relieve each other.
70. Are these hours of attendance strictly adhered to even when you are pushed for assistance, when a mail is coming in or going out? When a mail is going out they come at six, and remain till eight, nine, or ten.
71. Then these hours are not strictly adhered to? Yes, except when an English mail is going out.
72. During these periods you have not the assistance of the other clerks in the office? No, except on the arrival of the English mail.
73. When the English mail is going, do you get any extra assistance from other clerks, those in the Secretary's and Accountant's? I have already stated —
74. You state that you have only two on the receipt of the English mail? I have stated that I have none on the despatch of the mail.
75. Do you not conceive that it would be for the advantage of the public if you were to have such assistance? I do.
76. Is there any reason why the clerks in those branches should attend merely on ordinary hours when there is a press of business? I should say not, if they were ordered to come.
77. If they were ordered to come they would come? If I had authority to order them to come they would.
78. Is the Post Office building as convenient as it might be? No, it is very inconvenient. I have now seven rooms which I have to visit in three different buildings. They are still patching it up, and I think it is a great waste of money to patch it up as they have done for a Telegraph Office.
79. Has not the Telegraph Office diminished somewhat of your room? Very little; a small portion of the Stamp Room, the Stamp Sale Room, they have converted into a hall, and they have removed the old Registry Office which formerly stood in the hall.
80. You are aware that the Post Office is not self-supporting? I am, perfectly.
81. Could you suggest any means by which it could be made so in a greater degree than it is now? I made the suggestion in my evidence in 1858. I think we ought to derive the same revenue from our letters as the Melbourne people. I do not see why they should get four-pence and we only two-pence. They have been pocketing four-pence ever since the separation, besides two-pence for town letters, and one penny for newspapers.
82. Are newspapers in Victoria taxed one penny? Yes.
83. That is local papers? Yes.
84. *By Mr. Knox*: What difference would that make in your revenue? Nearly double, if country letters were four-pence and town letters two-pence. The inland postage would increase about £15,000, on a rough calculation.
85. *By Mr. King*: Would you alter the foreign postage? No, that is the same as Victoria. Victoria has been deriving about £100,000 from their postal revenue, while ours is about £40,000.
86. *By Mr. Watt*: Is the Post Office Department self-supporting in Victoria? I think so.
87. *By the Chairman*: Does your department work harmoniously with other departments of the Post Office? Yes, I know of no quarrel with anybody there.
88. Then there is a general good feeling prevailing between you and the others? There has been a little ill feeling against myself, in consequence of the evidence I gave before the Retrenchment Committee, and there have been some little attacks in the newspapers in various ways.
89. *By Mr. Smart*: Do you think the attacks in the newspapers emanated from the office? If the Committee will ask the Postmaster General for some documents he has in his possession, they will see that it is so.
90. *By Mr. King*: Do they bear upon that subject? Yes. This attack upon me in the papers was made by a man of the name of Plumb, who had formerly been a clerk in the Post Office, and was then living at Muswellbrook. I went to Mr. Hanson, of the *Empire*, respecting the articles written under the name of Scrutator, and he refused to publish any more of them, and they were then sent to Plumb, who forwarded them to the *Empire* under his own name.
91. *By Mr. Smart*: Who is Plumb? He was a clerk in the office when I gave my evidence before the Committee, and was allowed to resign.

R. A. Hunt,
Esq.

24 Mar., 1862.

- R. A. Hunt, Esq.
24 Mar., 1862.
92. What is he now? He has been a police constable, and was dismissed for drunkenness.
93. He is a person over whom the Post Office authorities have no control? No, but he is in correspondence with the clerks in the office—no doubt of it. (*The witness put in the paper. Vide Appendix B.*) I have but one object in view,—namely, to make the department as efficient as possible.
94. *By the Chairman*: Are the Board to consider that the papers you have handed in give them all the information you can give, as to making your department more efficient for the public service? I do not think so.
95. Can you make any other suggestions? The time has been so short since I received the summons to attend the Board, that I have not been able to prepare any further written suggestions, but I shall be happy to answer any questions that may be put to me.
96. Can you make any suggestions for improving the branch of the department immediately under your supervision? The only suggestion I have to make is with reference to the building; if the building were more concentrated, no doubt the work might be performed with fewer clerks, but at present, the offices being so detached and scattered, we cannot do with a less staff, indeed we often find ourselves short-handed.
97. In consequence of the scattered nature of the premises? Yes. In the evidence I gave before the Committee I recommended the Government to carry the Post Office buildings through to Pitt-street.
98. Is there any other suggestion you can make? I do not think there is any.
99. *By Mr. Watt*: What is the nature of your authority in your own department—does any one interfere with you in your particular department? Yes, they do interfere, because they keep up a correspondence with the clerks under me which I think is not regular—from Major Christie downwards.
100. With some of your clerks? Yes, when I think they ought to address me.
101. Do you mean in matters connected with the details of your department, that the Postmaster General addresses your subordinate clerks? Yes.
102. Are these matters brought before you by your subordinates? Yes. After I had given my evidence before the Retrenchment Committee, Major Christie sent a copy of it to the shipping officer, with a memorandum, which I consider was wrong, to get up a case against my evidence. I remonstrated with Major Christie, in writing, upon the subject. A copy of that remonstrance I have here.
103. The shipping department comes under you? Yes. I told Major Christie it was not right, and requested him to send a copy of the memo. to me, in order that it might pass through me. He refused to do so, and being a subordinate, I was obliged to submit.
104. Have you had other instances of the same kind? Yes; they are not very numerous, but that is one, and I thought it wrong to get up remonstrances to the Government to weaken the force of my evidence.
105. That is an exceptional case, or is it habitual? It is a common practice, but now I do not mind it.
106. *By Mr. King*: If you gave an order, would the Postmaster General give a counter order? No, this was a remonstrance; but the Secretary will send a message to the clerk in the Delivery Room to do so and so, and Major Christie will do the same. These orders should be addressed to me.
107. *By Mr. Watt*: That might occur when you were absent? No, when I have been there. I have been very much annoyed about it.
108. *By Mr. Smart*: You think it weakens your influence in the department? No doubt, very much.
109. Have you had occasion to complain of any clerks in the office in consequence of this correspondence? Yes, I complained of that man, the shipping officer.
110. *By Mr. Watt*: Is that M'Mahon? Yes.
111. *By Mr. Smart*: Did Major Christie entertain your complaint? I have a copy of his answer.
112. Did he refuse to entertain your complaint? He said he could act as he thought proper.
113. Do the clerks under your orders carry out your orders, or disobey them in consequence? They do anything I want them.
114. You find they do not disobey your orders at all? No, they would not.
115. At what time does the first delivery in the city take place? Nine is the hour fixed.
116. And for the suburbs? They are ordered to go at the same time.
117. Are not some of the mails for the suburbs detained till ten or half-past ten? Yes; there is a new arrangement with the contractors which detains the mail till ten.
118. Why was that alteration made? I pointed out the inconvenience of that. For instance, they ought to go to Watson's Bay at nine o'clock, but instead of that they altered the hour, and gave them two mails per day instead of one.
119. These mails now do not leave the Post Office until ten o'clock, and do not reach their destination until half-past eleven or twelve? Yes.
120. That arrangement came into force from the commencement of this year? Yes; you will find some useful suggestions with reference to the suburban mails in the paper I have handed in.
121. How soon after the arrival of the English mail do you get all your letters delivered? The sorting is calculated generally to occupy about four hours and a-half, that is, the opening and sorting of the English mail.
122. Are all the letters delivered through the city and suburbs as soon as sorted? Yes. The last mail came in at three o'clock in the afternoon, and we despatched the letter carriers to Balmain and the suburbs at seven.

123. How do you account for the fact of some of the letters being detained till the following Tuesday? These letters are frequently mis-sorted and sent in the Melbourne mail, and these are then sent on from Melbourne by the next steamer; we got hundreds from Melbourne that have been thus mis-sorted.
124. How do you account for these letters not being sent until the following Tuesday, as neither the Melbourne nor Adelaide steamers had arrived in the interim? Without seeing the envelope of the letter I cannot say. A letter sent on from Melbourne would bear the Melbourne stamp. It might have been mis-sorted in consequence of sticking to another letter. I had a letter for Lady Young the other day which went to Albury; people wondered how it could get to Albury; on turning it over, I found it had no Sydney stamp, and I then saw that it had stuck to another letter, and been sent with it to Albury.
125. Do you see any difficulty in the way of suburban mails leaving the Post Office at the same time as the city mails leave? They might leave.
126. In point of fact they do not? They do not leave till ten.
127. *By Mr. Knox:* What was the reason of this alteration? It was to make them uniform with the railway mails.
128. Whose alteration was this—yours or the Postmaster General's? Major Christie's.
129. Then you have not the entire control? No, that is a contract; a man has a contract to take the mail to Watson's Bay, and I have nothing to do with the contracts.
130. You made no remonstrance against the alteration? Yes, I did.
131. *By Mr. King:* Is the fact that the letters are not sorted at the time, or that the contractors do not call at the time? That is the time fixed by the contract.
132. *By Mr. Watt:* Has the mere convenience of contractors led to this change? I do not know.
133. No suggestion came from the public? No; I was astonished at it myself, and objected to it when Sir Henry Watson Parker complained of the late arrival previously, when it went at nine.
134. *By Mr. Smart:* What was the cause of the alteration in making up the Southern mails; I believe there have been great complaints at Queanbeyan? I do not know anything about it beyond what I saw in the newspapers.
135. *By Mr. Knox:* That does not come under your department? No; the Postal Inspector and Secretary have the management of these things.
136. I observe in this Report of the Postmaster General for the year 1860, that 349,000 letters were posted for town delivery, and 3,012,000 were posted for the country; do I understand that all these would be subject to a double fee if your suggestion were adopted? There would be more than double the amount received from them, because there would be the charge for weight, which goes on increasing.
137. *By the Chairman:* You said you know nothing of the Accountant's or of the Secretary's Branches, but do you know enough of the general working of the Post Office to give any opinion whether those branches work satisfactorily? I do not know of my own knowledge. I stated in my evidence before the Retrenchment Committee that if the postmasters paid cash for their stamps, the Accountant could be dispensed with altogether, as there would then be no necessity for keeping separate accounts for each of the postmasters. I recommended that the Accountants of all the public departments should be congregated in the Audit Office, and form a Board of Audit. The Accountant of the Customs is already in the Audit Office; and you will find, if you refer to the Estimates, that there is no Accountant under the head of Customs.
138. *By Mr. Knox:* There are no payments made by the Collector of Customs, and the payments made by the Postmaster General are numerous? Yes.
139. *By Mr. King:* Does the Postmaster General pay all the salaries in the department? He does by cheques.
140. And contracts? Contracts.
141. *By the Chairman:* Do you refer to the Estimates for this year, when you say there is no Accountant under the head of Customs? No, last year. I recommended that the Accountants should be congregated in the Audit Office, as it seems strange that accounts which have passed through the hands of a qualified Accountant should be examined at the Audit Office by a clerk at £200 a year.
142. *By Mr. Watt:* Who pays the letter carriers in the Post Office? The Postmaster General by cheque.
143. By his own hands? The Accountant and Cashier sign the cheques.
144. Who hands them to the letter carriers? One of the clerks gives them the cheques, and takes their receipts.
145. Would not a superior clerk be required to do that? No.
146. *By Mr. Knox:* Do you mean to say that there is so much work connected with the credit given to country postmasters for stamps, as to render it necessary to have an Accountant? Yes; I think if they paid cash as they do in England, the clerk who keeps the issue book would do all that was necessary, as there would be no accounts. They now pay 75 per cent., and get credit for the remainder.
147. How many country postmasters are there altogether? I think there may be 300.
148. *By Mr. King:* Does the country postmaster get commission on the sale of stamps? Yes, ten per cent.
149. And credit? Yes.
150. If he were made to pay for the amount of postage stamps issued to him, he would require a larger remuneration for the loss of interest on the money invested in the purchase of stamps? They do it in Melbourne.
151. *By Mr. Watt:* Pay cash for stamps? Yes.

R. A. Hunt,
Esq.
24 Mar., 1862.

- R. A. Hunt, Esq.
24 Mar., 1862.
152. What discount do they get in Melbourne? Five per cent.; here they get ten.
153. Is there any such custom as we have here of allowing five per cent. for stamps returned to the Post Office? No; in Melbourne they have money orders.
154. Can you suggest any reason why such an allowance should be made? I cannot; it was pointed out to the Postmaster General.
155. *By Mr. King*: Have you any idea of the amount of commission you pay for the sale of stamps? I have no idea of the exact amount.
156. What allowance do you make to the vendors of stamps who are not postmasters? Five per cent. to the vendors, and ten per cent. to the postmasters.
157. How is it then that vendors come to us, and offer if we will take a large quantity to allow five per cent. discount? There is a postmaster at Newtown who vends stamps, and complaints were made by some of the vendors of his underselling them, in consequence of which his supply was limited; but Mr. Holt interested himself in his behalf,—he said the stamps were made to be sold, and any one had a right to sell as many as he could. He is now allowed stamps to the amount of £40 a month, on which he receives ten per cent., and for any further supply he receives only five.
158. *By Mr. Knox*: Can you give any idea of the amount of stamps received back at a discount of five per cent.? No, I cannot; Mr. Reeve keeps that account.
159. It is in your particular department? It is, and I might have seen the account. I think he gets an advance of £50 or £60 a month. It does not amount to much.
160. Do you know anything about the Money Order System? Yes. I visited the Money Order Office when I was in London in 1855, and when I returned to the Colony I recommended Major Christie to adopt the system in the principal post towns, as Maitland, Parramatta, Bathurst, Goulburn, Mudgee, and Brisbane.
161. It is in force in Victoria? Yes, and has been for some years; it is now in full force. I think Major Christie committed a great error in not adopting the system.
162. *By the Chairman*: Does not the Telegraph Office answer the purpose of a Money Order Office? No; people prefer the Post Office; they have a sort of liking for it. Every mail we are almost inundated with applications from poor people, who state that they have had sovereigns or half-sovereigns taken out of registered letters which have been sent to their friends in England or Ireland.
163. *By Mr. Knox*: You think the Money Order System would be a great safeguard? Yes, a sovereign is a great temptation.
164. *By Mr. Smart*: The registered letters you receive here to transmit to England are made up in a private box? In a separate mail bag, made up in the Registry Office.
165. Have you a separate office called the Registry Office? Yes.
166. All the clerks have access to it, have they not? No, only two.
167. As you make up the registered letters, do you forward a way-bill? A list of all the letters.
168. And get an acknowledgment for the receipt of them? ———
169. Can you form an opinion, or have you any idea, where the pilfering takes place? We suppose in England, because none have access to the room but the two clerks, and the mail bag is sealed up by them.
170. Are you satisfied that there are no means of opening and taking out the money from letters in the office after they are registered? I am.
171. You think there is sufficient protection over the letters before they are closed up? Yes; no one has access to them but the two clerks.
172. That is Mr. Thompson's room? Yes. If the party were a rogue, he would take the letter altogether; but the fact is, that in such cases the letters are delivered without the sovereigns.
173. *By Mr. Knox*: Have you many complaints of this kind? We generally have five or six every mail from England. The money is taken from letters going from here; they seldom send sovereigns out here. The money is generally sent by persons here to their poor relations in England or Ireland. The only way to stop it is by a system of money orders.
174. *By Mr. Watt*: Would not that require an additional staff? It would require a couple of clerks, but the commission would pay the expense, though perhaps not for the first year or two.
175. *By Mr. Smart*: Could not the registry clerks perform the duty which would be required by the establishment of the Money Order System? Not well; they might do it with the assistance of one clerk. The same room might answer by opening a window at the other end.
176. Are the two clerks connected with the Registry Office fully employed? Yes.
177. Have you any idea of the number of registered letters which go through the office every year? 86,847. When the mail is going away we have to put two extra clerks in the Registry Room.
178. *By Mr. Watt*: Are these letters all indorsed? Yes; a list is sent to the Post Office, London, of the parties to whom the letters are sent.
179. *By Mr. Smart*: According to the return, there are received and despatched by ship 1,500 a month? Yes. I think there are about 700 or 800 sent by the English mail.
180. *By Mr. King*: Do you think as much as £5,000 a year would be transmitted in small sums? Not much more.
181. *By Mr. Watt*: I suppose you would recommend a Money Order System for the Colonies? Yes.
182. In answer to one of the questions of the Chairman, you stated that you attributed many of the irregularities to the alphabetical system of sorting? Yes. I would recommend that the letters should be sorted according to the roads; for instance, I would sort letters for

- for Parramatta, Penrith, Hartley, and Bathurst, and then if in sorting a letter were put into the wrong division it would go into the division for the next town, while now, by the alphabetical system, a letter addressed to Albury may be sent to Bathurst.
183. *By Mr. King*: Instead of there being so many chances of mis-sorting, you would sort the letters only into three or four compartments? They would first be sorted into the three main roads, and then be re-sorted into the post towns on the line as they go. There was a letter some time ago addressed to Bathurst sent to Brisbane. Under the system I now propose such an error could not occur, as if a letter addressed to Bathurst were put into the next division it would be forwarded to Hartley, whence it could be sent on the next day.
184. *By Mr. Watt*: Have you the same system for the town delivery? No, only for the inland. In the Shipping Room they do not sort alphabetically, but into the different colonies; for instance, all for New Zealand are sorted together, or for Tasmania, so that if a Hobart Town letter is mis-sorted it is sent from Launceston.
185. What do you do with ship's letters addressed to Melbourne that come in ship's letter bags, with no postage stamps on them—do you simply keep them? No, we do not keep the letters; if a ship comes in with letters unstamped for Melbourne we send them on.
186. *By Mr. Knox*: You send the letters on? Yes.
187. *By Mr. Watt*: Do you claim the postage from Victoria? No.
188. Then Victoria is not so liberal? No.
189. *By Mr. Knox*: If letters are not sufficiently stamped do they go to their destination? It depends upon where they are addressed to. If it is a double letter addressed to England, and bears a stamp for the single rate, we send it on, charging the deficiency and a fine of sixpence. Letters for the Continent of Europe not prepaid are re-opened and sent back to the writers. The same thing has been done in the case of letters addressed to Melbourne; but a correspondence is now going on with the Victorian postal authorities, to arrange that if a letter bear a single rate it shall be sent on—the Melbourne people have offered to do that.
190. *By Mr. Watt*: Do not all printed circulars bear the same postage as letters? No, book rate.
191. A small circular of two pages? Not unless a letter is enclosed in it.
192. If it is open at the end, it goes at what? If sent *via* Marseilles it is sixpence under a quarter of a pound, if *via* Southampton fourpence. It is charged as book post.
193. *By Mr. Knox*: When letters are kept back on account of being insufficiently stamped, are they opened the next day? Immediately.
194. When are they returned? By the first opportunity; if they are sent by a party who has a box, we put them into his box; in fact we send them on occasionally, and get the money afterwards, if they are from persons whom we know; every care is taken to find out the parties.
195. *By the Chairman*: A case occurred the other day, in which it appeared to me to be easy to discover the sender of the letter. The Bank of Australasia, on Friday, posted a letter to its Manager at Newcastle; the letter had the bank seal upon it—the clerk taking it to the Post Office forgot to put the postage stamp upon it—the letter was of importance, but the bank did not know until Monday that it had not been sent; you cannot say that in that case every care was taken? Not in that case, but I know the clerks do generally take every care—I have seen them do so myself. That was a colonial letter and there might have been an objection in that case; but with reference to letters going by the English mail they are very particular.
196. *By Mr. Watt*: You receive letters for the Hunter and Grafton, I think, later than other letters? Yes, until half-past seven; there are two clerks who go back to the office to attend to them; they are paid extra for that duty.
197. *By Mr. Smart*: No money passes through your office except that paid for registered letters and for stamps? No.
198. *By Mr. King*: Even registered letters are paid for by stamps? Yes.
199. *By Mr. Knox*: And fines? Yes, the letter carriers collect very little for letters re-directed or not sufficiently stamped; very little is collected as postage, everything is done by stamps.
200. *By Mr. Watt*: Many people complain of general incivility from the clerks at the window—have any instances come under your notice? I have removed a clerk this week in consequence of some complaints having been made against him; but you do not always hear the other side of the question, sometimes it is the other way; however, there were some complaints made against this clerk, and I thought it better to remove him. He was rather tart I thought myself. Still I know what the position is, as I held it myself for three years; when I was at the window and was attacked by people I used to laugh at them.
201. *By Mr. Smart*: How many years have you been in the Post Office? Twenty-nine years.
202. *By Mr. Knox*: In your letter to the Board you ask to be allowed to state the improvements you would suggest in the Post Office—are they contained in the paper you have handed in? No. What I there refer to are the original suggestions made by me, when I returned from England, to Major Christie. I have no copy of that paper. One of my suggestions was the establishment of the Money Order System, and another the separation of the office of Cashier and Secretary. I consider the duties of Cashier and Secretary antagonistic. I pointed out that if the Cashier's account were incorrect, and the Secretary were a rogue, he must support his own account.
203. *By the Chairman*: What was the date of this suggestion? I came back to the Colony in October, 1855, and shortly after I made these suggestions to Major Christie.
204. *By Mr. Watt*: The Accountant must be a check on the Cashier or Secretary? To a certain extent he may.

R. A. Hunt,
Esq.
24 Mar., 1862.

- R. A. Hunt, Esq.
24 Mar., 1862.
205. If you separate the office of Secretary and Cashier, the department of the one would not come under the other, but you would have only the Cashier, so that I do not see how there would be a greater safeguard? I think Major Christie should be the Accountant, and check the Cashier's accounts.
206. Do you not think it desirable for the head of a department to be as free from such details as possible? I think the Cashier, and I have stated so in the suggestions I have referred to, should be under the Accountant, the same as it is in England.
207. *By Mr. Smart*: That was the practice in Mr. Raymond's time, and caused so much complaint? Yes, because his son was Accountant. I got into great disgrace then, because I compelled Mr. Raymond to pay money that had been in his possession for several years; it made my place very uncomfortable.
208. You entertained a different opinion then from what you do now? No, I always thought the same, but my objection was to the son being the Accountant, and the father and son being in the same office. Major Christie might be supposed to be a check in such a case.
209. *By Mr. King*: Do you not think there would be a more efficient check if there were a Cashier to take the cash only, and an Accountant to keep the account, that the one would be a check upon the other? Yes.
210. *By Mr. Watt*: Could not one of the Accountant's clerks act as Cashier? Yes.
211. Then you would simply remove the duty of Cashier from that of Secretary? Yes, it is a clerk under the Secretary who does it now—it was performed by Mr. Bailey, who has gone to the Bank of New South Wales. The Secretary does not do the cash himself.
212. *By Mr. Smart*: There is an impression out of doors that the different departments in the establishment do not work harmoniously together; that there is division between the heads of the department; is it so or not? I have stated that, since I gave my evidence before the Retrenchment Committee, there has been a very bad feeling against me on the part of Major Christie, Mr. Abbott, and the Accountant.
213. Is that personal to yourself? Personal to myself.
214. It does not affect the working of the establishment? No, it is merely personal.
215. Has there been any collision between yourself and these gentlemen? I seldom see them from one week to another.
216. Has your communication with them been by writing? Yes.
217. *By Mr. Knox*: Has it not led to more frequent writing than has been necessary; have there not been letters going backwards and forwards for days or weeks respecting matters which might have been settled in a few minutes by a personal interview? Sometimes.
218. *By Mr. Smart*: There is no personal communication between you and Major Christie? No.
219. Does he ever visit your department? Yes, he was in it this morning, and he is in it every morning since he has come to reside in Sydney, but since I was examined before the Retrenchment Committee he has shewn a coolness towards me. I have read the evidence over half a dozen times, but cannot find anything that I think should have been offensive to Major Christie. He says I spoke disrespectfully of him before the Committee, and Mr. Abbott says the same. I said, "Where is it—I cannot find it"; and Major Christie referred to the part of the evidence where I said that he could not do without Mr. Abbott. I replied, "That is true. Mr. Abbott has been many years in the office, and I do not think you could do without him." However, it does not interfere with me in my business.
220. It does not interfere with the proper work of the establishment? No.
221. *By the Chairman*: Do you think the establishment would work better if you had more direct control than you appear to have over your department? I do think so. I am completely cramped, and I stated so to the Retrenchment Committee.
222. *By Mr. Watt*: I cannot see that exactly, if regulations are laid down by the Postmaster General, and you are left at liberty to carry them out? Yes, but suppose he is not here. I expected the English mail to be in last Sunday, and before its arrival I was doing everything I could to get the letters delivered on Sunday. I did so once before when Major Christie was away on leave of absence, and I ran about in all directions to get leave and could not.
223. To whom would it be necessary for you to apply? To the Postmaster General.
224. *By the Chairman*: Would you not require the permission of the Secretary of Finance and Trade? Yes, in that case; because, in reply to a petition from the clerks themselves, it was stated that they should not be called upon to work on Sundays. Nevertheless, they are still working behind the scenes; the only difference is that the letter carriers are not sent out.
225. *By Mr. Smart*: Are they there every Sunday? No, on the arrival of the English mail, in getting ready for the delivery, the only difference is that the letter carriers have not to go out to deliver. I say that the officer in charge of the letters ought to have the discretion of sending them out or not on Sundays, the same as in London, and then if any one objected to receive them on that day, he could notify that his letters were not to be sent.
226. *By Mr. Knox*: You consider that the Superintendent of the Letter Branch should be responsible to the Postmaster General? Of course, but that he should have power to act in case of his absence.
227. *By the Chairman*: Does it not, upon consideration and reflection, notwithstanding what you have said in evidence, appear to you that the department would work better if greater harmony were existing between you and the other officers, taking into consideration what you have just said with respect to the English mail? I do not think it interferes with the duty at all, it is merely a personal matter.
228. *By Mr. Watt*: In referring to the English mails you told us that you had the assistance

- ... tance of two clerks in arranging for the delivery, was your application for two clerks only? R. A. Hunt, Esq.
229. Do you get what you ask for? Yes.
230. If you asked for half a dozen, then, you might get them? No, I should not.
231. Were you ever refused—I ask whether in general your application was limited to two clerks? I would not get six.
232. In practice you get as many as you ask for? Yes, except on one occasion, I got two instead of three, but I would rather have two good sorters than four indifferent ones.
233. Suppose you preferred any particular man, would you get him? No.
234. Have you tried that? Yes.
235. *By Mr. Smart*: How do you say your energies are cramped in your department by the Postmaster General, when you say that the whole of the clerks in your department obey your orders most strictly—do your remarks apply only to the delivery of letters on Sunday? Yes.
236. You have stated that letters are delivered in London on Sunday, that is a mistake? I was under that impression.
237. *By the Chairman*: Are you aware that in Victoria, after the arrival of the English mails, there is a delivery at six in the morning? Of the Marseilles letters, the Marseilles mail can be easily sorted, as it is a small one; it is the Southampton mail that is the heavy one.
238. *By Mr. Knox*: Government do not derive any more postage from the Marseilles than from the other mail? No, it goes to the French Government.
239. *By Mr. Smart*: That is the extra postage? Yes.
240. *By Mr. Knox*: Is that amount paid by Government to the French Government? The English Government keep an account current with us—we give in each letter bill the weight of the letters sent by us *via* Marseilles. The weight of the letters I took in at Moore's Wharf last Saturday was eleven pounds.
241. Are you aware how that account is settled? It is settled every year, or two years.
242. *By Mr. Smart*: That is the account between you and the London Post Office? Yes, and they settle with the French Government.
243. Does the French Post Office take your weight, or do they examine for themselves? They take our weights, they never open the post boxes to see whether the weight is correct.

24 Mar., 1862.

APPENDIX.

A.

There are various improvements which are much required in the Postal arrangements of this Colony, to which I will respectfully invite the attention of the Board of Inquiry. I have arranged them under separate heads, namely:—

1. Unclaimed Letters and Packets.
2. Unregistered Letters containing Money or other valuables; and the necessity for establishing the system of Money Orders.
3. The expediency of extending the delivery of Letters, &c., throughout the Suburbs of Sydney.
4. Opening new Postal Address Books at the beginning of every year.
5. Sorting and making up the Inland Mail.

R. A. HUNT.

I.—Unclaimed Letters and Packets.

With reference to "Unclaimed Letters and Packets," I would suggest, that, at the General Post Office, and at all the Country Post Offices, such letters and packets shall be kept according to the following arrangements:—

1. Letters and packets posted in the Colony to be kept one month.
2. Letters and packets received from any of the other Colonies of Australasia or New Zealand to be kept three months.
3. Letters and packets from the United Kingdom or Foreign Countries to be kept for six months.
4. At the expiration of the said terms, such letters and packets as may remain unclaimed and undelivered, shall be sent to the Dead Letter Office, Sydney; and there opened and sent to the writers or persons sending them.

I would further suggest, that during the terms that letters and packets shall be so lying, their addresses shall be published once a week, by the Postmaster General, in the Sydney daily newspapers, of such letters and packets as may be lying unclaimed and undelivered at the General Post Office; and also, that all country postmasters shall, in like manner, publish lists of addresses in the nearest local newspaper, of their respective towns or districts.

The present system of advertising unclaimed letters, &c., in the *Government Gazette*, and by placards, is a very costly one, and obtains but little publicity, the circulation of the *Gazette* being very limited, and in the country districts scarcely extending beyond the Police Courts; but by the plan which I suggest the cost of advertising may be met, by it being enacted by the Legislature that a small fee, say of one penny or two-pence, be charged by the Postmaster General and the country postmasters, upon their delivery of any letter or packet which may have been advertised as lying unclaimed.

I would further recommend that all written applications for unclaimed letters be finally acted upon in the Letter Branch. The present practice is to report, transmitting the information to the Secretary and Cashier, who sends a printed letter, in reply, embodying the information originally received from the Letter Branch. By transferring this duty, the Postmaster General, the Secretary and Cashier, the Register and Corresponding Clerks, would be relieved from heavy duties, and the present circumlocution would be materially lessened. As a matter of course, all complaints should be submitted to the head of the department.

| | |
|---|--------|
| The number of unclaimed letters addressed to Sydney, and advertised, during the year 1861, was | 10,968 |
| The number of unclaimed letters addressed to the Country Districts, and advertised, during the same year, was | 17,080 |
| Total | 28,048 |

II.

R. A. Hunt,
Esq.

II.—*Unregistered Letters containing Money and other valuables, &c. Necessity for the Money Order System.*

24 Mar., 1862.

My attention has been frequently directed to unregistered letters, containing coin or other valuables.

In the event of such letters not reaching the proper hands, by reason of their safe reception not being certified in the letter carrier's receipt book, suspicion may arise that the contents have been abstracted by an employé in the department; I would, therefore, beg to recommend that unregistered letters, containing money or other valuables, should be registered at the offices where they are posted, and the fee of sixpence charged to the parties to whom they are addressed; in fact, to treat them as registered letters from the moment it is found that valuables are enclosed in them.

The transmission of money per post in this Colony, more especially coin, is hazardous. Persons in humble circumstances here, who may be desirous to send small sums to distant relatives, labour under much disadvantage, and are too often deterred from doing so by the fear of the money not reaching its destination. To assist, very materially, such persons in their desire to send home money to their poorer friends, I have long urged the expediency of establishing in this Colony, the admirable system of Money Orders, which has been carried out with such success in the Mother Country. It is really painful to read the complaints of poor persons in the United Kingdom, in respect to the abstraction or the accidental loss of small remittances of sovereigns or half-sovereigns from their letters from Australia.

Upon my return to Sydney from England, in 1855, I strongly urged the initiation here of the Postal Money Order System, but my recommendations were opposed by Major Christie, chiefly on the ground that in the General Post Office buildings there was no room for a Money Order Office. Since that time an ample central Telegraph Office has been established in the south wing of the General Post Office. But it is proper to observe, that it is not necessary that a Postal Money Order Office should be in the General Post Office buildings. A small office in its vicinity, either in George or Pitt streets would be quite sufficient to carry out a comprehensive Money Order System.

III.—*Extending the Delivery of Letters, &c., throughout the Suburbs of Sydney.*

The present postal communications between the various populous suburbs of Sydney are very unsatisfactory in their arrangements.

The letters, &c., posted at a suburban Post Office for another suburb, are now sent *via* Sydney, and the course of post is more than four days; for instance, a letter posted at St. Mark's Post Office, and addressed to Newtown, is not delivered under two days, and the reply, if one be needed, is not returned to St. Mark's under two days more.

The populations of the chief suburbs, namely, Paddington, Newtown, Redfern, Camperdown, the Glebe, Pyrmont, and Balmain, may be now taken at 20,000, the dwelling-houses at 4,000.

I would recommend that a suburban postal circuit be established.

That an intelligent youth should start on horseback, at 8 o'clock every morning (Sunday excepted) from St. Mark's, and passing through Paddington, Botany Road, Redfern, Newtown, Camperdown, the Glebe, and Pyrmont, deliver his letters, &c., at the respective Post Offices, and arrive at Sydney by 10 o'clock, leaving the General Post Office at 1 o'clock, and taking the same route he would easily return to St. Mark's by 3 p.m.

As respects the delivery of the suburban letters, which are posted at the General Post Office, I would observe that two deliveries a day are now afforded to Paddington, and I conceive that each of the other chief suburbs having a larger population than Paddington, the whole are entitled to a second daily post delivery from the General Post Office.

In order to give every facility to the suburban residents to obtain postage stamps, I would beg to recommend that the letter carriers for the suburbs, including the circuit rider, from St. Mark's to Pyrmont, may be permitted to sell stamps on their rounds, and allowed the usual commission.

IV.—*Opening new Postal Address Books at the beginning of every year.*

A great saving of time and labour to the Delivery Office would result from adopting the rule that obtains in Melbourne, namely, the opening new Address Books at the beginning of every year; and so throwing the onus on the public of renewing or correcting addresses to their letters, &c.

In this Colony, at present, some of the addresses are seven and eight years old, and it not unfrequently happens that letters are mis-sent.

Advertisements should be published at the close of every year, notifying that persons desiring their addresses to be retained, or altered, in the Post Office Address Books, must make applications to that effect.

V.—*Sorting and making up the Inland Mails.*

Upon the subject of sorting and making up the mails for the interior, I would submit to the Board the opinion which I have long entertained and expressed, that the mails should be made up in roads, instead of alphabetically.

In a Minute by the Postmaster General, No. 2,576, and dated March 30, 1860, he says:—

"The question of the mode of sorting has been decided; and the late Mr. Stone did not take the Superintendent's view."

I beg to state that the late Mr. Stone did coincide with me in regard to the mode of sorting the mails in roads; and in a letter annexed, which I received in 1857 from Mr. Bokenham, of the General Post Office, London, he also agrees with me on this point.

Amongst the many vexatious mistakes in making up the mails by the alphabetical system, I may select a few which have occurred during the last few years:—

The Ashfield Mail sent to Armidale,
The Armidale Mail sent to Brisbane,
The Bathurst Mail sent to Brisbane,
The Bathurst Mail sent to Albury,
The Goulburn Mail sent to Grafton,
Lambing Flat Mail sent to Grafton,
West Maitland Mail sent to Warialda,
West Maitland Mail sent to Warwick;

and very many other mistakes.

I would respectfully submit to the Board that the evidence of the sorters in the General Post Office be taken in respect to the alphabetical and road sorting systems. I am confident that the most able and experienced of the sorters in the Inland Room will express their condemnation of the alphabetical system, and their preference to that of road sorting.

I therefore would beg to recommend an alteration in the present system of sorting for the general advantage of residents in the country districts.

General Post Office,
14 December, 1857.

R. A. Hunt,
Esq.

My dear Sir,

I thank you very much for the copy of the Report you so kindly sent me; I was absent from town at the time it arrived, and I am ashamed to say both the Report and the letter from you were afterwards forgotten until last week. As regards the Alphabetical Sorting, it is an old story here. I have always differed with Mr. Hill upon the point, and to this moment I do not see any advantage that can be derived by its introduction.

I have sent you by the Southampton portion of this mail a blue book, in which you will find the subject has been freely gone into, and from which I think you will gain more information than I can give you.

Our next mails from Australia, &c., will be sorted (by clerks sent out for the purpose) on their way from Alexandria to England. In this instance it is an experiment, but I have no doubt as to its result, and I hope to see, ere long, the plan generally adopted; the saving of time even in our large establishment will be very great.

I presume you have been already communicated with upon the subject.

Wishing you all happiness in the approaching season.

R. A. Hunt, Esq.

I am, &c.,
W. BOKENHAM.

B.

MEMORANDUM for the Board of Inquiry into the Management of the General Post Office.

In justice to myself, and from respect to the responsible appointment which I have the honor to hold, as Superintendent of the Letter Branch of the General Post Office, I will respectfully submit to the Board of Inquiry into the management of this Department, the following statement for their inquiry and consideration.

2. In 1858, a Select Committee of the Legislative Assembly was appointed on "Retrenchment in the Public Expenditure," and my evidence was taken with reference to the General Post Office Department.

3. By referring to my evidence, the Board will find that I recommended that the high commission of ten per cent. allowed to country postmasters and stamp sellers be reduced to five or six per cent. I further expressed an opinion that two clerks might be dispensed with in the Accountant Branch, and that I could make a reduction in the number of boatmen.

4. From that time to the present I have been made the object of the most libellous charges by correspondents of the *Sydney Morning Herald* and *Empire* newspapers; and direct charges sent to the Honorable the Treasurer of attempted bribery and corruption have been preferred against me by a person named Plumb, formerly a clerk in the General Post Office, who avows himself to be the author of various scurrilous letters in the *Empire* signed "ONE WHO KNOWS." From these charges the Honorable the Treasurer has declared that I have exonerated myself; but I will respectfully solicit the attention of the Board of Inquiry to the very painful correspondence which it entailed on me.

5. But in addition to these charges preferred by Plumb, I have to complain of certain other letters in the *Empire* signed "SCRUTATOR," and which I have every reason to believe were written by Mr. Augustus Dillon, late a clerk, but now Postal Inspector, General Post Office. I would request that the proprietors of the *Empire* be examined on this point, because it is subversive of all official discipline, if a subordinate officer be allowed to vent his spleen on his superior by anonymous contributions to the press.

6. The whole of the correspondence arising out of Plumb's charges have been placed by the Honorable the Treasurer in the hands of the Postmaster General, and I respectfully request that the Board of Inquiry will direct that officer to produce it for their perusal.

R. A. HUNT.
24 March, 1862.

THURSDAY, 27 MARCH, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

| | |
|-----------|------------|
| MR. KING, | MR. SMART, |
| MR. KNOX, | MR. WATT. |

John Keble, Esq., called in and examined:—

1. *By the Chairman*: You are the Accountant of the Post Office? Yes.
2. Did we see yesterday all the books that you keep? No.
3. What books are there that we did not examine? A vote account book, in which I keep an account of the money expended under the head of each vote of the Assembly.
4. All your books, I observed, are kept by single entry? Yes.
5. Do you think that the best way of keeping the books of the Post Office? I find, by experience, that it is the best,—that it is just as safe, the check is just as good. I have tried double entry.
6. You tried double entry when first you went there? Yes.
7. How many clerks have you in your department? Two.
8. What are their hours of attendance? From nine till four.
9. Without going out? They have half an hour for lunch.
10. From nine to one, and from half-past one to four? One goes out at one time, and the other at another; they are never both absent together.
11. Are they both occupied the whole day? Yes.
12. Do they ever assist in any other work of the office? Yes, they used to go down to sort mails when the English mail came in.
13. Have they not sufficient time to do so now? They were ordered down the other day, and the Superintendent refused to have them; he said they did not know how to sort; for what reason I do not know.
14. Is there any communication between your department and that of the Superintendent of the Letter Branch? No.

J. Keble,
Esq.

27 Mar., 1862.

- J, Kebble,
Esq.
- 27 Mar., 1862.
15. Are the clerks in your department directly under your control? Yes.
 16. And you say you believe these two clerks are continually occupied? Yes.
 17. You have nothing to do with any part of the department except the accounts. No.
 18. Are you able to form any opinion as to the working of the Secretary's Branch? No, I never interfere.
 19. No cash passes through your office, I think you told us yesterday? Not a sixpence.
 20. Your book-keeping is the only check on the cash accounts of the Cashier? That is all, except that the country postmasters are a check on him as well, because he has to send a receipt for every sum he receives by return of post.
 21. Do you not think it would facilitate the working of your office if the cash accounts were kept in the same department as the books? That is my opinion, but I believe there is some objection, the nature of which I am not aware of.
 22. Will you give the reasons for your opinion? It would be more convenient, in the first place, for now I have to run backwards and forwards from one room to another for reference. The country postmasters are in the habit of sending down money under certain forms, and they often send it under wrong forms; for instance, they will sometimes send what ought to go to the stamp account to the postage account, and what ought to go to the postage account they will send to the stamp account. Now, if that was in my branch, I should know at once that it was wrong, whereas the Cashier enters it as they send it down, generally. There is one objection to my having the cash, that is, I do not give security.
 23. And yet you are supposed to act as a check on the cash account? Yes; but no cash passes through my hands.
 24. Is there sufficient accommodation in your branch for all the duties you have to perform? Yes, quite.
 25. Then, in fact, you have no duties in the Post Office whatever, beyond keeping the accounts as handed to you by the Cashier? There are the stamp accounts, which do not come through him, and the petty cash accounts that come from the Ship Letter Office; and the stamp accounts from the Stamp Sale Room. Every account in the office, of whatever kind, is checked by me.
 26. Does the Postmaster General ever look at your books? Yes.
 27. Does he check them over? Yes, for his own monthly account that he has to swear to, and the stamp account that is sent to the Audit Office.
 28. You know nothing of the working of any other branch of the Post Office? No.
 29. And could not form any opinion upon it? No. I acted as Secretary many years ago, in Mr. James Raymond's time, when he was absent, and also once or twice for the present Secretary.
 30. *By Mr. Knox*: How long have you been in the department? Ten years. I left the Australian Trust Company to go into it.
 31. What were your duties when you entered the department? I went in as Accountant under the Report of the Board of 1851.
 32. *By the Chairman*: Is your own time fully occupied? Yes.
 33. What time do you go to the office? Nine o'clock.
 34. And what time do you leave? Four, or a little after.
 35. Have you any interval? Only for lunch, twenty minutes or so.
 36. What are the names of the clerks in your office? Nicholas Nelson and Charles Nightingale.
 37. What are their salaries? Mr. Nelson has £375, and Mr. Nightingale, £300.
 38. *By Mr. Knox*: What are their principal duties? Mr. Nightingale checks all stamp requisitions, compares them with the ledger account, sees that the postmasters have paid up 75 per cent., keeps the whole of the ledger accounts, and makes out half-yearly accounts for the postmasters of their postage and stamp accounts.
 39. *By the Chairman*: Their work is entirely subordinate? Yes.
 40. Nothing more than checking over additions and seeing that no error has been made, and handing them to you who keep the accounts? Mr. Nightingale keeps the ledger entirely.
 41. *By Mr. Knox*: Which ledger? The country postmasters and the contracts ledger.
 42. *By the Chairman*: What has Mr. Nelson been always employed on—was he always in that department? Yes, he was there when I went.
 43. *By Mr. Knox*: Have you always had two clerks? I have had four—they reduced me lately to two.
 44. *By the Chairman*: Two are able to do the work? Yes, now that we have done away with checking the country postmasters' postage accounts, but not before. It took one person's whole time to sort off the vouchers; there were five or six thousand vouchers to be sorted off before he could make out one account.
 45. If your clerks left at five o'clock instead of four, do you think the extra hour would enable them to find time to examine these postmasters' accounts? No, I do not think it would. There are 350 of these accounts to examine monthly, besides sorting off 5,000 vouchers every month into the pigeon holes. Then memoranda have to be made. Some of them do not send in their letter bills properly, and they have to be written to. The accounts cannot be examined until the letter bills are sent in.
 46. *By Mr. Knox*: What accounts are these—the postage on insufficiently paid letters? Yes.
 47. That is but a small amount? Yes, about £400 a year.
 48. How is it that the vouchers amount to so large a number as you speak of? Each of these letters has to be entered in the letter bills, and all the letter bills connected with each Post Office have to be examined. For instance, Parramatta exchanges daily with a dozen or more other Post Offices, and we have to sort off the letter bills of those offices every day before we can check the account.

49. Then it costs £375 a year to check accounts bringing in £400? That is what it did, but that has been done away with; the junior clerk has been struck off, and Mr. Nelson, who did the checking of these accounts, does his duty. J. Kebble,
Esq.
50. Are not these accounts checked at all now? They will be, ten of them. 27 Mar., 1862.
51. *By the Chairman*: Who will do it? Mr. Nelson.
52. How will he find time? He will have time to do it; we are rather pressed just now, because all the quarterly accounts have to go out; there are 196 contractors' accounts, and 356 postmasters' accounts to be sent out, on which the contractors and postmasters are paid.
53. Are you aware whether there is perfect harmony existing between the different branches of the department? I believe there is not.
54. Do you know there is not? I have heard there is not; personally I am not perfectly acquainted with all the reasons.
55. *By Mr. Knox*: Are the accounts or abstracts you spoke of furnished to the contractors? Yes.
56. To be sent in to the Government? They are sent to the Government after being signed by the contractors and certified by the Postmaster General; they are paid, and then sent in to the Audit Office as vouchers for the payment. The account is sent to the contractor; the contractor signs it, and returns it to the Postmaster General; it then comes to me, and I mark it off in the ledger; the cheque is made out, and I enter the cheque; the Postmaster General signs the cheque and voucher, and it is afterwards put into account and sent to the Audit Office.
57. *By Mr. Smart*: Are the contractors paid from the office? The Cashier pays the contractors, and I furnish the accounts and vouchers to the Auditor General.
58. *By Mr. Knox*: The abstract only contains a very few lines? Yes, it is made out in a printed form—for running the mail from so and so to so and so, at the rate of so much, under bond dated so and so.
59. Then the labour involved amounts to making out 350 accounts quarterly, each containing one item, a great portion of which is printed? Yes, I have brought the forms with me. Here is the contract form. (*Handed in.*)
60. How many contractors are there? 196.
61. How many postmasters? 356.
62. Are these abstracts copied from the ledger? Yes.
63. Then the ledger is made up before the abstracts are sent out? Yes.
64. I think you said it was Mr. Nelson's duty to make out these? Yes, all the abstracts.
65. And your check, when these come back to you, is to compare them with the ledger? Yes, and mark them. We are obliged to make these out in the office on account of the fines inflicted at times, both on contractors and postmasters.
66. *By the Chairman*: You say there are 196 contractors and 356 postmasters, but I observe that the Postmaster General's Report for 1860 states that there are open accounts? Each postmaster has three separate open accounts—a postage account, stamp account, and salary account.
67. Could not these be amalgamated in any way? We could not well amalgamate them, because we could not tell whether a postmaster had paid 75 per cent. on his stamp account if they were all blended together.
68. *By Mr. Knox*: As a matter of fact, is it not the case that there is not above one entry in each of these accounts in a month, taking the average of these postmasters' accounts? Yes, there are sometimes thirty a day.
69. I mean one entry to each postmaster during the month? No, not more.
70. Some none, some two or three? Yes, one debit and one credit.
71. And the same with the salary accounts? Yes, they are made out once a quarter.
72. The postage account is quite uncertain? Yes.
73. *By Mr. Smart*: How many years has Mr. Nelson been in the office? I think twenty or twenty-two.
74. Do you find him an efficient clerk? He is rather slow, but he does his business very well.
75. I think you said a short time ago that he is now doing the duties of a junior clerk? Yes.
76. What salary was this junior clerk receiving? £150.
77. And Mr. Nelson has £375? Yes.
78. Is there no other employment in the office better fitted for Mr. Nelson's experience? I cannot form an opinion. I have to take what clerks are given me.
79. Who has the arrangement of such matters? The Postmaster General, I suppose. Mr. Nelson's salary has been increased, under the old system, at the rate of £15 a year, to a certain step, and then £20 a year afterwards, and the gold increase.
80. How long has Mr. Nelson been in the office he now fills—how long is it since he succeeded the junior clerk? About a month.
81. Has he only been in your office a month or six weeks? He has been in my office seven or eight years.
82. What duties did he perform before? He did the examination of the country postmasters' monthly accounts, for which the letter bills have to be sorted off.
83. *By the Chairman*: You are perfectly confident these two clerks are fully occupied all day? Yes, at present, certainly.
84. I mean through the year? Yes, certainly, they have sufficient work to do. There are many little things to do it is impossible to describe.
85. *By Mr. Smart*: Is Mr. Nightingale an efficient clerk? Yes. He came from a mercantile house into the Post Office.

- J. Keble,
Esq.
27 Mar., 1862.
86. How long is it since he joined the Post Office? I think he has been eight or ten years there. He had been at the Patent Slip, with Captain Fotheringham.
87. *By Mr. Knox*: Have you the examination of the way-bills also? No, I merely enter any fines that may be levied on the way-bills.
88. How do you get information of these fines? They are reported from the Secretary's Branch.
89. Are the way-bills examined in the Secretary's Branch? Yes, and the calculations made as to the fines for late arrivals.
90. I believe they are very numerous—are they not? Yes.
91. But they do not constitute any part of your work? Not the examination of them; merely the entering of the fines that are levied.
92. *By Mr. Watt*: Do you come in contact at all with the Letter Branch? Not at all. The only thing I have to do with it is the checking of the petty cash that comes out of the Ship Letter Room.
93. From whom do you take your instructions? From the Postmaster General, or the Secretary.
94. Are they generally given you direct, or conveyed through the Secretary? Sometimes direct, and sometimes through the Secretary.
95. Would it not be more convenient to have the office of Cashier in your department? I think so.
96. Was it so before? No, it has never been so. The Secretary and Cashier were recommended to be one person by the Board of 1851.
97. Are you aware what are supposed to be the objects of that amalgamation? I am not.
98. *By Mr. Knox*: Was it not with the intention of having a double check? If a clerk in my department were appointed to do the duty of Cashier, I do not see that the check would be lost at all; the check would be as good.
99. *By Mr. Watt*: Do you check the Cashier's accounts at all in fact? Yes.
100. You do something more than transcribe them? Yes. There is a check when the remittance papers come in.
101. *By Mr. Knox*: Besides that your ledger accounts would check them? Yes. I think there is a perfect check on everything in the office; I do not think it could be more perfect as regards the receipts and payments.
102. If the Cashier were to omit to give you an account of any payment from a country postmaster, the country postmaster would have notice of that in the next account? Yes, and not only that, but he would complain immediately to the Postmaster General that he had received no receipt for his remittance.
103. He might receive a receipt and yet no credit be given him in your books? In that case he would find it out when his next half-yearly account was furnished. That is the reason of my furnishing half-yearly accounts; they get their stamp account and postage account furnished every half year.
104. Have you any other forms with you? All the forms that are used I have brought with me. (*The witness handed in a number of forms.*)
105. Perhaps you will state what they are? They are marked on the top. That (*referring to a particular form*) is for forage.
106. You do not keep an account specially for this in the books? Only as against the vote of the Assembly for forage, because we have to shew the balance on every vote every month. That (*referring to another form*) is the form of the half-yearly account that is sent out to the postmasters.
107. This is the stamp account, I presume? Yes, and there is a form for the postage account. Here is another form—the account sent to the Treasury every month of cheques drawn under three heads—salaries, contingencies, and conveyance of mails.
108. *By the Chairman*: Do you know at all, from keeping the books, what is the amount of the deficiency in the Post Office annually—the difference between the revenue and expenditure? No, I could not say at this moment.
109. *By Mr. Smart*: Have you got the books balanced to the end of last year? Yes, the stamp account.
110. But your general ledger? Yes.
111. *By the Chairman*: Can you find out and inform the Board what is the deficiency in the working of the Post Office last year? Yes.
112. *By Mr. Watt*: The balance will be the balances owing by country postmasters? Yes.
113. *By the Chairman*: Does not that balance chiefly arise in giving credit for stamps? Yes; but the system to be brought into operation by the new regulations will shew a larger balance, because each postmaster will be allowed a certain stock in hand, and afterwards he will have to pay for what he actually wants, but always with a stock in hand.
114. *By Mr. Knox*: What regulations do you refer to? New regulations that have been just printed under the orders of the Executive Council.
115. *By the Chairman*: Are we to understand that under that order there will be a larger amount due? The accounts will shew a larger amount, because each man will have a certain stock on hand, which will constitute a balance due by him at the end of the year.
116. *By Mr. Watt*: In point of fact they always have a balance now? They always have to pay 75 per cent., but under the new order they will not be compelled to pay 75 per cent. For instance, if a postmaster has £10 worth of stamps allowed as stock on hand, he may send £2 and get £2 worth of stamps back, but the £10 will always stand against him.
117. *By Mr. Knox*: But supposing that he gets a first £10 worth now, upon paying £7 10s. on account of that he can get a second £10 worth? Yes.

118. *By Mr. King*: Do I understand that every postmaster is to keep a stock of about £10? Yes, on the average. J. Kebble, Esq.
119. That will make on the whole a stock of about £4,000 in the hands of the country postmasters? Yes. 27 Mar., 1862.
120. *By Mr. Knox*: I think you stated yesterday that the discounts allowed to the country postmasters for the year 1861 amounted to £2,800? Yes.
121. And the discounts allowed to town purchasers to £800 or £900? Yes.
122. Will you furnish the Board with a return, shewing the amount of discount received by each postmaster during the year 1861? Yes.
123. What is the highest amount of salary paid to any country postmaster? The postmistress at West Maitland has the highest salary, £250.
124. And the lowest? £12.
125. I suppose a great number of the country postmasters only receive £12? Yes, a great many; all the very small offices.
126. *By Mr. Smart*: Is there a greater amount of business done at West Maitland than any other? Yes. The postmistress there gets the highest amount of commission on the sale of stamps, which is generally the criterion.
127. Do you know how long she has been there? For a considerable time I believe. About two years ago she got an increase.
128. Then the pay was not so great as it is now at the time there was no allowance of discount? No.
129. At present with discount and salary together she receives nearly £400 a year? Yes.
130. *By Mr. King*: She finds premises? Yes.
131. *By Mr. Knox*: So she did previously, I presume? Yes.
132. *By Mr. Smart*: Are these increases to the country postmasters fixed by the Postmaster General, or how are they recommended? They are fixed by the Postmaster General, and recommended to the Treasurer for his approval.
133. The Postmaster General recommends the increase? Yes.
134. *By Mr. Knox*: Do you know when the system of stamps was first introduced? I do not recollect the year; it was since I joined the office.
135. Could you furnish a return of the salaries paid to all the country postmasters for the year preceding the introduction of postage stamps? Yes.
136. And a similar return, shewing also the commission on the sale of stamps for the year 1861? Yes, I will do so.

Thomas Kingsmill Abbott, Esq., called in and examined:—

T. K. Abbott,
Esq.

1. *By the Chairman*: You are Secretary and Cashier of the Post Office? I am. 27 Mar., 1862.
2. You have the entire management of the Secretary's Department? Yes, and the Cashier's Department too.
3. You consider these separate departments? They are separate departments; the duties are completely different.
4. Do you think the duties sufficiently harmonise to make it advantageous that they should be together? They have been found to do so up to the present. The greatest disadvantage is that, perhaps, their union entails too much duty on me; I have been the only sufferer up to the present moment.
5. How many clerks are there in your branch? Six.
6. Who are they? Mr. Levinge, Mr. Salisbury, Mr. Pierce, Mr. Dalgarno, Mr. Cuttriss, and Mr. Unwin, supernumerary—he has been recently appointed, and takes the place of Mr. Bailey, whose name you may observe in the nominal list.
7. What are the duties of the various clerks in your office? The duties of Mr. Levinge, Mr. Pierce, Mr. Salisbury, and Mr. Unwin, are almost entirely confined to the correspondence.
8. Four clerks for the correspondence? Four—and the duties connected with it, of course.
9. How many letters are written daily? I cannot tell how many are written daily, but I can tell the number that passed through the office during the last year; there were 11,984 registered during the last year.
10. How many were answered? 3,616 manuscript letters were despatched.
11. In round numbers that would be about twelve letters a day? Yes; in addition to those, 3,600 blank covers were also despatched, which are almost equal to manuscript letters.
12. I have received these blank covers, or printed letters, containing one word, Major Christie's signature? That is a printed letter. Blank cover minutes are made on original papers by the Postmaster General, when such papers are of such importance as to require his decision.
13. Major Christie writes that? Major Christie writes the more important minutes. I minute papers that do not require to be referred to him.
14. Would the work of writing these letters occupy four clerks? Everything connected with the whole Postal Department is transacted in my office.
15. I ask specially what is the work of these four clerks? The correspondence and the duties connected with the correspondence, such as preparing contractors' bonds and contracts, postmasters' and other bonds, statistical returns, returns required by Assembly, and copies of correspondence to be laid before that body, besides very many duties that occupy considerable time in their performance, but which I cannot well enumerate now.
16. Is making up and checking the time bills part of the duties connected with the correspondence?

T. K. Abbott, Esq.
27 Mar., 1862.

spondence? Not exactly; Mr. Cuttriss has the charge of that duty. Irregularities shewn on time bills are brought before the Postmaster General, who inflicts fines; these fines have to be intimated to contractors, and occasion the writing of many letters, which are written by the correspondence clerks.

17. What are the duties connected with correspondence? Mr. Salisbury is employed registering papers, and in bringing forward previous papers on same subjects; it is as much and more than he can do; I do not think there is a harder worked man in the office than he is.

18. What time does he arrive at the office in the morning? Nine o'clock.

19. When does he leave? Nominally at four, most generally, as may be seen by the attendance book, at half-past four.

20. Do you know anything of the working of the Delivery Branch? Yes, I had the charge of it for a long time.

21. Do you consider clerks coming to the office at nine and leaving at four peculiarly hard worked? Yes, I do; I consider it very hard work. They are employed continuously, not being allowed to go out to lunch; not a clerk in my office goes to lunch; he is not allowed to leave the office from the time he arrives until he leaves at night, unless by special permission, for a few minutes.

22. The other two clerks—what is their business? Mr. Levinge is chiefly employed in writing letters.

23. I say the other two; there are two besides the four you say are employed in connection with the correspondence? Mr. Unwin is entirely employed in copying.

24. Do you copy all letters by hand? No, by machine; but there are a very large number of letters written that necessitate copies of correspondence being sent with them.

25. You say the whole of the working of the department is seen in your office—do you think the appointment of a Postal Inspector has been of advantage? It has been of considerable advantage, and in my opinion it might have been of much greater advantage.

26. Is the Postal Inspector generally travelling? During the last year he was travelling perhaps five or six months.

27. What did he do in the other six months? Towards the end of the year he has to be in attendance when the contracts are taken for the ensuing year, for the purpose of preparing time tables, and to afford information if required as to the contracts referred to.

28. That is a month in the year? It is nearly two months.

29. That leaves four months—was he doing nothing during those four months? From January to the present moment the Postal Inspector has had as much as he could do in reporting on papers relating to contracts, time table, &c., and in altering and framing time tables. Papers on these subjects are all referred to him, and Major Christie considers and decides on his reports.

30. Then it is the Postal Inspector who directs the time tables? At the present.

31. Has he ever suggested any improvement? He has suggested improvements in the time tables sometimes.

32. Are you aware that he ever, for example, suggested the alteration of a line of mail route, as he might find one more advantageous than the other? I do not recollect.

33. *By Mr. Watt:* I see Mr. Levinge is returned as Postal Inspector here (*referring to a nominal list of employes in the Post Office*)? He was, at the time that was made out.

34. Has he been reduced in rank? Only exchanged. I do not know whether it is any actual loss to him, because the Postal Inspector has to pay his own travelling expenses out of the salary of £500 per annum allowed to him, and on that account I do not think he regards it as a positive loss.

35. *By the Chairman:* You receive all the cash, and all cheques are drawn by you? They are.

36. Have you any check over the cash received—do you know that the amounts received are the correct amounts? I open the remittance papers myself, and the cash is made up in my presence.

37. When petty cash is given out for use in the office below, what check do you exercise over it? I exercise no check, but the Accountant does; there is a regular account kept of all sums paid, and vouchers have to be produced, which are sent to the Audit Office. The petty cash account is not closed till the 31st December of each year, and then if any balance remains in hand it is returned to the Treasury.

38. Do you consider your department entirely separate from that of the Accountant and the Delivery Branch? Yes, completely.

39. Suppose there are more hands required to assist in the Delivery Office, do the clerks in your department go down to assist? I have had to do it frequently, to the great detriment of my own duties, and on that point I think great improvement might be effected; the assistance might be made mutual, which up to the present has seldom been done. When a pressure of work occurs in the Letter Branch, Mr. Hunt makes a requisition for assistance, but let me be pressed ever so much I can very seldom get assistance in return.

40. Can you state that as many as four clerks have gone down at one time to assist in the Letter Branch? Yes, I can produce papers to shew it. On the occasion of the last mail by the "Northam," two clerks were sent from my office and two from the Accountant's.

41. There is no connection between your office and that of the Superintendent of the Letter Branch? Except in this way, that he receives all his instructions from my office.

42. Does he receive them from you, or from your office as the hand of Major Christie? When Major Christie is present, in most cases they come from him nominally, but in reality they come from me, and in very many cases they come direct from me. When Major Christie is absent they come direct from me, as a matter of course.

43. Can you point out any case in which you personally give these directions? They occur very frequently. The establishment of new Post Offices, the establishment of a postal line, alterations in time tables, everything connected with the department is done under instructions received from me.
44. Do they come from you or through your office? They come from me as Secretary.
45. There is no great harmony between you and the Superintendent of the Letter Branch? There is the same harmony that there was between my predecessor and him.
46. *By Mr. Watt*: Perhaps it would be better to confine yourself to the question—the Board are not aware what may have been the state of matters at the time you speak of? The Report of the Board of 1851 shews it. I may say there is not harmony between him and me. The reason is this:—In September, 1855, I was appointed Secretary, having up to that period, from 1841, been in the Letter Branch with Mr. Hunt. In May, 1856, Mr. Hunt made an official application to the Postmaster General to be recognized as senior in the department, and to rank next to Major Christie, on the sole ground of his length of service. On various occasions, when he has had the opportunity, he has always shewn an impatience of anything like control or receiving directions from me, directly or indirectly; and I think that in giving evidence before the Retrenchment Committee in 1858 you will find that he put himself out of the way to lower my position and to elevate his own. In that case he pointed out the anomaly of my being called Secretary, and ranking next the Postmaster General, although the Government had decided the question in 1856, and he suggested that he should be called postmaster of Sydney, and that his rank should be next to that of Major Christie. Holding the important office I do, I cannot consent to relinquish any of the authority necessary for the due performance of its duties; otherwise, I have no feeling against Mr. Hunt. I always regarded him as a friend, and would be glad to do so still. I have repeatedly expressed myself to the effect that, for the sake of harmony in the office, I would be happy if Mr. Hunt would take my place and I would take his; but that, having a superior duty to perform, I objected to his assuming seniority of rank over me. I have made my feelings known to Mr. Hunt through his relatives. From the time I joined the office I worked with Mr. Hunt until I was made Secretary, my appointment to which office was influenced probably by Mr. Hunt's own recommendation. After my appointment we acted harmoniously for about six months, after which period Mr. Hunt began to shew the same feelings towards me that he had done towards the late Mr. James Raymond, my predecessor; and my opinion is that he will shew the same feelings to any one, no matter whom, that is in my position. If a suggestion comes from Mr. Hunt, and is approved, it is carried out willingly by him, but if instructions are given contrary to his idea of the matter, the reverse is the case. There is ample correspondence in the department to shew how matters really stand.
47. *By the Chairman*: Is the department under Mr. Hunt satisfactorily conducted? In my opinion it is far from being so.
48. Why not? I do not think he exercises proper surveillance.
49. In what manner? I think the Postmaster General can place correspondence before the Board to shew exactly what I mean. When information is required on matters connected with his department, Mr. Hunt does not take the trouble to afford the information that he ought to do. He insists on all papers being sent through him, but in nine cases out of ten the only part he takes is attaching "R. A. H." to them, and reference on reference has to be made before the necessary information is obtained.
50. Is the building used as the General Post Office in every way as convenient as it could be? I think it is the very reverse.
51. Does it not seem to you that if the building were better arranged a smaller number of clerks might be employed? Yes. I stated the same to Mr. Rolleston's Board in 1856, that if the offices were more concentrated a much less staff would be required. At the present time each branch requires a separate staff, and, when assistance is required in one part of the office, it cannot be afforded from another, although the clerks in the latter may have comparatively little to do.
52. Does the Telegraph Office take away any room from the Post Office? It took away what was used as a store room, and the lobby that was used for selling stamps, when there was an English mail being made up.
53. Does the Post Office make any use of the Telegraph Department? Frequently, in matters that require despatch.
54. Is it the Postal Inspector who supervises all contracts? That depends on what you mean.
55. I mean the working of all contracts? The Postmaster General does. In special cases the Inspector is employed to report, and, when travelling, he, as a regular duty, supervises and reports on contracts.
56. And the Postal Inspector the time bills? Yes, the time tables when he is present; when he is absent I do. Last year I had not only to do that, but to attend to all contracts for the present year—to prepare bonds and contracts, letters of acceptance, mail tenders, and letters of non-acceptance; and I also had to prepare the time tables. These time tables give a good deal of trouble, for I have not only to make myself acquainted with the lines of route the mails have to take, but the features of the country, so as to regulate the rate of speed at which the mails should be conveyed, and also to consult the wishes of the people, newspaper editors, and many local interests.
57. Is not the public interest the paramount one? Certainly; but where special interests can be consulted without detriment to the public, they are always considered. The public interest is chiefly looked to; in fact, always looked to.

T. K. Abbott,
Esq.
27 Mar., 1862.

T. K. Abbott,
Esq.
27 Mar., 1862.

58. Have you given any consideration at all to the advantages or disadvantages of the re-purchase of stamps? Yes; I am acquainted with the arrangement of the affair from the time it was introduced. So far as the Post Office is concerned it is no advantage whatever, but rather the contrary.
59. What is the advantage to the public? If persons in Sydney receive trifling remittances from the country in postage stamps, and their correspondence is such as not to require them to make use of such stamps, then there is a manifest advantage in being able to exchange them for money at the Post Office.
60. Would it not be more advantageous to the public to have the Money Order System introduced? Yes; there would then be little necessity for such an exchange.
61. In fact none? It would depend on the limit of the money orders. For instance, if a person desired to remit 5s., it is probable an order for so small a sum would not be issued, and in that case the present system would be a convenience. I receive stamp remittances from postmasters in the country for less sums than that.
62. Do you consider that you have any right of supervision over the clerks in other branches of the Post Office? In the absence of Major Christie I have. I consider that if any irregularity occurs, I have perfect right and authority to interfere, and I do.
63. Who assigns the occupations of the clerks in the office? The Postmaster General; but in the Letter Branch, for some time past, Major Christie has allowed Mr. Hunt to make his own arrangements, except as to the senior clerks, who have regularly appointed duties.
64. Can you point out, during the time that you have held your present appointment, any suggestions that you may have made for the advantage of the public service? I do not know that I have formally put forward any list of suggested improvements, but as Secretary I have made suggestions to the Postmaster General, from time to time, as appeared necessary, and he has acted upon them or not,—they have passed from my memory. Whilst I was in the Letter Branch I made some suggestions.
65. Suppose the Cash Department were removed from your office to the Accountant's office, would it not lessen the work of your office? Certainly.
66. To the extent of one or two clerks? Only one clerk is employed with the cash duties, and he is not fully occupied with them.
67. In your opinion, would the public service suffer by such an alteration? I do not think the check would be so effectual.
68. The Accountant has stated that he has to run from room to room? It is his own fault; there are messengers he can send.
69. Do you think it advisable to keep messengers for the purpose of carrying messages between the different rooms? They are there, and they may as well be made use of. If they were not so employed the clerks should be, and more valuable time would be lost.
70. Might they not be dispensed with? They are indispensably necessary to carry on the work of the office; in fact, they are so much required in the office that one must be always present.
71. You now employ four messengers? There are in reality five.
72. What is their work? There are two connected with the offices of the Postmaster General, the Secretary, and the Accountant, and two who were appointed in lieu of boatmen who were discharged after the sitting of the Retrenchment Committee in 1858, and the fifth is attached to the Letter Branch.
73. What do these five messengers do? The shipping messenger is employed in conveying mails to and from coasters and steamers, and in various ways in connection with the office.
74. Will you state the various ways? One is almost wholly employed in connection with the Ship Letter Room; his chief duties are to convey mails to and from coasting vessels, and to assist in the duties of the Ship Room generally. The other is employed in communicating between the different offices—the Inland Office and the Delivery Office, the Ship Office and the Registry Office—carrying registered letters to the Ship and Delivery Branches, letters from the Inland Office to the Delivery Office, and in carrying newspapers between the Newspaper and Inland Offices. The third, the senior messenger, although paid as such, is employed as a stamper in the Inland Office.
75. You have now five messengers employed at a total cost of £552 a year? I believe that really the proper designation should only apply to three, for I think one called a shipping messenger is employed more in connection with the arrival and despatch of mails by vessels, and in sorting newspapers, than in messages. I know one of them is much employed in going to the Customs seeking information as to the movements of ships.
76. Information as to the movements of ships? Yes, when they clear at the Customs. He has then to go to the different mercantile houses to make inquiries as to their probable time of sailing.
77. Has not that generally been done by the shipping officer, Mr. M'Mahon? Yes; but he is very often down the harbour, for the purpose of landing or shipping mails, and should mails have to be made up in the meantime for foreign ships, or coasting steamers, to Melbourne, Brisbane, and other places, this messenger has to perform the duty.
78. *By Mr. King*: Does Mr. M'Mahon board every ship that arrives? I think he boards the majority. Mr. Hunt will be able to speak more positively as to that.
79. *By the Chairman*: There are two messengers connected with your office? I think they have plenty to do.
80. What do they do? They are employed in conveying communications between the Post Office and the different departments of the Government, and between the various offices of the department itself. They are also employed in paying contractors' and postmasters' cheques, and in placing under cover to postmasters time tables, tables of rates, notices, circulars, &c., and in collecting orders received as remittances.

81. What cheques? Cheques for contractors and postmasters.
82. Do not the contractors come to the office to get their cheques? Not generally. I have to dispose of them as they may direct; it is necessary to send a messenger with them in order to get the receipts.
83. I suppose they merely have to take them to the different banks? Yes, or to private individuals, according to the wish of the contractors. I am obliged to send them out in this way in order that I may have the vouchers for the payments complete for transmission to the Audit Office at the appointed time. It is very inconvenient to have the cheques lying in the office for weeks, as is sometimes the case.
84. Do you not think the Post Office authorities might reasonably say they would decline to pay any money except through a bank? I am obliged to send the cheques to the parties to whom they are made payable, or I should have the vouchers without receipts when required by the Audit Office.
85. Do not country postmasters often make remittances in orders on different people in Sydney? Yes. The difficulty with respect to the cheques arises in a great measure from the contractors in many cases having no agents; there are many small contracts of £60, £70, or £100 a year, where the contractor has no agent in Sydney.
86. Does it tend to the advantage of the public service that there should be a number of small contracts? There must be small contracts for small postal lines.
87. Would not contractors take whole districts if they had the opportunity? Such a tender has never yet been made, and the Government are averse to it for fear of monopoly.
88. Have you ever tried it? Nothing has been done to prevent it. If a man tendered for fifty lines, and his tender was lower than those of other tenderers, his tender would be accepted if the Board considered him capable of performing the services required; but the Government have always looked doubtfully upon anything having the appearance of monopoly. In fact on one occasion, in the case of Mr. Gill, he held so many contracts in the Northern Districts, that competitors were at length entirely shut out, and his prices became so exorbitant, that Sir William Denison directed that Mr. Gill's tender for the Main Northern Road should not be accepted, and the Mounted Police had to do the duty for a considerable time, until contractors from the Southern District were induced to undertake them; but they eventually failed. Mr. Gill had a monopoly for a long time.
89. Was the work properly done? Yes, whilst he had it.
90. And it was not properly done afterwards? No, in fact it failed.
91. *By Mr. Knox:* I imagine there must be a number of small lines where the service is done for a mere nominal consideration, in order to secure the advantages of a post? Yes; for instance, where a farmer possesses sons and horses, he is in a position to perform a contract at a trifling expense.
92. *By the Chairman:* Are the duties defined of all the different departments in the Post Office? They are.
93. Where? They are understood, and expressed when necessary in the Postmaster General's Minute Book.
94. It seems the Superintendent of the Letter Branch does not understand it? That is because he will not understand.
95. *By Mr. Smart:* Why should he? His duties pertain to the Letter Branch alone. He receives instructions from Major Christie, and in Major Christie's absence from me; and in matters of detail from me even in Major Christie's presence.
96. *By the Chairman:* Can you give any one example where, Major Christie being present, the orders have gone from you to the Letter Branch, and have been by the Letter Branch carried out? Yes, I think Mr. Hunt can produce documents to shew it.
97. I ask can you? I think I can by reference.
98. Those orders having emanated from you solely? As Secretary; and from the very nature of my duties, considering that the whole arrangement of the postal service throughout the Colony is effected in my office, such are unavoidable and indispensable.
99. Have you anything to do with the Stamp Department? Merely in receiving cash from it, and in calling for reports when information as to the office may be required.
100. You do not check it at all? Not at all.
101. You have nothing to do with the accounts of the country postmasters? No, only when irregularities are reported I call on the Accountant to report; he sends in his report, and if it is a matter of detail, I act on it myself; if not, I bring it before Major Christie.
102. Any cases of postal irregularities do not fall within your department? All do.
103. Are you aware of any cases of postal irregularity having lately occurred? Almost every day connected with postal lines.
104. Are you aware that there have been a great many cases in the suburbs lately? No. There was a complaint with regard to Waverley Post Office, and it is now in process of correction. The postmaster of that office is not the most efficient person, but he has been there a long time; he is a very old man, and his means are very limited, so that Major Christie did not like to dismiss him if he could avoid it without public injury. Bishop Barker, too, interested himself for him, and tried to retain him in his office, but at the present moment a substitute is about to be appointed.
105. *By Mr. Smart:* Has there been no complaint from St. Mark's? St. Mark's has never been a regular Post Office, and the Postmaster General would have willingly changed the postmaster if we could have found a substitute. He has made repeated references to residents, but they have always failed.
106. Have you not heard complaints? Not recently. I think the only complaint was from Mr. Henderson, about his newspapers.

T. K. Abbott,
Esq.

27 Mar., 1862.

T. K. Abbott, Esq. 107. Was there not a complaint by Sir Henry Watson Parker, some weeks ago, about not being able to get his letters till half-past ten? Yes, and the reply was, that the late arrival of the trains in the morning prevented the contractor from getting the mails in time to deliver them sooner.

27 Mar., 1862.

108. Was any attempt made to remedy that? So long as the railway continued irregular it could not be done. When the starting of the morning train was fixed at a quarter past ten it was considered that it would facilitate the despatch of the mails if all the morning mails were made up together, those for despatch by train as well as to the suburban offices.

109. Are the mails for the suburban offices made up at a quarter past ten? This one is made up at half-past nine, and there is nothing to prevent its being sent immediately after.

110. Do you not know that letters for St. Mark's do not reach their destination till half-past ten? I have not observed, and I do not think a single complaint has been made on the subject. So far as St. Mark's is concerned, this year St. Mark's has a mail twice a day. Last year the mail was only despatched once a day. The residents of St. Mark's can get their correspondence in the morning and afternoon if they choose to send to the office for it. Anything posted after ten o'clock is sent away at four, I think. Generally speaking, in framing the time tables for suburban mails, the wishes of the contractors, are considered as far as possible without detriment to the public, for the suburban contracts are taken generally at a merely nominal sum; for instance, the mail to Cook's River is carried to and from twice a day for £12 a year; the contractor only conveys the mail for the sake of clearing his tolls. The same with Randwick, where the contractor only gets £20 a year, and conveys the mails twice a day.

111. Who are usually the contractors for these districts—the proprietors of omnibusses? Yes; Grice is the contractor to Randwick, and Gannon to Cook's River.

112. *By the Chairman*: Do you think there is perfect union and harmony between the junior clerks of the different branches of the Post Office? I think there is. I know of no ill feeling between them worthy of notice. As to any other ill feeling I believe it entirely proceeds from a restlessness and impatience on the part of Mr. Hunt to any one nominally above him. Whoever is above Mr. Hunt he will be antagonistic to, and ill feeling must be engendered.

113. *By Mr. King*: Is it understood that the Secretary ranks above the Superintendent of the Letter Branch? Yes, Mr. Hunt was aware of that on two separate occasions when he might have taken the office.

114. He might have taken your position if he had liked? He might. When Mr. Kemp was appointed Postmaster at Port Phillip, before separation, he refused it then, and Mr. James Raymond was appointed; then, on Mr. Raymond's death, he had the opportunity of taking it, and he would not apply for it; and I may say positively, and I am in a position to say most positively, that one of the great motives for Mr. Hunt wishing me to become Secretary was to prevent the possibility of the feeling existing in the department that existed when Mr. Raymond was alive, and that now exists. In order to prevent the same feeling arising again Mr. Hunt did all he could to induce me to apply for the position, and the ill feeling did cease for some time, but was again revived by him.

115. *By Mr. Smart*: You cannot state any grounds for that feeling on the part of Mr. Hunt? I conscientiously believe it to proceed from an impatience of control or direction, and restlessness of disposition on the part of Mr. Hunt, which he has shewn to the Postmaster General as well as to me. I consider the tone of some of his writings to the Postmaster General most unjustifiable and insubordinate.

116. You do not feel that you have given Mr. Hunt any cause for this? None whatever. Mr. Hunt I regarded as a personal friend, and I would be glad to consider him so still. He is not unacquainted with my feelings in the matter, for I have asked his own relatives to tell him how much I deprecated the misunderstandings between us, and that if he liked to take my position I would cheerfully give it up to him for the sake of unity, but that so long as I held an onerous position in the public service I felt bound to carry out my duty.

117. Have you ever made any attempt to remove the feeling which exists? On all occasions, directly and indirectly.

118. And you have not been met in the same spirit by Mr. Hunt? Never.

119. *By the Chairman*: Supposing Mr. Hunt required any information from your department, to whom should he apply? To me.

120. You would not consider him as acting correctly if he were to apply to Mr. Salisbury? No. If he required information or papers relating to a matter of detail, as a rule Mr. Salisbury would inform me; if the request had reference to papers of importance, then Mr. Salisbury would not give them without my permission.

121. Do you consider that you would be right in applying to a junior clerk in Mr. Hunt's department for information? Not when Mr. Hunt is there, unless the urgency of the case would not admit of delay. I may say, with regard to Mr. Hunt, that it was through Mr. Hunt that I joined the Post Office in 1841, and up to 1855 Mr. Hunt and I always acted together, and it was with pain that I saw that anything like ill feeling existed on his part towards me.

122. Mr. Hunt is your senior by some years? Yes; I am in my twenty-third year of service in the Post Office, and Mr. Hunt in his twenty-eighth or twenty-ninth year in the same department.

123. Up to your appointment as Secretary you were on the best of terms? On the very best of terms.

124. On the 21st October, it appears that you made an application to Mr. Thompson, a clerk in Mr. Hunt's branch, for information, and when Mr. Hunt complained of any inquiries from your office to his office being directed to any one but himself, you justified yourself

yourself for applying to Mr. Thompson? It must have been a matter of trivial importance— T. K. Abbott, Esq.

125. I am referring to the principle? The principle is as I have stated.

126. If you want information from Mr. Hunt's branch and you apply to a junior clerk, instead of applying to Mr. Hunt, you are not using your endeavours to promote harmony? I cannot speak positively of the case you mention until I know the particulars. 27 Mar., 1862.

127. *By Mr. Smart*: Have you any recollection of having applied to Mr. Thompson? It is quite possible that I did so, but the circumstances may have warranted it. It may have been a case of urgency, or of such petty detail that it was not necessary that it should go through Mr. Hunt.

128. *By the Chairman*: Do you know or believe that any clerk in your office has given information to any party out of doors, or to any newspaper editor, to enable him to make undue remarks on parties connected with the Post Office? I do not. I do not believe that such information was given by any party connected with my branch.

129. Perhaps you would refer to the circumstance I was alluding to just now that took place on the 21st October last, and explain it to the Board more fully when we meet again, inasmuch as Mr. Hunt made you aware that he was taking a copy of the minute at the time? Unless the paper is registered I will not be able to refer to it. If the paper was, as I suppose it to be, a matter of no importance, it is not a registered paper, and I shall not be able to get it.

130. Are these disputes in the office of such frequent occurrence that when one makes a remark to another that he will keep a copy of the memorandum or minute, and even the Postmaster General makes a minute on the matter, that still you cannot call to mind the particular instance I speak of? I do not believe any one in the office keeps copies of these things but Mr. Hunt. I have so many papers to recollect the subjects of, that I cannot store such matters in my mind. With regard to copying papers and avowing them as copied, I never knew anybody to do it but Mr. Hunt. I know, that in dealing with the Postmaster General, he has marked papers "seen and copied"—why, I could not tell. I never attached such importance to them as to consider it worth my while to copy them, or even to make a note of them, if time would admit of such a proceeding.

WEDNESDAY, 31 MARCH, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

| | |
|-----------|------------|
| MR. KING, | MR. SMART, |
| MR. KNOX, | MR. WATT. |

Thomas Kingsmill Abbott, Esq., Secretary and Cashier, General Post Office, called in and further examined:—

1. *By the Chairman*: You were saying the other day that you considered yourself Chief Clerk in the office? No; I said, I think, that I was Secretary and Cashier. I do not think the term Chief Clerk was used.
2. Chief in the office in the absence of Major Christie? Yes, and in his presence next to him.
3. You have been in the Post Office, I believe, all the time you have been in the public service? Entirely; I joined the Post Office Department in January, 1841.
4. During the time you have been in the Post Office, have the clerks been promoted according to their seniority or their capability, or what regulations have you had that have guided the appointment of clerks? Generally by seniority.
5. Has capability had any influence in the matter? In some cases latterly it has had. I think the rule was deviated from in two or three cases since I became Secretary, in 1855, but prior to that period seniority was generally the rule, and from my experience I do not think a worse rule could possibly exist. I know it has been the bane of the Post Office; it has kept back very many young men possessing energy, ability, and industry, while men who entirely lacked these qualities were promoted; year by year, a regular increase was allowed, and year by year it was, as a matter of course, received.
6. Whether capable or not? Whether capable or not, most generally.
7. Then you think that system has not worked satisfactorily? Most unsatisfactorily. It had been the rule of the Government service that seniority should always be taken into consideration, and as a rule it had been acted upon. By the same rule capability had also to be considered.
8. Does it not seem to you that in a public department, of the nature of the Post Office, it is advisable that capability should rank before seniority? Yes, unquestionably.
9. Do you think that all the senior, or what are called second class clerks, in the Post Office, are equally capable with some of the juniors? I do not. I have often expressed my opinion to the Postmaster General, that the clerks should perform duties according to the salaries they receive. Such has not been the case. Clerks receiving high salaries having been appointed originally to a certain position, have acquired a thorough knowledge of that position, and have been retained in it, irrespective of the salary they receive, and the relative importance of the duty. At the present moment there is a clerk in the Accountant's Office receiving £375 a year, whose duties have not been of such importance as to warrant their performance by a man receiving so high a salary.

10.

- T. K. Abbott, Esq.
31 Mar., 1862.
10. That is one instance where seniority has not led to the advantage of the service. Does it seem to be necessary that the Postmaster General should have it in his power to appoint all those who are employed in his office, and to suspend them upon occasion? Until recently he had the power of suspension. I think within the last year such power was withdrawn. I certainly think that, if the department is to be carried on efficiently, the Postmaster General, if he has not the power of appointing the superior officers, should, at least, have some voice in the matter; and he ought, at all events, to have the power of suspension.
11. He has not the power at present of appointing any one in the office? No; with the exception of five messengers, and three lads called boy riders. These boys are employed to empty the iron letter-receivers.
12. He has not the appointment of any of the clerks? No, nor of the postmasters nor letter carriers. By the Post Office Act, the authority to appoint postmasters was vested in the Postmaster General, but I believe the Constitution Act abrogated that part of the Post Office Act, and such appointments are now made by the Minister for Finance.
13. *By Mr. Smart*: Even supposing it to be so, do you not think it would be desirable for the Postmaster General to recommend the country postmasters, as well as the letter carriers, for appointment? He does recommend the appointment of postmasters, because all communications on that head, as a rule, go from him to the Treasurer, and generally speaking he is first informed.
14. Are his recommendations always attended to? Not always. As a rule, they are with regard to the appointment of postmasters.
15. With regard to the appointment of clerks? No; two new clerks have been appointed within the last month who were previously wholly unknown to him, and without reference to him; and the same course has been pursued with regard to letter carriers.
16. *By the Chairman*: Are they capable? Judging from their appearance, and from what little experience I have had of their capabilities, they are certainly not the style of clerks I should like to see appointed.
17. Are you aware whether the health of those employed in the Post Office is generally good? I think, as a rule, it is not good. I think the building is unhealthy, and the duties of the office are harassing. On the arrival of an English mail I have known the clerks and others to be brought there at four o'clock, two or three mornings in succession, when the mail steamer was expected; and I have often known them turned out of bed at two o'clock, and to work till seven or nine o'clock p.m. the same day.
18. Do you think the work would affect their health if a proper office were built, fully ventilated, and otherwise unobjectionable? I think if an office were constructed, as described, regulations might be made by which the clerks would not be so much taxed. As I have before remarked, the present staff seems to be a large one, but, constructed as the office is, it is indispensable in great measure. Each room must have a separate staff, and let there be ever so great a pressure, the clerks in one room cannot be transferred to another. For instance, in the Ship Letter Room there is little to do between the arrival and departure of the English mails, except the making up of mails for the coasting steamers; yet there are constant calls, such as shipmasters applying for gratuities, and to make declarations required for presentation at the Customs to enable ships to enter, &c., which require the constant attendance of a clerk, who has little or nothing to do during a great portion of the day.
19. How many clerks are in that office? There are two.
20. And their time is but partially employed? Yes.
21. *By Mr. Knox*: Is there any other office similarly circumstanced? Yes, in the Delivery Office, after the morning delivery, the clerks have comparatively little to do for the remainder of the day, unless a mail may happen to arrive.
22. *By the Chairman*: Does it not much impede the rapid working of the Delivery Office having to carry letters and newspapers from one building to another? Yes, and it also endangers the safety of the letters, for not only ordinary but registered letters have to be sent from one part of the building to another. It is a well-known fact in the office, that a large number of letters containing money are sent without being registered, and if a messenger should be so dishonest as to steal one of these *in transitu*, it could not be traced.
23. How would you trace it if he took a registered letter? It would be traced to the registry clerk, and if he delivers registered letters to a messenger he ought to get the messenger's initials for them.
24. *By Mr. Smart*: Suppose they never reach the registry clerk? Then of course he is not responsible for them.
25. And in the transit from these out-buildings registered letters might be appropriated? No; the registry clerk is in the room when the mails are opened and sorted, and he takes charge of the registered letters; the register list that accompanies the letters is handed to him with the letters, which he checks and initials; the letters are then entered in the register; they are afterwards sorted for the different beats, and the letter carriers are obliged to sign for every letter delivered to them.
26. *By Mr. King*: Are the registered letters put into a separate bag? No, but they are always tied up in a separate bundle, and the cover is coloured, to indicate that the enclosures are registered, and the district from which they come, whether western, southern, or northern.
27. *By the Chairman*: It has been suggested that it would be a very great improvement in the Delivery Branch—and I ask your opinion, because you have been in the Delivery Branch—if the letters were sorted according to the roads, or in Sydney according to the beats, instead of alphabetically? It is the Inland Office you speak of, not the Delivery Office. I can speak positively as to that, for I have had experience of both. The alphabetical arrangement was introduced by me. When the letters were sorted according to the roads, it required an experience of six months before a clerk could sort expertly; and if a letter happened to be mis-sorted,

mis-sorted, the error might not be detected for a week or more, if mis-sorted into a drawer appropriated to a place the mail for which was only despatched once a week or once a fortnight. I have known such cases to occur frequently, and I have known the office to suffer the most serious inconvenience from the absence of a clerk who was an expert sorter. To sort according to the roads requires a thorough geographical knowledge of the interior of the Colony, and that is not easily acquired. According to the alphabetical arrangement the letters are first sorted alphabetically, then divisionally, that is, according to the names of the Post Offices, and finally, before the mails are made up, they ought to be checked by a clerk, so that the check is applied three times. When the system was carried out in its integrity very few mistakes occurred, but now it is completely different.

28. How is it now? Formerly every Post Office had a box appropriated for it; now such is not the case, the "Direct Offices" only have separate boxes, or pigeon holes appropriated to them. By Direct Offices I mean those to which direct mails are despatched from Sydney, in which mails correspondence for the "Forward Offices" is included. For example, letters for Tuena, Taralga, Binda, Laggan, &c., are sorted under the head of G, and placed in Goulburn compartment, at which office mails for those places are made up. It will therefore be seen that the present system is not the alphabetical system, and that newly appointed clerks must experience as great difficulty in sorting under it as was found to operate against the old road system, for they will require to know the district in which the places named are situated before they can sort letters for them into the Goulburn compartment, whereas if the alphabetical system was in operation no such difficulty would arise. The merits and demerits of the two systems are fully discussed in the Postmaster General's First Report on the Post Office.

29. Do you think the Delivery Branch of the Post Office now is worked as well as it was at the time you managed it? It may be thought egotistical of me to say it, but I think it is not, and it is not managed so well as when the late Mr. Stone had it. I have known letters to be returned to England, as dead letters, addressed to persons in the city as well known as any one of the gentlemen present. I have known letters for Mr. S. H. Smythe, the Marine Surveyor, and for Mr. R. A. A. Morehead, returned to England, and for Captain Scott, the Police Magistrate, advertised as unclaimed; and the same with letters for the Rev. Mr. Quaife, Mr. Thomson, of the firm of How, Walker, and Co., and others, who are well known. A case occurred a short time ago, which brought me into collision with the Superintendent of the Letter Branch, where a letter for Mr. Stuart Russell was advertised. I think I then suggested, that if Mr. Hunt would make a practice of going through the Delivery Office periodically, and checking the letters that the clerks were unable to re-direct, it would, from his knowledge, effectually put a stop to cases of the kind occurring for the future. Mr. Hunt replied, that after twenty-eight or twenty-nine years service, he did not think he ought to be made a sorter. When I had charge of that branch I used to do it myself.

30. Then Mr. Hunt never looks over these lists? I do not know whether he looks over the lists, but he ought to look over the letters before they are advertised.

31. Does not the list emanate from the Delivery Office? The letters remain for thirty days in the Delivery Office, and if unclaimed are transferred to the Dead Letter Office, where the list is made out. There are cases which Major Christie either has or intends to lay before the Board that will fully explain this matter. I may remark, while on the subject, with regard to the ill feeling that exists, that I fear I spoke rather warmly on the last occasion of my examination; if I did so, it was from a feeling of indignation, because I felt that some of the questions put to me were based on information which is incorrect. As before stated, I joined the office in 1841, and when I joined it there was ill feeling existing between Mr. Hunt and the then Postmaster General. Mr. James Raymond was appointed Accountant and Secretary in 1842, and the ill feeling continued with still greater intensity, being exhibited towards him also to such a degree that it was really uncomfortable to be in the office, owing to their continual contentions. In 1851 a Board was appointed to inquire into the Post Office, which Board recommended the removal of Mr. Hunt. The death of the then Postmaster General, I believe, prevented this recommendation from being carried into effect, and Mr. Hunt was retained, but was warned to eschew, for the future, all party feeling. Since the present Accountant joined the office, I do not think he and Mr. Hunt have ever been on friendly terms. I know Mr. Hunt has lost no opportunity of offering suggestions with regard to Mr. Keble's Office, of which he is completely ignorant, and of the nature or routine of the duties he knows no more than a stranger, which led to the latter remonstrating, in conjunction with others, against evidence given by Mr. Hunt, and requesting that the Colonial Secretary would appoint a Board to inquire into the department. In September, 1855, I was appointed Secretary, and in May, 1856, Mr. Hunt applied to be allowed to take precedence of me. His application was refused; and in the July following, he published suggestions that he had made to the Postmaster General. With reference to one in particular, that of iron letter receivers, I myself received an illustration of the first pillar letter box erected in London, which I brought before the Postmaster General before Mr. Hunt returned to the office, after his visit to England. The result was that they were introduced, and with a saving of expenditure, because their introduction enabled the Postmaster General to dispense with what were called receiving offices. For the publication of these suggestions the Postmaster General reported Mr. Hunt for insubordination, and he was reprimanded and threatened with dismissal; and for a short time afterwards the annoyances, that were caused through his unduly interfering with matters that should not concern him, ceased. Business then went on quietly till the sitting of the Retrenchment Committee, when Mr. Hunt was examined, and when he offered opinions and suggestions with regard to the Accountant's Office and mine, but never offered any with regard to his own, with one exception, although there is no part of the department

T. K. Abbott, Esq. that requires so much revision as his. The only suggestion he made with regard to his own department was that two boatmen might be dispensed with; but, instead of his suggestions being carried into effect, the four were discharged. This was no sooner done than Mr. Hunt recommended that two shipping messengers should be appointed, so that it will be seen, that although he was of opinion that the duty of landing and shipping mails could be performed by two boatmen, yet, when that duty was wholly performed by the new boat arrangement, he then discovered that two additional messengers were indispensably required. The tone and temper of Mr. Hunt towards the Postmaster General and myself, and others who differ in opinion with him, have been extremely offensive. I may say, with regard to that, that having been in the Letter Branch for so many years, I am in a position to make suggestions and offer opinions in matters concerning the Letter Branch, to the Postmaster General, founded upon my personal experience. When required, or that I thought explanation necessary, my opinions were given, and whenever they were antagonistic to Mr. Hunt's, the matter was regarded by him as a personal matter. He looked upon everything with which he did not agree as done out of opposition to him, and he acted accordingly; and through this disposition on his part much unpleasantness has been created. There is nothing in connection with the Letter Branch that I am not quite as well acquainted with as he is. When Mr. Hunt was absent in England, from the beginning of 1854, to September, 1855, I took his place, and I am quite certain that the Postmaster General, or any one conversant with the state of matters then, will bear testimony to the fact that not a word of contention was heard during that period. Mr. James Raymond, the then Secretary, and I, acted in harmony. After Mr. Hunt's return, numerous newspaper articles appeared, time after time; statistical articles appeared in the daily papers, which could not have been written unless information had been supplied from the department; and it is remarkable that in almost every one of these, no matter who was blamed, Mr. Hunt was generally praised. I can positively say that Mr. Hunt has nothing to do in the department. If he was fully employed, I think he would not find time for interfering as he has done. In 1849 Mr. Hunt had a salary of £260 per annum, and was allowed to collect and retain, in addition, certain fees, viz., 6d. for each registered letter, 6d. for each late letter, and two guineas a year for every private box at the Post Office. The collection of these then formed the greater part of Mr. Hunt's duties, and from the time these were withdrawn, I think in 1849, Mr. Hunt's office became a sinecure. I may add, that within a recent period he has been twice reported for insubordination. From these remarks I think the Board will be able to form some idea of the cause of the want of harmony in the department.

31 Mar., 1862.

32. Do I understand you to mean that the Superintendent of the Letter Branch could be dispensed with altogether? Most unquestionably; and with advantage to the department.

33. *By Mr. King:* On whom would you confer the duties? The Postmaster General expressed an opinion that the duties of Secretary and Superintendent might be combined. I think, however, the latter officer would find ample employment if he performed all the duties pertaining to the office. The duties of the Superintendent of the Letter Branch should be properly defined, for, from the very nature of the duties of the Secretary, he must give directions, and unless the holder of the office of Superintendent of the Letter Branch will consent to work with him for the good of the public service, regardless of personal feeling, the present state of affairs will continue. The whole arrangement of the postal service throughout the Colony is done in the Secretary's Office, including everything of importance connected with the Letter Branch.

34. Could the Secretary perform his own duties and yet give that personal supervision which is necessary in the Letter Branch? I think an hour a day would be almost enough to enable him to do those duties as they are now performed. At present every application for information concerning letters has to go from the Secretary's Office to the Letter Branch, and Mr. Hunt insists on every paper going through him. He places his initials to these papers, and sends them on for report to the different clerks to whose office they refer. Some of the clerks—as in the Delivery Office Mr. Buchanan—attaches his initials and refers to another, who gives his report, and most generally these papers are returned through Mr. Hunt; and whether the answer be right or wrong, explicit or obscure, it passes. Time after time I am obliged to refer again and again before I can get the necessary information to enable me to reply.

35. It is from that cause that you are obliged to place yourself in personal communication with the clerks under the Superintendent? It is very often the cause. The memorandum writing in connection with the Letter Branch is most harassing.

36. *By the Chairman:* You have perused these suggestions of Mr. Hunt's? Yes.

37. Have any of them been acted upon? The suggestion with regard to the iron letter receivers was, as I have said, acted upon, independently of Mr. Hunt. The floating office at Moore's Wharf—the work of which ought to be performed by a junior clerk, might be performed, with more advantage to the public, at the Post Office—I believe, was brought into operation in consequence of a letter or communication of some kind from yourself. With regard to the sorting of the mails on board the mail steamers, the expense it would occasion was considered too great for the advantages it would confer, and which was the chief reason why it was not brought into operation. With regard to the sorting of the Hunter River mails, Mr. Hunt's estimate of the cost was so exorbitant, that it was not at first entertained, and the plan was only brought into operation through a letter from Mr. Robertson, the Minister for Lands, and then it was done at a comparatively trifling expense. A short time since, when Mr. Cowper desired that the mails for Grafton should be made up at the same late hour, Mr. Hunt was called upon to state how it could be done; he said it could only be done by appointing another clerk at a salary of £125 a year; but Mr. Weekes ordered it to be done by those employed in making up the Hunter River mails, and it was done.

done. With regard to the conveyance of mails, I think he knows nothing about the subject. I do not think he has given it proper consideration. The idea of introducing the carriages from England, at the expense of the Government, and letting the contractors supply the horses, is simply absurd. At present there is the greatest difficulty in getting contractors to carry out the contracts for which they are paid so highly; and if the Post Office had to employ people to find horses, and trust to them to take care of carriages supplied by the Government, the expense would, in my opinion, be enormous.

T. K. Abbott,
Esq.
31 Mar., 1862.

38. Could not the English letters be sorted on the way from Melbourne? Yes, I think they could. The Sydney letters are all distinct from the letters for the country, so that the clerk employed could confine his whole attention to the Sydney letters.

39. And you think the time would be sufficient? He would have at least forty-eight hours, and I think he might do it in that time. It would require one clerk who understood perfectly the letter carriers' beats, and who was acquainted with the holders of private boxes.

40. You said you could make many suggestions by which the Delivery Branch would be improved—will you oblige the Board by naming them? I am not aware of having done so; but the reconstruction of the Post Office would be one, which would afford proper accommodation and position for the Delivery Office.

41. A new building entirely? Yes; I do not think it possible to make the present building suit. My idea is, that it should be constructed somewhat like a bank. The offices immediately in connection with the public should occupy the front part, and the sorting and making up of mails should be done in the rear; so that all the clerks would be concentrated, and their services could be made use of as required. By that means, I think, a strict surveillance could be exercised, whereas at present it is much more difficult. With regard to the system of delivery, I think the present system of sorting in the Delivery Office is very good; the subdivision of the alphabet is most simple, and expedites the delivery of letters to a great degree. The system of private boxes is, I think, as simple as it can be rendered.

42. Is it not the practice in England that clerks are examined before entering the Post Office? It is at present. Until within a recent period, I believe, the examination was not strict.

43. Would it be advisable that such an examination should be pursued in the Colony? I think it would be very advisable. The system was in existence some years ago, but it did not always operate as was intended. I have known clerks pass the Board, and receive certificates that they were able to perform clerical duties, who could not spell.

44. Do you think the clerks in the Post Office are generally satisfied with their position? I do not think you could find in the Government service a number of clerks so completely dissatisfied.

45. To what do you attribute their dissatisfaction? In some measure to the fact that when vacancies have occurred strangers have been put into the department. On the death of Mr. Stone, two strange clerks—Mr. Springett and Mr. Newman—were appointed, and his salary divided between them. On the death of Mr. Ussher, Mr. Garnett was brought from the Colonial Storekeeper's Department —

46. What was Mr. Ussher's salary? £375. The vacancy created by Mr. Garnett's death will, I believe, be filled up from the office up to a certain grade, but there are two young men who will be passed over, viz., Mr. Unwin, who has been doing duty as substitute for Mr. Newman, the acting postmaster at Lambing Flat, and another young man who has been in the department since November, and was well recommended. Two strangers have been brought in at £150, while Mr. Unwin gets only £132, and Mr. Murdoch, the junior clerk, will be dispensed with altogether.

47. *By Mr. Knox:* What are the names of these two who have been brought in, as you say? Mr. Danne and Mr. Mahony.

48. Have they been in the Government service before? I do not think either of them has.

49. *By the Chairman:* Do you think the postal lines through the Colony are as well arranged for the convenience of the public as they might be? I think some few might be improved.

50. Whose business is it to look after that, to see whether they might be improved or not? It ought to be the duty of the Postal Inspector.

51. Has the Postal Inspector ever made any suggestions with that view? The lines I now speak of—one in particular, the line from Cowra to Marengo—runs parallel with the line from Cowra to Lambing Flat. It has been brought under notice, and the Inspector's attention has been directed to the subject; but in consequence of contracts having been taken for both, for the present year, it is impossible to put an end to either at present. It will be the duty of the Postal Inspector to report on the matter.

52. Are the lines that stretch far away into the interior as direct as they might be? I think so. With regard to some of the cross lines, which are of great length, they are often made to pursue the course that will most benefit the population of the districts, that is, the greatest number of stations. In fact most of those lines are established for the purpose of supplying large squatting establishments with postal communication.

53. *By Mr. Knox:* In some cases, I suppose, the letters are very few? Very few. In fact that is the cause of the postal department being so expensive.

54. Have you any means of ascertaining the number of letters delivered at each Post Office during the year? Yes, there is a return, an average return.

55. What does that shew? The number of letters posted and received at each office during one week in every month, and then the average for the year.

56. Could you send that return in to the Board? Yes.

57. Are you aware that there have been any observations made lately with regard to the Queanbeyan service? Yes.

- T. K. Abbott, Esq.
31 Mar., 1862.
58. Will you read that letter (*handing to witness a letter written by Mr. Andrew Morton on the subject of the Queanbeyan mail service*)? I understand the subject. I think Mr. Morton puts it in a worse light than it really deserves. I do not think the present time table works as badly as he represents.
59. Has the matter come under your notice as Secretary? Yes. Queanbeyan receives three mails a week by Goulburn, Boro, and Bungendore, and twice a week by Goulburn, Collector, and Gundaroo.
60. It would appear by that letter that there are no means of answering those letters? Mails arriving on Monday can be answered on Wednesday; those of Wednesday can be answered on Saturday; and Saturday on Monday. The disadvantage is that the mails arrive at nine o'clock in the morning and leave at the same hour; that is because it is necessary to bring them into Goulburn at a certain time, as they have to travel through the night.
61. What was the alteration that was complained of? The alteration was merely an alteration of one day, and that, I think, was an advantage. The Collector and Gundaroo mail was altered to give Queanbeyan communication five times a week, if possible, and in endeavouring to do that the residents of Gundaroo were inconvenienced. Mr. Murray, the Speaker of the Assembly, and the Gundaroo people, then petitioned that the old time table should be reverted to, and their request was complied with, but the altered time table to Queanbeyan still continues. I think I can shew you how it works. (*The witness referred to the printed time table.*)
62. Does this come properly under your duties—the regulation of this? In the absence of the Postal Inspector I have to do it; when he is in the office he prepares the time tables and reports on letters on this subject; when absent, I do. According to the present time table the mail reaching Queanbeyan on the Saturday, at nine o'clock in the morning, can be answered on Sunday, and the mail reaching Queanbeyan on Wednesday, at nine o'clock, can be answered on Thursday.
63. I understood you to say it arrived on Wednesday at nine, and left at the same hour? That is the direct mail by Boro route, but that can be answered by Gundaroo on Thursday; and the mail arriving by Boro on Saturday can be answered by Gundaroo on Monday. Persons who reside at any distance from Queanbeyan can answer the correspondence they receive on Monday by Boro on Wednesday, that received on Wednesday can be answered on Saturday, and that on Saturday can be answered on Monday.
64. Does the mail by Gundaroo get to Sydney as quickly as the mail by Boro? Yes; it leaves Queanbeyan at five o'clock in the morning, gets to Goulburn at nine o'clock in the evening, and comes on to Sydney the same night.
65. According to your version of the arrangement, letters can be answered five days in the week? They can. The great difficulty in these matters arises from the conflicting interests of the townships along the postal lines. For instance, the mail by Boro goes on to Cooma and other places beyond that, and in framing the time tables for so long a line it is impossible to meet the wants of every locality.
66. Have any complaints been made to you? A great many. The altered Gundaroo time has satisfied some, but I really think the great clamour has been raised by the local newspapers.
67. *By the Chairman*: What reason have the local newspapers for being dissatisfied? It does not suit their publication.
68. *By Mr. Knox*: Had they the same opportunities, under the old time table, of receiving and answering letters? I do not think the arrangement was so good. By the old table the Sydney mail arrived at Queanbeyan on Monday, and left on return on Monday; the next mail arrived on Thursday, but the return mail left the day before (Wednesday). At present Thursday's mail returns on Thursday, and those who are anxious to answer their letters expeditiously can do so.
69. But not on Wednesday, because the mail returns at the same hour? Nominally it does, but it is at the postmaster's discretion to detain the contractor for a time.
70. Is he not bound to deliver the mail at Goulburn at a certain time? At nine o'clock; but so long as it arrives there in time to come on to Sydney, a very strict adherence to the rules is not required.
71. *By the Chairman*: Have you ever formed any opinion as to whether it would facilitate the working of the Post Office on the up-country lines, if the telegraph, or a branch of it, were connected with the Post Office? I do not know that it would confer any greater advantage than the present arrangement does. The Telegraph Office affords every facility, and it is made use of whenever extraordinary despatch is required. So long as the Telegraph Department is in such close connection with the Post Office, I do not think there is anything to be desired.
72. *By Mr. Knox*: Do all the contracts pass through your hands? Every one; the arrangement of all of them.
73. Is it the custom now to call for yearly contracts, or for contracts for longer period? One year or three years.
74. Do you receive tenders for the long service and the short service? For one or three years. It rests with the Board to decide upon them.
75. How have the tenders been mostly sent in—for the longer period or the shorter period? I think, generally speaking, for the longer period. According to this list (*referring to a list before him*) I think they are pretty nearly divided; but there are a great many contracts in this list that have now nearly expired; they will expire this year.
76. Since when has the mode of calling for contracts been altered? Since I became Secretary (1855). Tenders have been called for for one or three years. I am at present unable to speak as to the practice prior to that date.

77. Do you think it advantageous to enter into contracts for a long period? Decidedly. It pays the contractor better to expend money in good material. When contracts are taken for a short period, I am aware that new contractors purchase the old material belonging to the out-going contractors, which is patched sufficiently well to last the term of their contracts, and as a natural result the services are often unsatisfactorily performed. T. K. Abbott,
Esq.
31 Mar., 1862.
78. I think you said the other day that all the bonds and contracts were made up in the Secretary's Office? Yes.
79. What are the numbers generally? I think very little short of 200.
80. The contractors enter into their own personal bond, with two sureties? Yes, their own personal bond, and a separate bond in conjunction with two sureties.
81. These sureties, I presume, are approved of by the Postmaster General? They are approved of by the Board. I think you asked me for a list of these contracts for last year, and the year previous. I have them here. (*Handed in.*)
82. Do the clerks in the office give security bonds? Every clerk in the department, with the exception of the Accountant, gives a bond for £100, and two sureties of £50 each. The Postmaster General and the Secretary and Cashier give security to the extent of £1,000 each.
83. All the others only £100? Yes.
84. Do any of the junior officers receive money? No, except the postage collected in Sydney, which is very trifling.
85. Was the amount of security given greater in former times? No, it was never greater.
86. Mr. Kebble stated the other day, that one reason why the Cashier's office was separate from his was, that he gave no security—I suppose he must have overlooked the fact of his giving security for £100? Mr. Kebble is the only exception to the rule; he does not give security. It is a question that has been brought forward on more occasions than one, and it was brought prominently before the Government on one occasion, although no alteration took place. I am not aware that the fact of the Accountant not having given security was a reason for the Cashier's office being separate from his. That formed an objection to his performing those duties during my temporary absence. (*The witness referred to printed Post Office Regulations.*) The Accountant is an exception to the rule; you will find it there (*handing the regulations across the table.*)
87. You give security in £500, and two sureties in £250 each? Yes.
88. The postmasters give security in £200? Yes, themselves in £100, and two sureties in £50 each. By the new regulations just printed, postmasters will be obliged to give security in proportion to the salary they receive.
89. I think you stated that the office hours are from nine to four? Yes.
90. When were they altered? By a regulation of the Government in 1857.
91. Were they previously from eight to five? No; in my office they were from ten to four, and the clerks were allowed an hour for lunch.
92. I find it stated in the Postmaster General's Report for 1855, that the hours of attendance were from eight till five? That must have referred to the Letter Branch, which was kept open during those hours, though the whole of the clerks were not in attendance all the time.
93. I observed the other day in your office, that most of the letters were copied in a copying machine? Yes.
94. Are they all copied in that way? All.
95. However important? However important.
96. Do you not think that rather a dangerous practice? My staff will not admit of the duty being otherwise performed.
97. Have you ever had to refer to a letter and found that you could not make out the copy? On one or two occasions I have found it faint, but in such case I refer to the original draft.
98. Do you not think it would be an improvement if letters of great importance were copied into a book? I think it would; it would be much safer.
99. With regard to routine letters the copying machine would answer every purpose? Yes.
100. Perhaps one letter out of ten would need to be copied by hand? Letters to the Government, and occasionally to contractors and the public, when of importance, might be copied into a book. A copy might first be taken by the machine, which could afterwards be copied into a book when time would admit of such a course.
101. Are all the accounts of the department kept in accordance with suggestions made in 1855? Yes, by Mr. Rolleston's Board.
102. Do you find the mode in which they are kept to work satisfactorily? Very; I do not know of a single complaint.
103. There are no complaints of contractors not being able to get their money? Not a single complaint.
104. There used to be a great many when they had to go to the Treasury? Yes, and at the time the Postmaster General was allowed to pay his advances to his private account; but that was a very old date, between 1841 and 1850. In fact at that time all the accounts were paid from revenue; the revenue was placed to the credit of the Postmaster General, who drew against it. At the expiration of every month he received an advance from the Treasury to the amount of the cheques he had actually paid, which advance was placed to his private credit in the bank.
105. *By the Chairman:* Are you aware that there is a deficiency in the revenue of the Post Office at the present moment, as compared with the expenditure? I think the revenue covers little more than half the expenditure. I think the revenue for last year was £47,000 or £48,000, while the expenditure was something like £81,000.
106. That is exclusive of the English subsidy? Yes. I suppose the whole expenditure amounts to something like £105,000.
107. Can you suggest any means by which the revenue of the Post Office might be increased?

T. K. Abbott, Esq., I can suggest a means, but I am afraid not a very popular one, viz., that some tax should be placed upon newspapers carried by post.

31 Mar., 1862. 108. There would require to be a very large tax on newspapers to make up the deficiency? The number of newspapers sent by post is enormous; I think during the past year it was about four millions.

109. What postage would you suggest might be put on newspapers? I do not think the public ought to object to a halfpenny, and that would increase the revenue considerably; when it was a penny the public complained. The weight of newspapers despatched from the Sydney Office is very great, especially after the arrival of an English mail. The newspapers despatched on one day for the Northern road often weigh over a ton.

110. What is the average weight of the letters? Under half an ounce.

111. You are aware that the average weight of a newspaper is estimated to be two ounces and a-half? Yes.

112. A halfpenny on each newspaper would give but a small increase to the revenue? It would be something.

113. Can you suggest any other means of increasing the revenue? The only other means would be to increase the postage, which, I think, would not be politic.

114. For what reason? It would decrease the number of letters, and the revenue might suffer.

115. You are aware that in Victoria the postage is double the rate that it is here, but the revenue has gone on increasing? On the other hand the extent of Victoria is not nearly so great as this Colony —

116. That is an argument, I take it, in favour of an increase of the postage? For instance, if the postage of letters to Fort Bourke were increased to four-pence or even sixpence, how far would that increase go to defray the expense of a long postal line—say from Wallgett, on the Barwin, to Wentworth, on the Darling and Murray Rivers—established without any idea of profit to the Post Office. The cost is probably not less than £1,000 a year, which the returns for the sale of stamps would probably not amount to £200.

117. *By Mr. King*: Would you suggest a differential postage to apply to those who profit by these long lines, because if a few squatters some thousand miles distant wish to have a Post Office, would it not be fair that they should pay for the accommodation in some proportion to the cost? I think such cases might be met, by allowing the squatters themselves to establish postal lines, and subsidising them; let them establish the communication, and let the Government give so much a year towards the expense, on certificate that the service has been regularly performed; but I do not think it would be advisable for the Government to establish lines with the idea or hope that the public would subscribe to defray in part the expense as suggested.

118. *By the Chairman*: Are you aware what the tariff is at the Melbourne Post Office? I have seen their rates of postage; I think their outward rate of postage is the same as our own, 6d. the half ounce, the inland 4d. and the town 2d.

119. And newspapers 1d.? I was not certain, I thought that merely applied to ship newspapers.

120. As I have just stated, the number of letters in Victoria goes on steadily increasing in spite of these rates—why should it not be the same here if the rates were the same as they are there? I think for our correspondence to increase, we must have an increase of population.

121. Do you think the amount of correspondence has attained its limit? No, but the increase in the squatting districts is necessarily slow.

122. From what you have just stated respecting these country lines, it would appear that the larger proportion of the postal revenue is not derived from the squatting districts? Certainly not, it is derived from the centres of population.

123. Would the number of letters be likely to diminish in consequence of such an increase of the rates of postage? No, I do not think there would be a very great decrease, but the amount of correspondence in the case of the larger towns of the Colony would probably decrease. I know that when our postal rates were enormously high, our revenue then did not amount to anything like the same sum that such rates ought to have commanded, for the reason that they amounted to a prohibition. People did not write unless they were positively compelled.

124. Would the effect be the same, supposing the rate being now 2d. were increased to 3d., which would still be considerably less than the Victorian rate? I do not think it would; but still, I think, if a proper tax were put on newspapers, it would not only have the effect of increasing the revenue in some degree, but would also reduce the cost of contracts. The contractors take into consideration the enormous weight of newspapers they have to carry, and charge accordingly. On the line from Tamworth to Warialda, for instance, they have to employ in some cases three pack horses, besides a horse for the mailman to ride. On the line from Murrurundi to Gulligal representations to the same effect have been received; and on several occasions portions of the mails had to be left behind, because the mailman was not prepared with the number of pack horses required to carry them, owing to the quantity of newspapers they contained. If the weight of newspapers were diminished by the imposition of postage on them, the cost of contracts would be also diminished.

125. Do you think that many persons who now take a newspaper would not do so if they had to pay postage? No; but I think many persons who now send newspapers away to get rid of them, would not pay 1d. on each with the same readiness.

126. If the weight of newspapers would be diminished, so would also the dissemination of the news they contain? That has been the argument for not taxing them. It was considered that it would be a tax upon knowledge. It has never yet been mentioned without calling forth the condemnation of newspaper proprietors.

127. Mr. Dillon is now Postal Inspector, is he not? Yes.

128. When did Mr. Levinge cease to be Postal Inspector? He ceased to be Postal Inspector on the 28th February. T. K. Abbott, Esq.
129. By whose authority was the exchange made? By that of the Minister for Finance. Mr. Weekes in fact directed that Mr. Levinge should exchange, and that such exchange should take place in the department. In the first instance a certain discretion was allowed, but afterwards it was considered that the exchange should take place in the department. 31 Mar., 1862.
130. *By Mr. King*: Was any reason assigned for the exchange? I believe the real reason for the exchange was irregularity on the part of the late Postal Inspector on his last tour of inspection. He occupied a much longer time than the amount of duties he performed warranted, and I believe his explanation was not considered satisfactory by the Treasurer.
131. *By Mr. Knox*: Is Mr. Dillon in town now? He is.
132. *By Mr. Smart*: He has not commenced his duty yet? He has been doing the duty the Postal Inspector always performs when in town, regulating time tables, and other matters relating to the postal service.
133. He has not commenced his inspection yet? No.
134. He was employed in your office previously to the exchange with Mr. Levinge? Yes. Mr. Levinge was also employed in my office before I became Secretary. Afterwards he was employed in the Letter Branch, from thence he was transferred to my office, and subsequently he was appointed Postal Inspector.
135. I think you stated last week that the whole of your clerks were fully employed? I can conscientiously say, I do not think there are any clerks in the whole department so hard worked, and in most cases there is more exacted from them than there ought to be.
136. Are they allowed any time for lunch at all? Merely while they partake of their lunch in the office.
137. They bring it with them? Yes, I think generally they do—merely sandwiches, and with which they generally have a glass of beer each. With regard to the memorandum the Chairman spoke of on Thursday last, I find it has been registered, but I have not yet been able to get it. As to my giving instructions to Mr. Hunt, as Secretary, those instructions are generally retained by Mr. Hunt. They are of almost daily occurrence. Mr. Hunt has nothing to do with the arrangement of postal matters. On all these matters he has to receive instructions through me. Mr. Hunt's department is like a country post office, only that it is of greater magnitude—with this exception, that the country postmasters have to keep their own accounts. On all matters connected with the postal service Major Christie gives his orders, and those orders are carried out by me. I have found one or two cases where I have given such orders. For instance, on the establishment of new Post Offices, Mr. Hunt receives instructions as to the offices with which they should exchange mails, and the mode in which he should send his correspondence to them. This is one I found with regard to the establishment of an iron receiver. It seems in that case Mr. Hunt received instructions as to it. (*Papers handed in*). This is another (*handed in*), where direct mails were ordered to be made up to Eden. Mr. Hunt received instructions in that case. Here is another with reference to the establishment of the Botany Post Office and postal line. (*Handed in*). These are matters of trifling detail, but they are the only ones I could put my hand on. This (*handed in a paper*) is a letter I met with in going through other papers, which may throw some light on Mr. Hunt's claim for precedence. I may say with regard to my duties, that a very large amount of my time is occupied in interviews with the public on postal matters; two-thirds of a day is sometimes lost in interviews with persons seeking information on postal matters. With regard to Mr. Hunt's obtaining assistance from my office, the Chairman told me to bring forward any applications for it; here are a number, one in particular relating to the last mail. (*Handed in*.) You will find from these papers, that on the occasion of the arrival of every English mail, Mr. Hunt has sought and obtained assistance; in some cases to the number of three and four clerks.
138. *By Mr. Watt*: Generally three clerks are required? Two to four. On the last occasion Mr. Hunt asked for four; and after they were sent down he sent two back, and said he would not have them, although the same clerks had been repeatedly employed in the Letter Branch.
139. *By Mr. Knox*: These were Mr. Kebble's clerks the sent back? Yes; the same clerks had been employed repeatedly, and Mr. Nightingale is certainly an intelligent active clerk. These are the papers relating to the making up of the mail for Grafton. (*Handed in*.)
140. *By Mr. Smart*: I see Mr. Dillon initials some of these papers, what is the reason of that? He must have been acting for me at a time when I was absent; Mr. Dillon was senior clerk in my office.
141. *By Mr. Knox*: In Major Christie's absence all letters addressed to the Postmaster General would be opened by you? All letters addressed to the Postmaster General are opened by me whether he is absent or present. It is the first duty I perform every morning. In looking through the papers, I have met with some which, if the Board will look through them, will give an idea of the working of the department, and the system practised with regard to applications for letters. (*Papers handed in*.)

THURSDAY, 3 APRIL, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

| | | |
|-----------|--|------------|
| MR. KING, | \| | MR. SMART, |
| MR. KNOX, | \| | MR. WATT. |

Mr. Thomas William Levinge called in and examined:—

Mr. T. W.
Levinge.

3 April, 1862.

1. *By the Chairman*: You were lately the Inspector of the postal branches in the Colony? Up to the 28th of February last.
2. How long did you fill the office of Inspector? Upwards of three years; I was appointed in November, 1858.
3. What do you consider were your duties as Postal Inspector? I was supposed to be always in readiness to go wherever the Postmaster General might direct me; wherever anything might be wrong to go as directed; to visit certain districts; to see that the proper returns were forwarded; to listen to any complaints that might be made with reference to the performance of the postal service, and to suggest means of obviating them, if possible. I beg to hand in a copy of the Instructions given me when appointed Inspector. (*Vide Appendix A.*)
4. You consider that it was your duty only to visit when you were instructed by the Postmaster General? When I was absent on a tour of duty if anything occurred which I thought it was necessary to be looked after, I would use my discretion to go into it without waiting for orders, if it did not interfere with my special instructions.
5. Do you not consider it your duty to visit all Post Offices, and all the postal lines of the Colony? Of course, but it would be impossible to do it in one year and to do my other duties attendant upon the office.
6. How many days were you occupied during the year 1861—the last year? I cannot state the exact number of days. I was, I think, fourteen days at Black Creek investigating matters there.
7. Let us refer to another year, as you do not recollect that. I see from the Report that you were a hundred and thirty-five days in 1860? Yes.
8. And about the same number in 1861? About the same, probably.
9. How was the remainder of your time occupied? I attended the office daily to arrange the time tables, in connection with which there was a great deal of labour cast upon the office in consequence of some facilities I had endeavoured to give, and which rendered it necessary that the time tables should be re-arranged.
10. The time tables are arranged at the commencement of the year, and continue throughout the year, do they not? They were all altered before the first quarter of 1861.
11. Do you mean that the time of the Postal Inspector is taken up principally in making and altering the time table? In Sydney.
12. Why does he remain in Sydney? He is required to be in Sydney at times. Country gentlemen call upon the Postmaster General for new lines, and when the Inspector is in Sydney he attends at the office to afford information in such matters, in consequence of his knowledge of the topography of the country.
13. Could not the Postal Inspector give that information from any place where he might be travelling? He could; but he would require to be more than man to do it if he were kept constantly on horseback. I have had to ride both day and night.
14. You have travelled a hundred and thirty-five days? Yes; but I have had to do it on an emergency. It depends upon the distance you have to travel. On my last tour I travelled 1,600 miles.
15. In how many days? I was five months on it. I would have performed it in much less time, but I was unwell, as I had had a fall from my horse.
16. Then you do not quote that as very hard travelling? No; but you cannot place yourself in communication with the inhabitants of a district, and ascertain their wants by coming into a town at six o'clock in the evening and leaving the next morning. I travelled by coach whenever the mail was conveyed by coach, as I was entitled to a free seat, and I availed myself of it as much as I could, because there was no provision made for horse travelling. I had always to pay for my own forage.
17. Was it not considered that the salary of £500 included travelling expenses? When I first made application for the appointment, I was under the impression that an arrangement would be made about forage when upon horse lines.
18. Why so—was it not understood that £500 would include travelling expenses? When I first applied for the appointment, I was under the impression that there would be three Inspectors appointed; there were three put upon the Estimates.
19. How many Post Offices are there in the Colony? About 350.
20. How many did you visit in the years 1859, 1860, and 1861? My report is printed with the Postmaster General's Report; you will find it in the last paragraph.
21. It is stated that you visited 70 in 1860—have you during the three years visited all the Post Offices in the Colony? No.
22. Why not? I went where I was directed, except in such cases as those I have referred to when I have visited places to which I have not been directed, and I have gone to some others for the purpose of obtaining information.
23. Do you consider that the duties of your appointment were only to go about where you were told to go? And to use my discretion, and when necessary go elsewhere.
24. Any way you have not visited all the Post Offices in the Colony during the three years you have held the office of Inspector? My duty was not confined to visiting the Post Offices.

I had to see that proper arrangements were made by the contractors, and to suggest new postal lines where necessary.

25. I mean that you have not visited all the postal lines of the Colony? No; I had a great variety of duties to perform, and I may mention in illustration of the interest I took in the improvement of the means of communication here, that the first American coach which ran upon the roads of this Colony was introduced by myself. I was at Port Phillip on leave of absence, being the only one I had had in ten years, and a contractor gave me a *carte blanche* for the purpose of enabling me to introduce any improvements in mail vehicles I might see there.

26. Can you conceive the use of a Postal Inspector if he does not visit all the lines? Yes. I think there has been a great improvement since that appointment has been made, and I can now give an opinion impartially, as I am no longer Postal Inspector. The appointment of an Inspector made the contractors look up and improve their arrangement, and this was the result not so much of the actual surveillance exercised as of the fact that such an officer was in existence and might come upon them at any moment.

27. That was all the advantage? That was an advantage, but there was this further advantage, that suggestions were made for the improvement of the service.

28. There were suggestions with reference to some roads, of course? Yes. There are seven such officers in Ireland, in a small country, while here, in a country nearly as large as Europe, there is but one.

29. What is the speed at which mails are conveyed? The average is not more than four miles and a-half an hour; that is doubtless capable of great improvement; but it is a very difficult thing to move a mail contractor. I made the most strenuous efforts to get a more rapid rate of travelling.

30. Why has there not been more rapid travelling? There are several reasons for it; one is, that the contracts put in are very often too low, for the tenders are often made from a spirit of opposition, by persons who are more anxious to prevent others from getting the contracts than to get them themselves.

31. Does the contract specify the time in which the mail shall be conveyed? One of the conditions of the tenders states that the postmaster shall not oblige the contractor to travel at more than eight miles an hour, but it does not state the minimum rate. There are roads over which the mails cannot travel more than four miles an hour.

32. Where? On the Southern Road, at the Jugiong Hill; that was the case there, but it is now better, as the hill is avoided.

33. That is to say, that for perhaps five miles of a road you could not travel at more than five miles an hour, what is to prevent the mails from going the rest of the road at eight? The chief reason is that the vehicles are not sufficiently horsed, and there are not sufficient relays.

34. Would it not be the duty of the Postal Inspector to look to that? The contracts are too low.

35. Is it not the duty of the Postal Inspector to see the contracts properly carried out? It is, and I did so, so far as was in my power.

36. Can you assign any reason why the mails should not be conveyed at the rate of eight miles an hour? On some of the roads it would be impossible.

37. On which line of road is it impossible? On the Bathurst line it is impossible for the mail to travel eight miles an hour with safety, because the mail travels at night along a great portion of the road. Even in daylight there are parts of the road where that rate of speed could not be maintained.

38. When a letter leaves Sydney at five o'clock, at what time does it reach Bathurst? The mail now leaves at two o'clock.

39. When does it arrive at Bathurst? The next day at three o'clock in the afternoon. The distance is 120 miles.

40. You are of opinion that it could not be conveyed at a more rapid rate—I am now referring to that particular mail line? I think that is quite as much as the contractor can do, taking all weathers, to keep it punctual. There are some roads which are wonderfully good, and where the horses are in good order, upon which a higher speed might be attained, but as a general rule I think that is a fair rate.

41. You refer to the roads being in good order, are you aware that in Victoria they have a summer and winter rate of travelling? I am aware that they have a summer and winter time table. When I was on my visit to Victoria I took notice of these things, and gained all the information I could with reference to the department, and on my return I suggested the adoption of this system.

42. Why should it not be carried out here? It was, and was abandoned. The difficulty here arises from the uncertainty of the seasons. When the experiment was tried here, the seasons appeared to be reversed—in the winter we had summer weather, and *vice versa*; and as there is a break of gauge, if I may use the term, between the main and branch lines, when the time table is changed at the beginning and end of winter great confusion is caused from one end of the line to the other. No doubt a great deal of this arises from the mail arrangements of the contractors.

43. What is the advantage of a Postal Inspector if he does not remedy these evils? A Postal Inspector cannot be all over a country as large as Europe; if he is at Moreton Bay, he cannot be present and know what is going on at Bathurst or Goulburn.

44. Certainly not, but 135 days seems to be rather a small number of days out of 310 to be travelling; if the Postal Inspector instead of 135 had been travelling 270 days he could probably have visited more places? During the first year I was travelling more than that, but the fact of having to attend to other business of my office in Sydney prevented me travelling more.

- Mr. T. W. Levinge.
- 3 April, 1862.
45. Mr Dillon is now the Postal Inspector, is he not? Yes.
46. And you are now employed in the Secretary's Office? I have gone back to my old appointment. He succeeded me as senior clerk and correspondence clerk.
47. By whose authority was the exchange made? By direction of the Minister for Finance and Trade; he recommended that I should exchange with some qualified person in the department, and I considered that Mr Dillon was one of the best qualified persons.
48. What are the hours at which you are engaged now? In the corresponding branch from nine to four, sometimes till five or six, and I have frequently taken home papers with me that require consideration.
49. Is Mr. Dillon now in Sydney? He is; he is engaged now in other business of his office.
50. *By Mr. Smart:* Are not the tables of the present year made up? There is one table which is revised every month, the arrival and despatch table, and there is scarcely a day in the week in which there is not a remonstrance from some one. In these cases, the Postal Inspector is the person to refer to; and I may say that during the period I was Inspector I was harder worked than at any period from the time I was engaged as extra clerk until I was appointed senior clerk of the branch where I now am.
51. *By the Chairman:* You say that you consider Mr. Dillon was the best qualified person you could recommend to the Secretary for Finance and Trade—what were his particular qualifications? His general knowledge of the postal department. Postal Inspector is almost a misnomer, as that officer is in fact a sort of instructor to the postmasters and contractors; he is required to teach them. Mr. Dillon was sometime in the London Post Office, and is very conversant with everything connected with Post Office matters, as much so as any gentleman in the office, and more so than many.
52. Would you consider remarkable activity, energy, and ability to ride a long time on a stretch in case of need qualifications for such an office? I possess those myself, and yet I did not give satisfaction.
53. I am not asking you as to your qualifications; my question refers to Mr. Dillon? I do not know that he does not possess them.
54. Do you know that he does? I do not; but he has been on one tour of duty to Wallgett, and I believe he performed that very satisfactorily to the Postmaster General. That was before my appointment.
55. Did you ever make any suggestion for the improvement of any of the lines you travelled over? I did, but I cannot quote the particular instances from memory. I may refer to the case of the Carcoar line. I accelerated the table there, but no sooner was it done than some influential person interfered, and we had to go back to the old table.
56. Did persons like their letters to be a longer time on the road—was that the reason? The contractors manage to get a certain amount of influence, and they get people to sign a memorial that they are satisfied with the late arrival.
57. Can you point out any instances of any parties being anxious that the mails should be delayed instead of accelerated? Yes. The Carcoar mails arriving at Bathurst from Sydney at three or four o'clock remain till the next morning. I proposed that they should go on. A proposal made by me, that the Orange mail should be sent on, also met with opposition.
58. Will you state from what parties the opposition arose? The Board can obtain the papers. With reference to Carcoar I think there were some influential residents, and among others Mr. Icely, who pointed out it was no benefit in consequence of the mail arriving at Carcoar without the Bathurst mail. The error arose not from any blunder in my time table, but from the contractor not doing his duty.
59. What power does the Post Office exercise over contractors who fail in doing their duty? The contractors give security for double the amount of their contracts, and are liable to a fine of 30s. an hour for overtime, with the exception of the first ten minutes; for the first hour the contractor would be liable to a fine of £1 5s.
60. Do the Board understand you to say that the postmaster has the power to compel the contractors to convey the mails at the rate of eight miles an hour all over the country? No, he has not, as I read it.
61. How do you read it? That he shall not have the power to compel him to travel at a higher rate, but it does not state the lower rate.
62. If there is no limit the contractor may as well then travel at one mile an hour as two or three? He is bound to travel by a time table.
63. Does not that regulate the speed at which he shall travel? The average speed is not more than five miles an hour for the whole Colony, though on some roads it is under four.
64. Can you assign any reason why that speed should not be greater under present contracts? I think, considering the present state of the roads and bridges, it ought to be greater. The only reason I can assign for not being done is this, that if we look for a higher rate of speed, they would look for a higher amount of remuneration.
65. What would be the extent of the higher amount of remuneration they would be likely to require—how much per cent.? I think it would make a difference of at least fifty per cent., if not more.
66. To increase it from five miles to what? From five to seven miles all through.
67. That would require an increase of fifty per cent.? I think so.
68. Both by coach and horse? A horse mail cannot possibly travel as fast as a coach.
69. How fast can a horse mail travel? Five miles an hour is, I think, pretty fair for a horse mail; a coach may travel up to seven.
70. What is the reason a horse mail cannot travel so fast as a coach mail? You can drive a good trotting horse from this to Liverpool, or from this to Campbelltown, and trot him all the

the way, but you cannot ride him so fast, particularly if he has a mail to carry. Sometimes the mailmen have to carry two or three mail bags, and these are very cumbersome.

Mr. T. W.
Levinge.

71. My own experience is that I could travel with saddle bags six miles an hour easily, and I have done it frequently. What is the reason that the mail cannot be carried at the same rate? You have had a superior class of horse to what these people employ.

3 April, 1862.

72. Then they have only to obtain a superior class of horses to accomplish the same result? Yes.

73. The question I ask you then is, would an extra payment at the rate of fifty per cent. enable them to do this? Yes, and should provide them with relays both for horse and coach mails; now they hardly ever dream of relays for a horse mail, they ride a horse as far as he will go.

74. The expense, which is now £45,000 for the conveyance of mails, would then be £22,000 more? I think so.

75. For that difference the accelerated speed could and should be obtained? It should be obtained; there would be nothing to prevent it if proper carriages were used. The mail is conveyed much more rapidly in Victoria than here; but there they pay much higher rates.

76. You consider the postal lines you have visited to be as well arranged as possible? To say as well as possible would be rather like egotism on my part. I have done my best to make them as well as possible.

77. As direct and affording as large an amount of convenience to the public as possible? I have endeavoured to make them so, but local interests have sometimes interfered.

78. You are now in the Correspondence Branch of the Post Office? I am.

79. You were there before you became Postal Inspector? Yes, I was only about three months in the office when I was placed in charge of that branch by Mr. Merewether, when Mr. Raymond was Secretary.

80. Do you consider that the arrangements of that department could be in any way improved? The greatest improvement would be better accommodation, and another clerk.

81. How many clerks are there now? Six, including myself.

82. You think six, including yourself, are not sufficient for that department? I do, considering the extraordinary amount of correspondence in our branch, and the variety of work we have to perform. The bonds and other documents are drawn up in our office, which in other departments, I am under the impression, would be sent to the Crown Solicitor.

83. These are all printed? The forms.

84. Then they require only a few figures and names to fill them up? They involve a great deal of work, and occupy a great deal of time.

85. The accommodation you say is not sufficient in your department? Not at all.

86. You are of opinion that if the accommodation were improved you would still require another clerk? Certainly; but the work would be better done even with the present staff, and we should be able to get through it with much greater satisfaction to ourselves and the public.

87. I ask you whether with better accommodation you would still require another clerk? Unless other arrangements were made.

88. Then what is the use of improved accommodation? Even with an extra clerk we want improved accommodation. We want both; either alone would be only one step in the right direction.

89. Are the clerks in your office satisfied with their position? I have not heard much dissatisfaction among them, in fact I have heard none, excepting that they always look very anxiously for promotion, and if they do not get it, they feel a little disappointed if some one else does. I think a system of notice or encouragement, in some way similar to that which prevails in the English Post Office, would be an advantage. If encouragement were given to those gentlemen who suggest improvements, it would make them more zealous and anxious to benefit the service.

90. Can you, from your tours of inspection, give the Board any idea what proportion the letters taken by the inland mail bore to the newspapers—what was the relative weight of newspapers and letters? I should say that the letters were not one-fiftieth, or less than that.

91. Do you mean to say that the weight of the newspapers was fifty times greater than that of the letters? I am giving you merely my impression, but if the Board desire it I will furnish them with a memorandum upon the subject.

92. Will you do so, and forward it to the Board? I will. (*Vide Appendix B.*)

93. I suppose, considering the limited speed, that the arrival of mails throughout the Colony is pretty regular? On some lines it is; it depends a great deal upon the energy of the contractor. It is not so bad, all things considered, as might be expected. In bad weather the mails are very irregular sometimes, but these things are very much magnified. There is unquestionably great room for accelerating the speed of the mails, but the increased expense that would be involved has checked it.

94. Does a good feeling prevail among those employed in the Post Office in Sydney? So far as the majority of the officers are concerned. I am myself, personally, on friendly terms with all the officers in the place.

95. That is not answering the question, you are speaking individually rather than generally? There is a want of cordiality among some parties, among the chiefs, which more or less affects those under them.

96. Am I to understand you to mean that, in consequence of the want of cordiality among the chiefs, there is not the cordiality there should be among the subordinates? There is a certain distance observed among the others for fear of giving offence.

97. There is not the alacrity to assist each other in the public work there should be? No.

98. *By Mr. Knox:* When did your exchange with Mr. Dillon take place? On the 1st of March.

99.

- Mr. T. W. Levinge.
3 April, 1862.
99. You were Postal Inspector up to that time? Yes.
100. Any alterations that have been made since that time have been made by him? They were made by me, but for the last month I was engaged in winding up various matters which had arisen in the course of the three years of my office.
101. Were you acting at the time the alterations were made at Queanbeyan? I was, and I objected to them.
102. Did you not make these alterations? I did, by direction.
103. By direction of whom? Of the Postmaster General. Mr. Roberts, the contractor, was persevering in the matter; he represented that the alteration was requisite, that it was impossible he could carry out his contract unless the change were made, and I was directed to make the best time table I could. I did so, but at the same time I pointed out that the changes Mr. Roberts required would involve changes upon eight other lines.
104. Did the change originate with the contractor? The proposition to make the change originated with Mr. Roberts; he stated he could not perform the contract unless the changes were made.
105. There was no wish expressed on the part of the public to have these alterations made? None.
106. Are you aware of the alterations that were made with regard to this? There was only one day changed, and that was in what we called the up-country mail, from Thursday to Wednesday, and the consequence was, that it involved changes in eight lines, and gave me a great deal of work to make it fit. It is a difficult thing to make a time table fit, for the mails do not keep railway accuracy.
107. Do you think the arrangements on that line are as satisfactory as they were before these alterations were made? I think they are more so for the contractor.
108. More satisfactory to the contractor, but not to the public? Yes.
109. Will you state the exact nature of the alterations, and how they affected all these lines? Yes. I will forward a statement to the Board. (*Vide Appendix C.*)
110. Was it your duty to give official intimation to the different postmasters of these alterations? It was my duty to arrange with the postmasters.
111. To give notice to the postmasters? No; I sent to the Secretary.
112. You would not give them verbal notice? No, unless when travelling. If there were a blunder, if a mail went earlier, or later, than it should, I corrected it, and reported to the office that I had made the change.
113. Are you able to inform me how it was that the postmaster at Goulburn was not informed for fourteen days of the change? Because it was not considered necessary, as there is a daily mail to Boro, the junction at which the mails to Queanbeyan and Braidwood meet; and it is the practice in the Sydney Office to send a forward mail, daily, wherever there is a daily post.
114. Still it would be necessary for correspondents in Goulburn to know on what days they should send to Queanbeyan and Collector? It was the postmaster's want of discretion, and I could not calculate upon that. Any other postmaster than himself would not have made the mistake; besides, the mail contractor told him.
115. Should he receive his instructions from the mail contractor? No; but if he saw there was an alteration he should have telegraphed up to us, and made inquiry, and not have allowed this evident irregularity to go on for fourteen days. Still I admit that there was a *lache* on both sides.
116. The sole cause of the alteration was the wish of the contractor? Yes, and the representation made by him that it was impossible to carry out the contract without it.
117. *By Mr. King*: Was he supported by local influence? I should say he could command a great deal of it.
118. *By Mr. Watt*: That alteration affected other contractors? It affected eight others; I pointed that out.
119. Did you consult them? No; we do not always consult them; the Postmaster General decides upon the subject.
120. Then for the convenience of Mr. Roberts you ordered eight other contractors to alter their arrangements? It amounted to that; it was not done with that view.
121. That is the fact—that there were eight other contractors whose convenience was not consulted at all? That is precisely what it amounts to.
122. Did it appear to be for the public advantage in any way? It did not appear to be so disadvantageous as it turned out.
123. Did it appear to be an advantage in any way? Yes; the Genninderra line, respecting which there was some agitation, was arranged by myself to give Queanbeyan the advantage of two more mails, but in consequence of the people wishing to have local information, they preferred going back to the old table. The Boro and Bungonia is the proper line decidedly to send anything from Sydney, the shortest and best road.
124. *By Mr. Knox*: That is the line they had before? Yes, that was the line they had three times a week. The Genninderra line was more important some time ago when the Kiandra diggings were in full operation. There is a place called Lanyon, at a short distance from Queanbeyan, through which there was a great deal of traffic.
125. *By Mr. Watt*: Do you think there would be any difficulty in arranging the rates of speed on different roads—for instance, might there not be one rate from Sydney to Goulburn, another from Goulburn to Queanbeyan, and so on as the road becomes worse? Not the slightest, but in order to do that you should give the Postal Inspector greater power than I had; he should have the power instead of reporting of making the changes he might deem desirable.
126. Do you think there would be any difficulty in deciding that mails should travel at a particular

particular rate of speed on a particular road, having one rate for winter and another for summer? No, but the great objection is the confusion that would occur at the change of time.

127. There surely need be no confusion? I think to prevent it the contractors would require a greater amount of supervision than the service would pay for.

128. An active Postal Inspector could tell at what rate of speed the mail should travel over a particular line of road? No one would be more capable, as he of course has to travel both by day and night. I have myself travelled over a road in the daytime to see its state that I would not like to ride over at night.

129. When the rate at which the mail could travel has been ascertained, there would be no difficulty in inserting that in the contract? Certainly not; it might be stated not higher than eight miles an hour nor less than so-and-so.

130. That would tend to regularity throughout the country? Certainly.

131. Would it involve more trouble to the Postal Inspector? Yes, he should be a man having the requisite energy.

132. *By Mr. Knox:* Are there any Postal Inspectors in Melbourne? When I was there, five years ago, there was one, and he had an assistant. He had, if I recollect rightly, a salary of £700, and was allowed £300 a year for travelling expenses; his assistant had £300 a year and nothing for travelling expenses; but when the Inspector was at home, if anything occurred he sent his assistant, whose expenses were paid out of the £300 voted for travelling. He had the same facilities as I had, a free seat in the mail; but besides that he was allowed a guinea a day. I had only a free seat in the mail, and where there was no coach I had to pay my own expenses; and I was at very great expense when travelling in the Queensland country for forage for horses and so on.

Mr. T. W.
Levinge.

3 April, 1862.

APPENDIX.

A.

INSTRUCTIONS for the Postal Inspector, as approved by the Honorable the Colonial Secretary.

1.—COUNTRY POST OFFICES.

The Postal Inspector, in visiting the various Post Offices throughout the Colony, will make strict inquiry and examination into the efficiency of the Postmasters, and their mode of performing their duties, as prescribed by the Post Office Regulations and the Postal Enactment of the Colony.

He will carefully examine the books and stamps in use, and see that the former are properly kept and the latter in good order, and the date stamp changed daily.

He will further see that the registered letters are securely kept, that the requisite notice as to unclaimed letters is made, and that unclaimed letters, after being detained the period required by law, are transmitted to the General Post Office.

He will see that the way bills are carefully despatched and delivered by the mailmen on receipt of the mails, as also find out the number and condition of the mail bags in hand at each Post Office.

He will examine the receiving boxes, and see that they are secure; and will insist on a portion of each Post Office building being entirely set apart, where practicable, for the business of the office.

He will make inquiry of the residents in the different parts as to complaints of postal irregularities, and will ascertain whether there are just grounds for such complaints; and finally, will make his suggestions to the Postmaster General as to any changes in postal arrangements that he may deem conducive to increased efficiency in the Department.

2.—CONTRACTORS AND MAILMEN, &c.

The Postal Inspector will make himself familiar with the agreements entered into by the mail contractors, and see that they are carried out.

He will make report as to the conduct and character of the mailmen, as to the efficiency of the vehicles, horses, and harness employed, and inquire whether the mail bags are fully secured from injury from wet or otherwise.

3.—INTERNAL COMMUNICATION.

The Postal Inspector will ascertain whether any changes in the direction of postal lines are advisable, and report as to the possibility, with advantage to the public, of discontinuing those in operation, or of establishing new ones.

He will make separate reports as to the state of roads, bridges, punts, ferries, &c., when the urgency of the case demands, that a special representation on the subject should be addressed to the Minister of Lands and Public Works.

4.—REPORTS AND RETURNS.

The Postal Inspector will be directed by the Postmaster General to make such special or periodical tours of inspection as may be found expedient, and will keep a journal during such tours, in which he will enter the distances travelled by him, the various stages, the details of the Post Offices visited, together with such remarks as to the performance of mail contracts and postal duties as may be necessary for the information of the Post Office Department.

After every journey so taken he will, with as little delay as possible, transmit such journal, or a copy thereof, to the Postmaster General, together with his remarks and suggestions.

He will forward to the Postmaster General on the fifteenth day of every month, or as soon after as the nature of his duties will permit, a report of the late arrival and other irregularities connected with the Mail Inland Service which have been brought under notice during the preceding month, giving suggestions as to the course to be pursued with reference thereto.

In cases in which the Postal Inspector has been specially despatched to the country he will transmit to the Postmaster General, from the spot, an immediate and detailed report of the results of his inquiry.

At all times, and more especially when in Sydney, he will be required to make reference to the Postmaster General from day to day as to postal irregularities, changes in postal lines, mail contracts, or time tables, where such require immediate attention and decision.

1 January, 1859.

B.

Mr. T. W.
Levinge.

3 April, 1862.

B.

I was in error when I stated the weight of newspapers in the Mails was 50 times greater than letters; I should have said 5 times.

T. W. L.

15 April, 1862.

C.

PROPOSED TIME TABLE for the CONVEYANCE OF MAILS to and from Sydney and Cooma, to come into operation on and from the 1st of March, 1862:—

| POST OFFICES. | Monday. | Tuesday. | Wednesday. | Thursday. | Friday. | Saturday. | Sunday. |
|--------------------------|-----------|----------|------------|-----------|-----------|-----------|---------|
| Leave Sydney | 5 p.m. | .. | .. | 5 p.m. | .. | 5 p.m. | .. |
| Arrive at Goulburn..... | .. | 5 p.m. | .. | .. | 5 p.m. | .. | 5 p.m. |
| Leave | .. | 8 " | .. | .. | 8 " | .. | 8 " |
| Arrive at Boro..... | 1 a.m. | .. | 1 a.m. | .. | .. | 1 a.m. | .. |
| Do. Bungendore | 5 " | .. | 5 " | .. | .. | 5 " | .. |
| Do. Queanbeyan | 9 " | .. | 9 " | .. | .. | 9 " | .. |
| Leave | 10 " | .. | 10 " | .. | .. | 10 " | .. |
| Arrive at Michelago ... | 4 p.m. | .. | 4 p.m. | .. | .. | 4 p.m. | .. |
| Do. Bunyan | 11 " | .. | 11 " | .. | .. | 11 " | .. |
| Do. Cooma | .. | 1 a.m. | .. | 1 a.m. | .. | .. | 1 a.m. |
| On Return,— | | | | | | | |
| Leave Cooma | .. | 6 p.m. | .. | .. | 6 p.m. | .. | 6 p.m. |
| Arrive at Bunyan..... | .. | 7 " | .. | .. | 7 " | .. | 7 " |
| Do. Michelago | 1 a.m. | .. | 1 a.m. | .. | .. | 1 a.m. | .. |
| Do. Queanbeyan | 8 " | .. | 8 " | .. | .. | 8 " | .. |
| Leave | 9 " | .. | 9 " | .. | .. | 9 " | .. |
| Arrive at Bungendore.... | Noon. | .. | Noon. | .. | .. | Noon. | .. |
| Do. Boro | 3-30 p.m. | .. | 3-30 p.m. | .. | .. | 3-30 p.m. | .. |
| Do. Goulburn | 9 p.m. | .. | 9 p.m. | .. | .. | 9 p.m. | .. |
| Do. Sydney | 5-30 a.m. | .. | 5-30 a.m. | .. | 5.30 a.m. | .. | .. |

This Table is in accordance with Mr. Roberts' request in his letter of 15th December, and although only one day is changed, it will cause changes in the following Tables:—Goulburn and Queanbeyan *via* Collector, &c.; Bungendore and Molonglo; Queanbeyan and Lanyon; Cooma and Kiandra; Cooma and Buckley's Crossing-place; Jegizrick and Jindabyne; Cooma and Bombala; Bombala and Delegate; Bombala, Cathcart, Pambula and Eden—9 contracts, only 1 of which Mr. Roberts is contractor for. Mr. Roberts, when here in town, wanted further alterations than asked for in his letter of the 15th December. I have gone over the Tables carefully, and I cannot meet his views without detriment to the public and entailing changes to which other contractors might fairly object.—

T. W. LEVINGE. 25 January, 1862.

Mr. Roberts is satisfied with this Table.—T. W. LEVINGE. 5 February, 1862.

Amended Time Tables sent to,—

Postmaster Bungendore and Molonglo, and Contractor Williams; Postmaster Cooma, Adaminiby, Russell's, and Kiandra, and Contractor W. McGregor; Postmaster Jindabyne, and Contractor Francis; Cooma and Buckley's Crossing-place, and Contractors Francis and Walsh; Bombala, Delegate, and Contractor Read; Bombala, Cathcart, Pambula, and Eden, and Contractor W. McGregor; Cooma, Nimitybelle, and Bombala, and Contractor Wm. McGregor.—19th February, 1862.

Queanbeyan, Lanyon, and Contractor Hutchison; Queanbeyan, Michelago, Bunyan, and Cooma, and Contractor Roberts; Boro, Bungendore, and Queanbeyan, and Contractor Roberts; Goulburn, Collector, Gundaroo, Ginninderra, and Queanbeyan, and Contractor Roberts.—20th February, 1862.

Thomas Richards, Esq., examined:—

T. Richards,
Esq.

3 April, 1862.

1. *By the Chairman:* You are the Government Printer and Inspector of Stamps? Yes.
2. What checks have you upon the stamps that are printed here? I keep the paper in this safe. (*The witness went to the safe referred to, and produced therefrom a blank book.*)
- Each book contains a certain quantity of paper. I issue them to the printer, and he returns to me the printed sheets of stamps every afternoon.
3. What do you do with these stamps when they are printed? I lock them up until required for issue.
4. How do you deliver these stamps? Upon requisitions from the Postmaster General.
5. Upon his signature? Yes.
6. You deliver them to whom? To Mr. Reeve, the clerk in charge of stamps. He comes here for them, counts them, and takes delivery from me.
7. Have you one of those requisitions here? I have. (*The witness produced a requisition.*) That is the last I received.
8. You issued that quantity to Mr. Reeve? Yes.
9. Do you not receive from the Post Office returned stamps? Yes, I repay the Post Office for stamps which have been purchased from the public.
10. You purchase from them? Yes.
11. In saying that you purchase them, do you mean that you pay for them? Yes.
12. Do you pay for them at a discount or at a par rate? At a discount. That is my letter of instructions on the subject. (*The witness handed the same to the Chairman.*)
13. It appears from that letter that you destroy these stamps when you receive them? Yes.
14. And that you have instructions so to do from the Secretary for Finance and Trade? Yes.

15. Is there any object in destroying the stamps? It was thought that bringing them into re-issue would be more expensive than printing a similar number.
16. Why? Because it would entail a certain amount of clerical labour to bring a number of small parcels of stamps into account. It was also thought that the stamps issued by me should be perfectly clean, and stamps passing through such a number of hands from the time of issue to their return, were likely to become soiled.
17. Can you conceive any object in purchasing the stamps at all? I have not thought much about the matter. I fancy some other system might be adopted which would be better; that some medium might be prepared for the purpose which would be less expensive in the preparation than postage stamps.
18. There is no reason why they should not send money orders? No reason that I can conceive. I think a money order system would be better.
19. *By Mr. King*: You receive the stamps at a discount under these instructions? Yes.
20. *By the Chairman*: The Postmaster accounts to the Audit Office for these stamps that you issue? I do not know what system is pursued at the Post Office; I account to the Audit Office for the issue of stamps to the Postmaster General.
21. *By Mr. Smart*: How do you account for the stamps that come in—by your own cheque upon the Bank of New South Wales? Yes, I have a credit.
22. And you give your own cheque for the amount you receive, less the discount? Yes.
23. How often, and in whose presence, are the returned stamps destroyed? They are destroyed monthly, in the presence of the Chief Clerk of the Audit Office, of the Accountant, and of myself.
24. The Accountant of your own department? No; the Accountant of the Audit Office.
25. Have you any of these stamps on hand now? I have none on hand which have been received under the discount system.
26. What is the amount of your credit at the Bank of New South Wales, generally, as the Inspector of Stamps? £100 a month.
27. And more, I suppose, if you should require it? Yes.
28. Do you find the stamps returned to you soiled and unfit for use? I have not examined them particularly for that; I have merely had them counted to see that the number was correct.
29. *By Mr. Knox*: I see there is a distinction in this letter—some of the stamps it appears are to be paid for at the full value and some at a discount—It says, "With reference to the regulations for the exchange of postage stamps for cash, I do myself the honor to inform you that it has been decided that all stamps remitted by country postmasters to the Postmaster General, as money, shall be paid for by you at their representative value?" Yes. Stamps remitted by country postmasters are paid for at their full value.
30. The paper used for the stamps—does that come from England? Yes.
31. How is that ordered? By the Treasury. I prepare a demand for a certain number of books, transmit it to the Treasury, and it is then, if approved, sent to England.
32. A certain number of books containing how many sheets? 150 leaves.
33. By whom are these books issued? By the Storekeeper.
34. Upon your requisition? Upon my requisition.
35. You issue them to the printer, and make him account for the number you have issued? He brings me every evening the printed sheets of stamps.
36. Would there be anything to prevent the printer striking off stamps on common sheets of paper? I am so near to him, and visit the printing room so frequently, that there is little danger of any such attempt being made. There is only that door between me and the press. (*Referring to the door leading from the office to the printing room.*)
37. That is the only check? Plain paper is not allowed to be taken into the stamp room.
38. He might bring paper with him—of course I am speaking only of the possibility of the thing? Yes, it is just possible. The water-mark is, however, a good safeguard. Stamps printed on plain paper would be detected by a printer, or person accustomed to such matters, immediately.
39. Would he after the stamps were gummed on to a letter? No, that would be difficult. I may state that I have just purchased an Indicator, which, when attached to the press, will shew the number of revolutions of the cylinder, and, consequently, the exact number of impressions. Besides these precautions, I am always at hand.
40. Do you never leave? Occasionally.
41. Do you lock the printing room when you go out? I leave it in charge of the Superintendent, whose office adjoins mine.
42. What are the hours of the stamp printers? From nine to four or five o'clock.
43. *By Mr. King*: Are they wholly occupied in printing stamps? Yes.
44. Their time is wholly taken up in that? Yes; the number of stamps printed is very considerable now—it is increasing very much.
45. Have you a return of them? Yes, I have returns of them from 1857 to 1861. (*The witness handed in the same.*)
46. *By Mr. Smart*: Have you a return of the number destroyed during those years? No, I have not; but it is not very considerable—something like £700 value.
47. In the five years? No; during the last three years. I have not held the office five years.
48. Will you state the amount you have paid during the three years? ———
49. *By Mr. Knox*: During the last two years your issue has been about £51,000? That was for 1861.
50. And for 1860? It was £53,000.
51. There must be a large stock held by the public? Yes, and by the postmasters throughout the country.

- T. Richards,
Esq.
3 April, 1862.
52. *By the Chairman* : Do you keep a large stock here? No, by no means large; it has been as much as I could do to keep up the supply. I have now, however, a new twopenny plate, which gives me double power; it contains 240, instead of 120, heads.
53. *By Mr. Smart* : What check is there upon the amount you receive and issue; how often are your accounts checked—once a year? Once a month. Here is the last account. (*Handing an account to the Board.*)
54. That is the account you furnish to the Auditor General? Yes; it is accompanied by the butts of the printed books.
55. You return the butts to the Auditor General at the end of the month? Yes. I also make a return to the Treasury in this form. (*Handing a return to the Board.*)
56. *By Mr. Knox* : The Storekeeper also makes a return? Yes.
57. *By Mr. Smart* : There is no person appointed by the Auditor General to take stock? No, I furnish an attested statement, and the Secretary of the Treasury has power to come and inspect at uncertain times, and he does so. I also furnish this return to the Audit Office, shewing the number of books I have on hand. (*Handing the same to the Board.*)
58. *By Mr. Knox* : The Storekeeper makes a return of the number of books issued to you—is his stock counted? I am not aware. I imagine it is checked by the invoices.
59. Are you aware of the mode adopted in England to insure the best amount of security in printing off stamps to guard against forgery? No, excepting that they use water-marked paper of the best quality, and have the finest engraving for their plates. I believe there has never been known a case of forgery of postage stamps. Nor is there much danger of it, for the simple reason that it could not be made to pay. It would be no easy matter to get a large number of stamps exchanged for cash; besides, the forger would have to go to a great expense, not only to engrave the plate, but also to make his own paper and ink. The ink with which postage stamps are printed differs from ordinary printer's ink—it is called "fugitive ink," and prevents the obliterating mark being removed without destroying the stamp itself.
60. *By Mr. Smart* : What course does the Secretary for the Treasury take when he makes these periodical visits—does he take the stock then on hand? He took an exact account of the stock when the department was handed over to me, but generally he inspects the office and safes, and looks over the books.
61. Does he count all the stock you have on hand? He does not always count the sheets.
62. Then, in point of fact, there is no check upon your amount? It is not a very minute check, but by looking into the safe you will see —
63. When the Secretary comes he cannot say whether you have in account the stamps you had on hand the previous month? He would form a good idea by looking into the safe.
64. Does he count those that are being printed and gummed? No.
65. He takes no account of the stock on hand? No, only in the way I have stated.
66. The balance of your return at the end of the month is not checked in any way by any officer—the stamps are not counted, your statement is taken as correct? Yes.
67. *By Mr. Watt* : All the stamps, I understand, are taken by you at an uniform discount of five per cent.? There are stamps returned on which no discount is charged. Such as are remitted to public offices as revenue.
68. Those received as revenue are not subject to discount? They are not.
69. *By Mr. Smart* : How long have you been here as Inspector of Stamps? Since June, 1859.
70. Nearly three years? Yes.
71. How many visits have you had from the Secretary to the Treasury during that time? About six.
72. And on no occasion during this time has he ever counted the stamps? He has not counted the sheets.
73. *By Mr. Watt* : From the returns you have handed in, you would seem to have a large balance accumulating every year? It does not accumulate; the balance on hand is brought forward every year.
74. *By Mr. Smart* : About what amount would you consider to be a fair amount to have in stock? I always like to have a fortnight's supply in stock.
75. What amount would you require for that? A fortnight's supply for March would have been about £2,000 value.
76. You think that would be a fair stock to have on hand? Yes; I have a larger stock this month.
77. *By Mr. Knox* : Your stock was in reality £2,800? Yes; it is intended to take the press to pieces and to put it in repair, and of course during that time there will be no printing, so we have been working up as much as possible.
78. *By Mr. Smart* : You destroy the stamps once a month? Yes, they go in with the accounts to the Auditor General.
79. And they are destroyed in the Auditor General's Office? Yes.

APPENDIX.

T. Richards,
Esq.

3 April, 1862.

A.

STATEMENT of Postage Stamps received from Public Departments, to which they have been remitted as Revenue, and payment for which has been made out of advances from the Colonial Treasury, from 1857 to 1861 inclusive.

| YEAR. | 1d. | 2d. | 3d. | 5d. | 6d. | 8d. | 1s. | 5s. | Register. | TOTAL. | VALUE. |
|-------|-------|--------|-------|-----|--------|-------|--------|-----|-----------|---------|--------------------|
| 1857 | 2,052 | 13,942 | 1,379 | 2 | 3,120 | 677 | 1,896 | .. | 305 | 23,373 | £ s. d. 345 0 1 |
| 1858 | 2,318 | 11,321 | 769 | .. | 3,756 | 389 | 2,414 | .. | 325 | 21,292 | 349 3 7 |
| 1859 | 1,273 | 14,869 | 519 | .. | 3,800 | 377 | 2,989 | .. | 105 | 23,932 | 392 16 10 |
| 1860 | 1,704 | 11,193 | 114 | 2 | 3,398 | 282 | 3,028 | .. | 183 | 19,904 | 352 3 8 |
| 1861 | 2,388 | 16,390 | 301 | 280 | 4,696 | 475 | 2,716 | 15 | 225 | 27,486 | 434 10 7 |
| | 9,735 | 67,715 | 3,082 | 284 | 18,770 | 2,200 | 13,043 | 15 | 1,143 | 115,987 | 1,873 14 9 |

B.

STATEMENT of Postage Stamps received from the Postmaster General, under the Regulations of 1861, and paid for by the Inspector of Stamps.

| DATE. | NUMBER AND DESCRIPTION OF STAMPS. | | | | | | | | | GROSS VALUE. | AMOUNT PAID. |
|-----------|-----------------------------------|-------|-----|-----|-------|-----|-------|-----|--------------|--------------|--------------|
| | 1d. | 2d. | 3d. | 5d. | 6d. | 8d. | 1s. | 5s. | Register 6d. | | |
| 1861. | | | | | | | | | | £ s. d. | £ s. d. |
| Oct. 30.. | 2,716 | 5,205 | 38 | .. | 1,004 | 13 | 423 | 11 | 216 | 110 0 0 | 104 5 6 |
| Nov. 13.. | 745 | 864 | 22 | .. | 314 | 2 | 79 | 3 | 65 | 24 16 5 | 23 10 6 |
| „ 27.. | 634 | 1,098 | 56 | .. | 353 | 12 | 181 | 26 | 41 | 38 5 10 | 36 5 7 |
| Dec. 19.. | 903 | 832 | 12 | .. | 100 | 9 | 150 | 5 | 58 | 23 16 11 | 22 11 5 |
| „ 28.. | 121 | 505 | 9 | .. | 98 | .. | 83 | 5 | .. | 12 13 6 | 12 0 3 |
| 1862. | | | | | | | | | | | |
| Jan. 4.. | 4 | 15 | .. | .. | 34 | .. | 14 | 3 | .. | 2 8 10 | 2 5 3 |
| Feb. 28.. | 105 | 1,401 | 55 | .. | 268 | 10 | 263 | 13 | 130 | 39 14 8 | 37 14 5 |
| | 5,228 | 9,920 | 192 | .. | 2,171 | 46 | 1,198 | 66 | 510 | 251 16 2 | 238 12 11 |

MONDAY, 7 APRIL, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

MR. KING, | MR. SMART,
MR. WATT.

Mr. Henry Reeve called in and examined:—

1. *By the Chairman:* What appointment do you hold in the Post Office? I am clerk in charge of stamps. Mr. H. Reeve.
2. How long have you held that appointment? Since February, 1854. 7 April, 1862.
3. Did you hold any other employment in the Post Office before that? Yes, in the Inland Letter Branch, as general clerk, under the Superintendent.
4. Will you inform the Board in what manner you obtain stamps for the use of the office? We obtain them from the Inspector of Stamps under the signature of the Postmaster General.
5. What course do you follow when you wish to obtain stamps? I have a number of requisitions from the country postmasters, and, after looking them over, to see that the amounts are

Mr. H. Reeve. are correct, I embody them in a large requisition book, shewing the total number at the bottom; I sign this myself as being correct, and send it up to the Postmaster General, who signs it; the Accountant initials it, and I take it to the Inspector of Stamps at the Government Printing Office, where I obtain the stamps in the mass, perhaps £600 or £700 worth at a time.

7 April, 1862.

6. Do you take it up personally? I send it by the man, and go up a couple of hours afterwards, and receive and count over the stamps.

7. You yourself receive the stamps? Yes.

8. When a country postmaster sends a requisition for stamps, is it your business to examine whether he is entitled to the quantity of stamps he asks for, and whether he has paid the amount that is necessary according to the regulations? No, that is the Accountant's business.

9. Does the Accountant examine them for that purpose before he initials your requisitions? Yes, he marks them in this way (*handing in a paper*).

10. Has the case ever occurred that the Accountant has disallowed any requisition you may have made in that way? No, they go to him in the first instance, and unless I see them properly marked I do not supply them.

11. The requisitions from the country postmasters go to the Accountant before you make a requisition on the Inspector of Stamps? Yes.

12. Do stamps repurchased at the window, or sent as remittances by country postmasters, pass through your hands? Yes, every stamp passes through my hands, whether for exchange or otherwise.

13. What course do you pursue with any stamps that you may receive in that way? I have to make them out in abstract, if for stamp exchange account, and send it to Major Christie, who signs it, and obtains a cheque from the Government Printer.

14. What do you do with these stamps? I have to check them over, count them, and see that they are correct as to amounts, and then seal them up, and forward them, either with a letter or memorandum, to Major Christie, and he forwards them to the Inspector of Stamps.

15. You have nothing at all to do with the sale of stamps? Yes, I have control over the whole. I am answerable for all the books, to see that they are correct.

16. When you reckon up the stamps at the end of the month, to balance your books, do you count them over? Yes.

17. Who checks your count? I check the clerk at the window, and a clerk up stairs, in the Accountant's Branch, checks the stamps after me. I see that the number is right, and then they check me afterwards. I give a certificate every month.

18. Then you have complete supervision of the Stamp Department? Yes.

19. Is that considered a separate department in the Post Office? No; I assist in the Letter Branch when required, or in any part of the office.

20. What are your hours of attendance? From half-past nine till half-past four—sometimes later.

21. Have you often been called upon to assist in the Letter Department? Yes, continually, if there is any one ill, or there is a press of business.

22. Who instructs you to do so? The Superintendent of the Letter Branch.

23. Do you know anything of the working of the Secretary's Branch? No.

24. You can form no opinion about it? No.

25. Do you know anything of the working of the Accountant's Branch? Only so far as it is connected with the accounts I keep myself.

26. No further? No further.

27. As far as your knowledge goes, could the mode of keeping the accounts between your office and the Accountant's Branch be improved—do you believe they are as well kept as they might be? I think they might be simplified a good deal.

28. How? Some time ago the public offices kept an account with the Postmaster General, and the Accountant kept these accounts. Now they draw out a cheque for the amount, and they come to me with the vouchers, and the thing is at an end at once. Formerly there were two or three books kept for the purpose.

29. Are those books kept now? No, the system does not require them.

30. How at the present moment could the business be simplified? I think if something of that sort was adopted with the postmasters, it might simplify the accounts very much. If you will allow me I will shew you what I mean by a book. (*The witness produced an account book.*) This is a discount book kept at the Sale of Stamps window, and it shews the gross amount and the per centage allowed to the stamp sellers and some of the suburban postmasters. This man (*pointing to an account in the book*) wants £10 worth of stamps, and he brings me £9 10s. I pass it through the book, and there is an end of the matter. Now, if the postmasters were to remit to me £9 10s. when they wanted £10 worth of stamps, they could be passed through this book in the same way, and it would save a good deal of accounts up stairs.

31. You would recommend that the postmasters should remit the amount at the time they make the requisition? Yes, minus the discount.

32. Then you would recommend that the postmasters should not obtain the same amount of credit as they now do? No, except as an advance, when they open a new office; afterwards I would have them remit the same as the stamp sellers do about the town.

33. Do you consider that this alteration would make much difference in the clerical labour of the Accountant's Office? I think it would considerably lessen the number of entries in the books.

34. To what extent—can you form any idea—would it make the difference of the work of one clerk? I could not say exactly.

35. *By Mr. King*: It would do away with all the country postmasters' stamp accounts? *Mr. H. Reeve.* Yes, it would do away with keeping the books open—the ledger. In the case of the public offices it was done away with, and must have saved a good deal of clerical labour in the ^{Accountant's Office at that time.} 7 April, 1862.
36. *By the Chairman*: Do you think the plan is a good one, of allowing the repurchase of stamps? There are various opinions on that point. I think it is good in some measure, because there are many people who have register stamps and others, such as eightpenny and five shilling stamps, sent to them, that are unsaleable, and they bring them to be exchanged for money.
37. I am talking of the principle of buying back the stamps at five per cent. discount. If the Post Office gave back the money value of the stamps, the convenience to the public would be just the same? I think it is a bad system in one way—that it entails a great deal of clerical labour; but I think it is a boon to the public.
38. What is the extra clerical labour it entails? They have to be entered in a book, and the value worked out; a cash book has to be kept, and they have to be sent to the Inspector, through Major Christie, in abstract. If you will allow me I will shew you the form of abstract. (*Produced.*)
39. Have you any idea of the extent of clerical labour this repurchase of stamps entails? About a couple of hours a day to myself.
40. If there were no repurchase of stamps you would have a couple of hours per diem to employ otherwise? I think so.*
41. You consider yourself immediately under the supervision of the Superintendent of the Letter Branch? Yes.
42. Does the Postmaster General in any way interfere by giving you instructions? Yes; he interferes in this way, that if he thinks a requisition for the window excessive he will cut it down.
43. I mean as to your occupation in the Letter Branch? He does not interfere at all in that way.
44. Are you aware whether general harmony reigns in the Post Office among those employed in the different offices of the establishment? It does among all the officers of the Letter Branch.
45. That is not an answer to my question—it seems there are ten clerks in the Accountant's and Secretary's Branches, and seventeen in the Letter Branch—I am asking whether general harmony reigns among the officers employed in the establishment? I think the Superintendent, since he gave certain evidence before a Committee of the Assembly, has been annoyed a good deal.
46. How? For giving certain evidence.
47. How has he been annoyed? By minutes that have been written. Some people have not a very nice way of writing, putting their meaning on paper; in fact, I think, at times, he has been snubbed.
48. Are you aware if the clerks generally in the Post Office are satisfied with their position there? Some of them, I believe, are dissatisfied.*
49. Generally? I think pretty generally they are satisfied; I think the majority are.
50. You have seen something of the working of the Letter Branch, I presume? Yes.
51. Can you give any opinion as to the duties of the Postal Inspector? I suppose he supervises the postmasters in the country, the same as the English Inspectors do. In England the Inspectors of Post Offices see that they are conducted properly, and where new Post Offices are required.
52. Do you know if he is generally travelling with that view? I could not say that; he is from Sydney at times.
53. When additional assistance is required in the Letter Branch, are not clerks sent to assist from the Accountant's and Secretary's Branches? At times we have assistance.
54. When it is required? Well, we have partial assistance.
55. When it is required, do you have such assistance as can be afforded? Yes, we have as many as they can afford; but the assistance, except of a few clerks, is of no use, because they are not conversant with the working of the Letter Branch.
56. Is there any cordial co-operation between the different branches of the Post Office—the Letter Branch, the Accountant Branch, and the Secretary's Branch? I do not think there is that co-operation that should exist.
57. Can you suggest any means by which it might be made to exist? I do not know that I could suggest anything; the heads of the branches would be more likely to make suggestions than I.
58. Who had charge of the stamps before you were appointed? Mr. Dillon.
59. Do you know how long he was in charge of the stamps? About two months.
60. Why was he removed? He was removed through some defect in the accounts, I believe.
61. Some error in the accounts? Yes.
62. And he was still kept in the Post Office? Yes, he was put at the disposal of Mr. Hunt, the Superintendent, in the Inland Office.
63. He is the present Postal Inspector, is he not? Yes.
64. Who appointed him as Postal Inspector, do you know? I suppose the Treasurer; or the Treasurer allowed the exchange with Mr. Levinge.
65. By whose orders was he removed from the charge of the stamps? Major Christie's.
66. Major Christie removed him? Yes, to another part of the office.

67.

* *By witness on revision*:—On re-consideration I would rather say one hour a day, because there are not so many stamps now brought for exchange as there used to be at first.

- Mr. H. Reeve. 67. Do you know anything of any postal irregularities that have taken place, that is to say, in the letter deliveries? I can speak of myself, that I have written a letter that never reached its destination; where the irregularity occurred I do not know.
- 7 April, 1862.
68. Do you think such irregularities occur in the country offices, or in the town office? A good deal in the country offices.
69. Are you aware of any irregularities in the town office? No.
70. Do you think the business of the Letter Branch is as well conducted as it could be? No, I do not think it is.
71. Can you suggest where it may be improved? I think a better system of sorting would prevent mistakes. I think it would be better if letters were sorted in districts, as they were in 1851 and 1852. If a letter, though mis-sent, got on the district, it would take a long time such a hardship on the public as when it got off the district entirely.
72. Do you refer to the roads more particularly? Yes. The system now is alphabetical; Albury, for instance, is next to Armidale, and in sorting fast, when time is short, in the hurry, a letter intended for Armidale might be sent to Albury, and it would take a long time to have the error corrected, whereas under the old system of sorting by divisions, it might have gone to Tamworth, or some other place, on the same line of road as Armidale.
73. If you sorted according to the roads, would not a sorter require to be experienced in the geography of the roads, and if he were away, would anybody else be able to sort? I think so. When I was in the Letter Branch, we division sorted; that is, we took the whole mass and sorted in divisions.
74. Northern, Southern and Western Roads? Yes, three masses.
75. In the absence of an experienced sorter, under that system, do you think any junior clerk would be able to divide the letters into the three great districts correctly? If he was at all quick, and had a good local knowledge.
76. It would require good local knowledge? Yes.
77. Supposing he did not possess good local knowledge? Then he would not be fit for the room.
78. Would he not be fit for alphabetical sorting? Even now he must have a certain local geographical knowledge, or he would not be fit at all; there are many places that have no direct mails; for instance, letters for Aberdeen would not be put into A, but into M, to go to Muswellbrook, and the postmaster there would send them on. Letters for Tuena are put into G, Goulburn; if put into T they might get astray altogether; they might go to Tamworth.
79. You have, I see, at the office, all the boxes or compartments labelled where the letters are put—would it not be very easy to label all the on mails? Then they would have to be removed; if you had a box for Aberdeen the letters would have to be moved to the M division, because they all go into the Muswellbrook bag.
80. There would be no more labour than you have by district sorting? I apprehend that, in carrying the letters from one to the other, they would be more likely to be mixed or mislaid than if they were to be sorted in districts, and each district clerk were there to subdivide his district.
81. Are you aware who prepares the time tables in the office? The Postal Inspector.
82. Who prepared them before there was a Postal Inspector? It was done in the Secretary's Office.
83. It is not necessary there should be a Postal Inspector to prepare the time tables? I think not.
84. Have you ever had occasion to wait after hours in the office? Yes.
85. By whose orders do you wait? The Superintendent orders me to remain when there is an English mail; otherwise, if I have work to do, I remain of my own accord; I have certain work to do, and must do it.
86. Is the Post Office building as convenient as it might be for the work of those employed in it? No, and the more we enlarge it the worse we get; it is so detached.
87. Then you think the alterations made are disadvantages rather than improvements? I think they might have been necessary, but they have great disadvantages connected with them.
88. Are you aware if the offices are generally healthy? The lower offices are decidedly unhealthy.
89. Which do you refer to? Those where the newspapers are sorted, in the cellars; there is a horrid smell of foul air; and in those near the Tank Stream, where the letters are delivered—the Shipping Office, and the Foreign Letter Office—the smell from the Tank Stream and stables is very bad.
90. Is the health of those employed in those offices generally good? Pretty good.
91. As good as that of those employed elsewhere? Some of the clerks there are not so healthy as in the other offices.
92. Is the space now sufficient for all the requirements of the Post Office? We want more room for sorting, and in the Delivery Office more especially.
93. You have seen enough of the working of the Post Office to be able to give an opinion whether the services of some of the clerks might not be dispensed with if the offices were made more convenient? I think they could if there were a better arranged building.
94. Have you ever thought at all of the working of the Money Order System? Yes, I have thought of it. I think it could be carried out in the large towns where there are efficient postmasters, who would understand keeping the simple forms of accounts that would be necessary.
95. *By Watt*: You are not alone in your office? I have one clerk. I formerly had charge of the registered letters as well as the stamps.

96. How do you divide the duties? We mutually assist each other, but his more immediate ^{Mr. H. Reeve.} duties are with the public—selling stamps.
97. You say the duties connected with the repurchase of stamps occupy you about two ^{7 April, 1862.} hours a day? Two hours at the outside, I should think, would do it; sometimes not above an hour; but the office being so divided, it takes a good deal of time to run backward and forward. They have cut off a part of my room, and I am obliged to sit in the Superintendent's room; so that there is a good deal of time consumed going from one place to the other.
98. Does that arise chiefly from the stamps purchased back at the window? At the counter, not at the window; that would interfere with the current sale.
99. Do the stamps taken from the country postmasters come into your hands? No, not the exchange.
100. Do the stamps repurchased at the counter come in small sums? Very small, sometimes a shilling at a time.
101. *By the Chairman*: Does the office purchase back stamps of one shilling in value? Yes.
102. Would they purchase sixpence worth? Yes.
103. *By Mr. Watt*: And you really think it a facility to the public? Yes, it enables them to make small remittances.
104. *By the Chairman*: If there were a Money Order System this repurchase of stamps would not be required? No.

Mr. Francis William Hill called in and examined:—

1. *By the Chairman*: What is your occupation at the Post Office? I am clerk in charge of ^{Mr. F.W. Hill.} the Inland Letter Branch.
2. How long have you held that charge? About three years, I think; I am not sure about ^{7 April, 1862.} the date; in fact I have been in every office in the department.
3. I see you were first appointed to the public service in August, 1850? Yes.
4. Will you state to the Board the different employments you have filled at the Post Office? When I joined the department in 1850, I came in at a salary of five shillings a day; my duty was to attend at seven o'clock in the morning, enter all registered letters, sort the letters from the country and distribute them, and leave at nine; then I came back at one and remained till six, and received all the money at the window.
5. Afterwards? I really do not remember all the different grades I served in.
6. You have stated that you have served in all the branches—were you ever in the Secretary's Branch? No, I mean in the Letter Branch.
7. Your time has been exclusively in the Letter Branch? Yes; I have been in every office in the Letter Branch. I have had charge of the newspapers, charge of the Foreign Letter Office, charge of the Delivery Office, and now I have charge of the Inland Office.
8. Do you know anything at all of the working of the Secretary's Branch? Nothing whatever.
9. Or the Accountant's? No.
10. From being in the Letter Branch you must have seen something of the duties of the Postal Inspector—do you think the creation of that office has tended to the public advantage? I do not think so.
11. Why not? Because I think there is too much for one to do, and that the country Post Offices require a visit from the Postal Inspector two or three times a year. I do not think the Postal Inspector has gone through all the offices, at least if we are to judge by the fact that there has been no improvement whatever in some of them.
12. You think one Inspector is not sufficient? I think not.
13. Do I understand you to mean that the office is an advantage, only that it is not properly carried out? I do not think it is properly carried out; I think the Postal Inspector should never be in the Post Office at all, with the exception of the beginning of the year, to see and arrange about the contracts.
14. Do you think it necessary he should be in Sydney then? I think he would be of great assistance to the Secretary by affording information about the different lines of road.
15. Could he not do that by letter? He could do so, but I do not think he could give so much information by letter as he could verbally.
16. Do you think the work of the Letter Branch is as well conducted as it could be? I do, with the present space that we have.
17. The want of space is a disadvantage? A very great disadvantage. If we had as much room again we could do with less clerks, and the business could be carried out much better than it is.
18. Are the offices generally healthy? Well, I have always enjoyed very good health.
19. Speaking generally? I think so.
20. Do you think those cellars where the newspapers are sorted are healthy? No, I reported against them when I had charge. The officers that are in them do not complain, but I do not think myself they are fit to have gentlemen in at all. I complained against the office myself, and was removed, and they put the letter carriers and sorters in.
21. Do you think by any possible patching up the present offices could be made to answer all the postal requirements? It is not possible. Where the mails are opened, the letter carriers, sorters, stampers, and clerks are all together. The letter carriers have no business
to

Mr. F.W. Hill. to have access to the rooms where the mails are opened, but you cannot keep them away from the letters.

- 7 April, 1862. 22. You mean to say that when the mails are opened they have sufficient access to be able, say, to touch a registered letter? Not exactly a registered letter, but while we are opening the mails they have to come backwards and forwards through a small space two or three feet wide, to get the letters sorted for them; they are continually passing and repassing.
23. Are the letters, when the letter boxes are opened, all taken across the yard in baskets? Yes, for the merchant's boxes, the Government offices, and ship letters; those for the country are taken to another room, and those for the letter carriers are sorted into divisions for them. Those for the ship room, the Government offices, and the private boxes, have all to pass from one office to another through the yard.
24. What is the average time of the attendance of the clerks in the Letter Branch? About seven hours, some at one time and some at another.
25. When the English mail arrives they attend late if necessary? They attend late, and receive pay for overtime at the rate of 2s. an hour.
26. Do you receive assistance in the Letter Branch in that case from the Accountant's and Secretary's Branches? We generally get two clerks; but we often have very heavy mails at other times. This morning we had nearly as many letters as by the English mail; it was as much as we could do to sort them between seven o'clock and half-past nine. There were as many as 7,000 letters—the Melbourne mail, the Hunter River mails, the Western mail, and the Southern mail were all opened this morning, and this being the beginning of the quarter, we had an unusually large number of town letters.
27. Do you know anything of, or could you give any opinion touching, the conveyance of mails? No, that is a subject I never looked into.
28. Do you know anything about the system followed lately of repurchasing stamps—could you give any opinion upon it? No; I know we do do it.
29. Are you aware that there have been complaints latterly of postal irregularities in the suburbs—that letters have been mislaid, and some have been lost entirely? No; I think that in general, in the Post Office in Sydney, there are less mistakes than in most other offices in the world; there is more care taken than in any other office. The complaints are very few, so far at least as they reach the head of the department.
30. You are aware that there is no delivery of Melbourne mails if they reach the Post Office after five o'clock? There is not; but if a Melbourne mail comes in any time up to five o'clock there is a delivery; it takes an hour and a-half to deliver a Melbourne mail, and would take more if the general public were to have the advantage of it.
31. Some years ago the Melbourne mails used to be delivered later? Only up to six o'clock. The hours were altered, in consequence of the recommendation of the Postmaster General to keep the office open from nine till five.
32. Would it not be a very great advantage to the public if the Melbourne mail were delivered when it arrives later—do you see any objections? I see none; but you must have a certain time fixed as a limit. If the mail comes into the office at five o'clock it takes till half-past six to sort it.
33. Have you ever formed any opinion on the establishment of a Money Order System? No.
34. Would it not greatly accelerate the work of the Sydney Post Office if there were sorters put on board the English mail steamers from Melbourne to Sydney? I do not think it would make a difference, at the outside, of two hours, because the letters all have to be stamped in the office, and the letter carriers have to arrange them for their beats afterwards, which they do now while sorting; they arrange all their letters as they deliver them. You might give all his letters to each man, but it would take him at least two hours and a-half to sort them according to the delivery. It might accelerate the delivery of the letters for private boxes and those addressed to the Post Office, but not to the general public, because the letter carriers have to arrange them according to the houses; they could not take them out indiscriminately.
35. *By Mr. King:* I suppose they know the name of every person on their beat? Yes. In George-street, for instance, Mr. Harbottle's is next to the Post Office, and the letter carrier would put that first, one for Denison House next, and so on; he must arrange them according as he delivers them. Then in sorting for the boxes, the clerks on board the steamers must have the names of all the holders of private boxes, and the letters would have to be re-sorted and stamped when they came into the Post Office.
36. *By the Chairman:* Of course in the Inland Delivery Branch the newspapers pass also under your supervision? Yes; there are more complaints about newspapers than about letters; there are very great complaints about the delivery of English newspapers.
37. With whom does the fault rest? I think myself they are never posted; no doubt people say they post them, but I do not think in every instance they are posted.
38. Is the number of newspapers very large? About the same number of newspapers as letters every English mail.
39. At what do you estimate the average weight of the letters that pass through the Post Office? I should say the average is not quite half an ounce; most of the letters posted are under half an ounce, both in England and in the Colony.
40. *By Mr. King:* The larger packets are the exception? Yes.
41. *By the Chairman:* Is not a quarter of an ounce the single letter weight? No, that is *viâ* Marseilles; half an ounce is the single letter weight *viâ* Southampton and in the Colony.
42. What is the rate at present charged for Post Office boxes? One guinea.
43. Do you think that sufficient? I think so. If the fee were increased I think half the boxes

boxes would be given up. A private box has its advantages and disadvantages; many people who have boxes do not get their letters as soon as the carriers would deliver them, and they have to send a clerk three times a day to get them.

Mr. F. W. Hill.

7 April, 1862.

44. Would the delivery clerks give the letters for the holder of a private box to any clerk who asks for them? No; they are frequently refused, even to clerks who have been in the mercantile house ten or fifteen years, if they are not well known. I am frequently called as a reference in such cases.

45. Do not these boxes relieve the Post Office Department of a certain amount of work, the letters being sent for instead of delivered? No, they have to be sorted; they go through the same process.

46. Would it not give extra work to the postman to deliver them? No doubt.

47. Then it is for the convenience of the office? It is to that extent.

48. Does the Postmaster General take any active part in the management of the Letter Branch? Not much.

49. Are you preparing at the present time a diagram shewing the relative advantages and disadvantages of alphabetical and road sorting? I am.

50. Have you informed any party out of the Post Office that you are doing so? No.

51. Not any? Not any. I mentioned it to Mr. Reeve this morning.

52. The gentleman examined here to-day? Yes.

53. And to no one else? No.

54. You have formed a very decided opinion, I believe, on the respective advantages of road and alphabetical sorting? I believe in alphabetical sorting; but not to be carried out in its integrity.

55. How do you mean? I prefer the system we have at present to the alphabetical system as introduced at first by the Postmaster General, which would require not only extra clerks but extra time to make up the mails.

56. Will you explain the system as introduced? Under a strictly alphabetical system, letters addressed to every post town, whether there were a direct mail made up for it or not, would be sorted into the letter representing it; for instance, Cundletown is a post town, and, by the arrangement first introduced, letters so addressed would be sorted into C, and would be again re-sorted into another division for Cundletown; but, as Cundletown has not a direct mail, they would have to be taken out and put into the Raymond Terrace bag; so would those for other places, such as Taree and Tinonee, which would first have to be sorted into T, and then, when we were making up the Raymond Terrace mails, we should have to collect the letters for each of these places to put into it.

57. What is the other system you think more advantageous? If a letter is addressed to Cundletown we sort it now into R at once, for Raymond Terrace.

58. That is done from the knowledge of the sorter that the Cundletown mails go to Raymond Terrace? Yes.

59. Supposing you had a new hand who did not know this? In either case he would have to know what places have direct mails; under the first system, in making up the direct mail, he would have to clear all the divisions that went with it.

60. Having to learn this he would be liable to mistakes? Yes, even those who have been in the office so long make mistakes occasionally.

61. Can you suggest any better plan? Not better than the present one; but I think, if the road system were carried out, if a mistake were made it would be more easily rectified; for instance, under the alphabetical system Windsor and West Maitland, which lie in opposite directions, are next to each other in the compartments, and if a Windsor letter were put into the West Maitland bag, it would take longer to rectify the mistake than if it were put into the Richmond, St. Mary's, or Penrith bag, as it might be under the road system.

62. Is there cordial co-operation between the clerks employed in the different branches of the Post Office? Not, generally speaking, with some of the officers of the department. As far as the Letter Branch is concerned I believe there is no ill feeling whatever.

63. Does general harmony reign among all those employed in the Post Office Department? No.

64. Why not? There has always been, since I have been in the department, a kind of jealousy between the up-stairs department and the down-stairs.

65. Why should that jealousy exist? I do not know. It is believed that the Postmaster General favours the Corresponding Branch, which is more immediately under his control, more than the other.

66. There was a Post Office Inquiry in the year 1851, after you joined the department? Yes.

67. Did not the same feeling exist then? Yes.

68. The same jealousy? Yes. Some of the gentlemen, who are up stairs now, were down stairs then.

69. Who assigns the occupations of the clerks in the Letter Branch? The Superintendent, subject to the approval of the Postmaster General.

70. Are the clerks in the Letter Branch—I presume you know more about them than the others—generally satisfied? No, they are very dissatisfied with the remuneration they receive, because they have been passed over in more instances than one, and their responsibility is very great.

71. Do you think competent clerks have been passed over to the advantage of incompetent clerks? Officers have been brought into the department over the heads of those that were in it. In one instance, where an officer was receiving £50 a year, and left the employ to better himself, after being away six or seven years, he was placed over the heads of those who were his seniors when he was in it.

Mr. F. W. Hill. 72. With whom does the nomination of clerks in the Post Office rest? The Colonial Treasurer.

7 April, 1862. 73. Have the clerks in the Letter Branch been advanced in proportion to their ability? I do not think so.

74. It is to be presumed that some are more able and competent than others? Yes; we have two or three clerks there—I could mention two in particular—who have been there six or seven years, and are receiving £175 a year; while clerks not nearly so competent, who have not been in the Office two years, are receiving the same salary.

75. Whence does that arise—merely by the order of the Secretary for Finance and Trade? In great measure; or more by good fortune perhaps than anything else.

76. Is the health of the department generally good? Yes.

77. As you have said that the Letter Branch is as well conducted as it could be, as a matter of course you could suggest no way in which it could be made better? Not unless we had a larger amount of room; we might have an additional delivery if we had more room, but it would be almost impossible now. The clerks and letter carriers are huddled together now, much more so than they ought to be; and all these offices that are separated so widely should be almost adjoining one another—that is, the Foreign Letter Office, the Dead Letter Office, and the Delivery Office.

78. *By Mr. Watt*: With reference to the mode of sorting letters, what is your practice in making up mails; for instance, for the Northern Road, the first point, I believe, is Maitland? Yes.

79. Do you send the whole of the letters for the Northern Road through Maitland? There are distinct bags for Newcastle, Hexham, and other intermediate places.

80. I mean beyond Maitland? We make up separate mails for other post towns.

81. Does the Maitland postmaster open the bags to put in other letters? No, he has to make up separate mails to other offices; he is not allowed to interfere with our mails, because if he did our clerks could not be responsible for registered letters.

82. Further on is another bag made up? Yes, in every case. It is according to the offices he exchanges mails with; for instance, the Newcastle postmaster may make up a mail for Maitland, and the Maitland postmaster opens the bag, and sends on the forward letters.

83. Supposing letters are posted at Muswellbrook for Warialda, what would be done with them? They would be made up in the bag for Tamworth or Murrurundi, and the postmaster there would forward them on. In that way, the direct mail from Sydney is not interfered with.

84. Then, under the road system of sorting, a letter put into a wrong bag would travel to the extreme point to which that bag went, and then come back again; for instance, if you put a letter intended for West Maitland into the Warialda bag, the mistake would not be detected till it reached Warialda? No.

85. Then it would come back? Yes; but supposing, under the alphabetical system, a letter addressed to Wagga Wagga got sent to Warialda, see what a difference it would make.

86. *By the Chairman*: According to the old system, the plan followed was to make three great divisions, and then divide alphabetically, was it not? No.

87. Would it not be an advantage to divide alphabetically? Then there would be sorting and re-sorting. I think the way the mails are at present made up is the best; each clerk has a fair proportion of the work—that is, the partial alphabetical sorting—but if it were carried out as originally wished, it would cause endless confusion, and, in all probability, many letters would be left behind. For instance, Tamworth has fifteen or twenty minor offices to which it sends letters on, and, under the alphabetical system, all these minor offices would have a division of their own, and, in making up the mails for the major office, all these minor divisions have to be cleared out, and the letters put into the bag for the major office, in doing which some might get mixed with other letters, and some, perhaps, left behind altogether. Under the road system, they would be put into the proper bag at once.

88. You do not send a mail from Sydney to every country office? No, only to any office of importance; but it is tantamount to making up a bag for each; the letters go into the bag for the major office, and the postmaster there makes up a bag for the minor office, and sends it on by the next post. In road sorting all the Southern mails, for Liverpool, Campbelltown, Picton, Berrima, Goulburn, Yass, Gundagai, and so on, would be sorted in one division; at present they are sorted quite differently; the mail for Gundagai is made up at one end of the office, and that for Yass at the other. The great difficulty we have to contend with is want of room; the bags are huddled together in, I may say, a disgraceful manner; and it is marvellous there are not many more mistakes.

89. Could you give us any idea of the relative weight of letters and newspapers that go inland? I should say there are a greater number of letters than newspapers, but the newspapers weigh five or six times as much as the letters. If we had a tax on newspapers there would not be near so many. It is the weight of newspapers that makes the contracts cost so much. When there is an English mail we sometimes have to send the cart twice to the Railway Station with the bags. I should say there would be over a ton of an English mail for each road.

90. *By the Chairman*: Are you aware of there being any other country in the world where newspapers are carried free? No, except in the neighbouring Colonies.

91. Not in Victoria? Indeed; I understood they were. I do not think in any Government office the responsibility is so great as in the Letter Branch. I could shew that it is easy enough to take any registered letter if any two clerks came into collusion for the purpose; though, of course, it would be missed in time. I have seen bank parcels of, I should say, thousands of notes, with hardly an address on, from friction, to enable us to see where it was intended for.

92. What remedy is there for that? No remedy except the honesty of the clerks. Mr. F.W. Hill.
93. They all give security? £50 each, and two sureties.
94. Do none give higher than £50? Not in the Letter Branch; and every clerk is at the mercy of any postmaster in the Colony. 7 April, 1862.
95. How so? Suppose there are half a dozen registered letters for Bathurst, and the clerk can swear that he put them in the bag, if the postmaster says he does not receive one of them, the clerk who makes up the mail, or to whom they can trace the letter last, is responsible. I knew a clerk who had to pay £30 on account of the loss of a registered letter, although I swore that I saw him put the letter in the bag. The postmaster at the place the letter was directed to said he did not receive it, and the clerk had to pay the money.
96. Who decided the case? I believe the Postmaster General. It was in consequence of his not tying the registered letter up, and putting it in the bill, that the case was decided against him. He was rather late with the mail, and put it in the bag loose. There is no question it hastened the man's death.
97. *By Mr. Watt:* You receive letters late in the evening for the Hunter River and for Grafton? Yes.
98. Is that largely taken advantage of? In despatch it is, but not in receipt; for instance, when the Maitland mails are opened, with the exception of the *Herald* Office, and one or two people, the public do not call for them. That was one reason why the office was closed at five o'clock, that seldom any one came for letters after that time.
99. Does the regulation for keeping the mails open apply to the Hunter River only, or to all the Northern country? It was originated for six offices on the river, but any letters for beyond Singleton are placed in the Singleton bag, and the Singleton postmaster forwards them on. That is not the rule, but it was done by my direction.
100. Is it not strange that the public are not aware of that? It is strange how little the general public do know of the regulations. Many people could not even tell you how many deliveries there are in the day.
101. With reference to the jealousy which is said to exist between up stairs and down stairs in the Post Office, does promotion take place from one to the other indiscriminately, or are they kept entirely separate. If there were a vacancy down stairs, would a clerk up stairs, if next in seniority, be appointed to it, or are the branches kept distinct? It would not be kept distinct.
102. Do you not think that would work out any jealousy? It is not strictly carried out; clerks belonging to the Corresponding Branch have been promoted although they were not the senior officers.
103. Promoted in the Corresponding Branch? Yes.
104. With whom would that rest? It would be done on the recommendation of the Postmaster General, I think. The Postmaster General has nothing to do with any new appointment, but promotion in the office is generally carried out on his recommendation. The Postmaster General's authority is so curtailed, that if I wanted more than twenty-four hours' leave of absence, I could not get it without sending an application to the Treasury, although we do not have Christmas Day, Easter Monday, or any public holiday.
105. What are the duties of the Postmaster General? The letters received are all opened by the Secretary, and handed to the Postmaster General, who makes his minute upon them; that goes to the Secretary, and the replies are drafted from the minutes of the Postmaster General. He signs all letters and gives general directions.
106. Has he any power of action, or power of control? Over the officers of the department?
107. Yes? We are all bound to obey him.
108. Supposing you did not? I do not think he has now the power of suspending, though he had at one time. No doubt he would act upon an emergency, as I would do myself. If I were to see a letter carrier drunk, in the absence of the Superintendent, I would not let him go out with his letters.
109. But you would be conscious of exceeding your power? Yes, but I believe I would be doing right.

THURSDAY, 10 APRIL, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

MR. KING, | MR. SMART,
MR. WATT.

Mr. Richard Thompson called in and examined:—

1. *By the Chairman:* You are the author of two letters that have been addressed to this Board? Yes. Mr. R. Thompson.
2. In your last letter you inform us you can give us information respecting certain details of the working of the Post Office—have you ever been employed in that department? No. 10 April, 1862.
3. What means have you of knowing the correctness of your details? Not of knowing the details exactly—I have no other than those I possess of knowing of any other public office.
4. What means had you then of gaining this information, or of knowing that the information you have supplied is correct? In my last letter I mentioned that Mr. Dillon had not left Sydney since his appointment.

- Mr. R. Thompson.
10 April, 1862.
5. There are other matters besides that? Will you name the one you particularly allude to?
 6. You say firstly that Mr. Levinge was removed from the office of Postal Inspector "for some unexplained cause"—how do you know there was some unexplained cause? It was patent to every one that Mr. Levinge was removed, and that he was succeeded by Mr. Dillon—that was a matter of public notoriety.
 7. It was a matter of public notoriety that he was removed, but it was not a matter of public notoriety that no notice was given by the heads of the department why he was removed? Generally speaking removals of this character are noted in the *Government Gazette*; in this case it was not—at least, I believe not.
 8. You say Mr. Dillon "was appointed, soon after his employment at the General Post Office, seller of stamps; in this office he remained but two months, when it was painfully apparent that he was totally incompetent to perform duties which any junior clerk in a banking or mercantile establishment would regard as mere child's play"—to whom was it painfully apparent? To Major Christie, most certainly; he was removed at the end of two months. Mr. Bradshaw, who, I believe, is still in the office, complained that, from the incorrect manner in which the stamps were handed to him, he was a considerable loser. In making up his accounts, I believe, in one week he found himself minus £8.
 9. "Mr. Hunt declined to avail himself of the services of so incompetent a person, and he was transferred to the Corresponding Branch, where his chief employment seems to have been writing scurrilous attacks upon Mr. Hunt through the columns of the *Empire*"—are you aware that he has done so? I believe I have said that Messrs Hanson and Bennett will tell you that.
 10. You have stated that he did so—how do you know that? I cannot possibly know who an anonymous writer in a newspaper is, but it was understood that he was the author of the letters signed "Scrutator," published in the *Empire*.
 11. I do not ask you what is understood, but what you know? Mr. Hanson will easily prove that Mr. Dillon was the author.
 12. You state here that Mr. Hill is preparing a diagram shewing the superiority of the road system of sorting over the alphabetical—how do you know that? I was in Mr. Hunt's room, when I heard Mr. Hill state to Mr. Reeve—"I wish the Board would postpone my examination for another week, as I would prepare a diagram shewing the superiority of the road system of sorting to the alphabetical."
 13. You were in Mr. Hunt's room, and were talking with Mr. Hunt of this business? Mr. Hunt was not present.
 14. Were you in Mr. Hunt's room, Mr. Hunt not being present? Yes; Mr. Reeve's office is in Mr. Hunt's room. I went to see Mr. Hunt on a matter quite apart from this affair—on Mr. Wentworth's business—and I heard Mr. Hill say to Mr. Reeve what I have mentioned in my letter.
 15. Mr. Hill has stated that he did not give that information to any party whatever—I suppose he considered that he was not giving information? He did not give the information to me. I have stated how the conversation took place between himself and Mr. Reeve.
 16. Have you ever contributed any articles to the newspapers on the subject of the Post Office? I have stated in my letter that I have written more upon the Post Office than any other journalist in New South Wales for the last three and twenty years.
 17. From what party in the Post Office did you obtain your information? From no party in the Post Office; generally speaking from my own observation of what has been published officially. My writings have been chiefly comparative reviews of the reports of the Postmaster General of England and of the Postmaster General here.
 18. Were these articles written from any information derived from any persons in the Post Office here? From no person whatever. I must observe, what I have already explained by letter to you, that in several Post Office Guides for various Almanacs, compiled by myself, I was assisted by the late Mr. James Raymond and Mr. T. K. Abbott. I have a very large correspondence, and have had numerous complaints from the country districts. Every one will allow that the Post Office is the best abused department of the public service, as every one complains of the slightest omission or neglect; but I never wrote upon the dictation or information of any officer in the Post Office.
 19. *By Mr. Watt*: We want to get all the information we can, and you state that you have devoted great attention to this matter—can you, from the attention you have given to it, point to any specific abuses, can you lay your finger upon anything tangible? I think, and I believe every one will agree with me, that where an office is in such a state of disunion, that disunion must be a great detriment to the public service, as where the up-stairs branch and the down-stairs branch are in a most determined state of warfare it is very unpleasant for one who, like myself, has business with both. One cannot speak in the street to an officer of one branch without being regarded by the officers of the other branch as an enemy. This state of things has been known to exist for the last four years. Unless there is a good feeling prevailing between the heads of a department, as a matter of course it extends to the subordinates, and that must be to the detriment of the public service. Now I have the *entrée* of every public office in Sydney; sometimes I am for three or four days at the Custom House, sometimes I am at the Treasury making returns, and I find that the greatest cordiality exists between all the officers in other departments, but here there is nothing but disunion. That, being apparent to every one, must be a great detriment to the public service.
 20. That may be a fair inference, but I do not see that you have pointed to any actual inconvenience that has arisen; you infer that there is detriment, but you do not shew in what way it has manifested itself. I can understand that such a state of discord is likely to produce inconvenience, but where has it been produced? I am not acquainted with the details of the Post Office.
 21. My question does not refer to the details of the Post Office, but to the results outside of the

the Post Office, as affecting the public? I could not state any particular case in which this disunion has been a direct injury to an individual, but where the state of things exist that does in the Post Office, it must be detrimental to the public service.

22. Are you aware that it has led to irregularity in the despatch of mails and sorting of letters? No; I believe in the Inland Branch, down stairs, nothing can be more correct and more prompt, looking to the imperfect state of the building, which is totally unfit for a Post Office.

23. Still, so far as you know, no practical inconvenience has resulted to the public? I myself have a very large correspondence, and I have had no complaints of the non-delivery of letters at the proper time, but I give it as my opinion that it is very unpleasant for any one who has occasion to go to the Post Office to find that state of things existing.

24. Can you state what this ill feeling arises from? I believe from evidence given by Mr. Hunt before the Retrenchment Committee, advising certain reductions. A remonstrance was drawn up and forwarded to the Colonial Secretary, protesting strongly against Mr. Hunt's recommendation. From that time to the present there has been a very strong feeling against him on the part of the Postmaster General, the Cashier and Secretary, and the Accountant.

25. Do you speak of this feeling of your own knowledge—has it been manifested before you? If Major Christie and Mr. Hunt pass each other in the street without recognition, or in the passage of the Post Office without even "Good morning," I think that is pretty good evidence of the feeling which exists.

26. There is another question I would ask you—you speak, as I understand you, with reference to the feeling of certain of the officers towards Mr. Hunt, is that feeling reciprocated by Mr. Hunt? I should certainly say—No.

27. *By the Chairman:* What means have you of knowing? I can scarcely answer that question, for this reason—I have no means of knowing at all whether Mr. Hunt has reciprocated this sort of feeling towards the officers, but I believe he does not.

28. What means have you of knowing the feelings of the other officers towards Mr. Hunt? I have as far as Major Christie is concerned, I believe they do not speak when they meet, when they pass each other in the passage, or in the street.

29. That implies reciprocity of feeling—that is a fair inference? Well, of course you are as good a judge of that matter as I can be myself; I do not myself believe there is any feeling towards any of them on the part of Mr. Hunt. I have known Mr. Hunt for many years, and a more courteous or more amiable man I do not know.

30. Has there been any want of amiability on the part of Major Christie or other officers? On the part of Major Christie, certainly.

Mr. R.
Thompson.

10 April, 1862.

John Fairfax, Esq., called in and examined:—

1. *By the Chairman:* You are the proprietor of the *Sydney Morning Herald*? Yes.

John Fairfax,
Esq.

2. A very large amount of correspondence, I presume, passes through your hands daily? Yes.

3. Do you see any reason to complain of the way the Post Office business has been conducted, as far as you are connected with it? No, I think not; I think, on the contrary, we have every reason to be satisfied. We have sometimes—in fact, frequently—had to make complaints, but they have always been redressed, or suggestions have been made by which they should not occur again.

10 April, 1862.

4. To whom have you made complaints? Direct to the Postmaster General.

5. And you have always met with courtesy and attention? Invariably.

6. As far as you know, the postal business has been well conducted? As far as my own experience has gone in the matter. I do not know whether any particular attention has been paid to us; but I suppose we have as much to do with the Post Office as any in Sydney, and we have no reason to complain. As I have already stated, if any complaints have been made by us—whenever complaints have come to us—and they very often do—of mistakes in consequence of new Post Offices being opened in the far distant interior—we forward them to the Postmaster General, and he perseveres and finds out where the evil has been, and corrects it as far as he can.

7. Do you consider that any larger amount of irregularity exists in this Post Office than might be expected in a country where the postal towns are so scattered, and the distances to be travelled are so great? I have scarcely sufficient personal experience to speak to that point, from my own knowledge, but it must be very difficult to manage in all its branches the postal arrangements of a country so widely extended, and where the population is so scattered.

8. Are you aware who are the authors and contributors to your paper? Yes.

9. Have you any objection to state whether you have received any articles from Mr. Richard Thompson, relating to the Post Office Department? Yes, I have received communications from him—not lately, because I have rejected them—but, I think, two or three years ago.

10. Mr. Thompson has told us, in evidence, that he has never had any communication with any party connected with the Post Office in the preparation of those communications—do you, from your experience as connected with the newspaper, believe that he could have composed those articles without such communication? I am in a position to speak positively upon that point.

11. Will you have the goodness to do so? The articles that he furnished to us in 1860 were compilations with reference to the Home Office and the Colonial Office, and I expressly asked the question—from whom did he get the information.

- John Fairfax, Esq.
12 April, 1862.
12. Are these the articles to which you refer (*handing a paper to witness*)? Yes; I have a very strong impression, although I would not swear to it, that in this particular case, when he brought these articles to me, I asked him from whom he got this information, and he told me from Mr. Hunt.
13. Do you recognise that handwriting (*handing to witness a letter forwarded by Mr. Hunt to the Board*)? Yes.
14. Whose handwriting is that? Mrs. Thompson's.
15. Can you suggest any improvement in the department? I would suggest that the Post Office should be kept open rather later in the evening, for the purpose of delivering letters to any one who might have boxes in the office.
16. We have been told that it is kept open; that if any mail arrives from the Hunter, for instance, before five o'clock, the mail is delivered that night? I do not refer to the delivery but suppose a boat comes in at six o'clock with letters containing important information, I think those who have boxes should be able to obtain them, in order to answer them by eleven.
17. You would have the office open still later? I would have it open till midnight if necessary. An extra clerk might be kept for the purpose of putting important letters into the boxes of those who pay for them; I do not expect them to be delivered after seven, or whatever the hour may be.
18. You would have the office kept open later for the advantage of those who have private letter boxes? Yes.
19. Do you consider that the fee paid for private boxes is sufficient to pay for an extra clerk? Perhaps not; I would then double it.
20. Are you aware what the fee is at present in Victoria? I am not.
21. Five guineas—would you consider that too much? I should not care about paying five guineas, if I could get my letters.
22. *By Mr. Smart*: Do you think merchants would be willing to pay five guineas a year for their letters? Our business is rather different.
23. *By Mr. Watt*: How far would you extend this privilege—to letters from a particular town, or would you embrace all the Northern mails? I do not see why so important a branch of the public service should not be kept open eighteen hours a day.
24. *By Mr. Smart*: You would not expect one set of clerks to attend there eighteen hours? Not one set throughout the whole time; but one extra man might do the work.
25. *By the Chairman*: Have you found a very great convenience, or any convenience, in being able to resell postage stamps at the Post Office? I never tried to sell them there.
26. Then you have not derived any advantage from the facility afforded by the Post Office in buying back stamps that have been remitted from the country? We have no difficulty in selling them in Sydney. We have agents who take them.
27. Do you think it a good plan that the Post Office should buy back its own stamps? I have never thought of the subject, and was not aware that it was done. I know that it is very convenient to receive remittances by stamps from the country.
28. *By Mr. Smart*: Do you not think the Money Order System would be better than this of reselling stamps? Yes; but the remittances by stamps are very small.
29. But you could get a money order for any amount you pleased? For so small a sum as 3s.?
30. Yes. You are accustomed to receive small remittances in stamps? Yes, sometimes two or three times in a day.
31. And you do not resell them to the Post Office? No; we have no difficulty in selling them to agents.
32. At what discount? Five per cent.
33. *By Mr. King*: Do your correspondents who remit to you allow you five per cent.? No: it is so far a loss to us; but it is a convenience in this way, that we have not to open so large a number of small accounts.

MONDAY, 14 APRIL, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

MR. KING, | MR. SMART,
MR. WATT.

Mr. Frederick William Webb called in and examined:—

- Mr. F. W. Webb.
14 April, 1862.
1. *By the Chairman*: What is your present employment? Clerk of the Printing Branch, Legislative Assembly.
2. Have you ever been employed in the Post Office? I was, two years ago.
3. What situation did you occupy there? When I left, I was a third-class clerk; before that, I had been in almost every branch of the office, at different times.
4. Third-class clerk in what? The Correspondence Branch last of all.
5. Were you ever in the Letter Department? Yes, I was there for four years.
6. How long were you in the Post Office altogether? About six years and a half.

7. You were occupied in each different branch during that time? I was chiefly employed in the Inland Letter Department, but when any of the gentlemen got leave of absence, or they were short-handed, from any cause, in the other branches, I took the place of the one who happened to be absent.
8. And in that way you had an opportunity of seeing much of the working of the Post Office? Of the Letter Branch—yes.
9. Of the other departments? Yes, and of the other departments; although I was only a short time in some of them.
10. Was the working of the Letter Branch as perfect, in your opinion, as it might have been? It was not at all perfect, I thought.
11. Could you suggest how it might have been made better, if such an improvement has not already been made? I am not aware what improvements have been made. Mr. Dillon suggested an alteration that was made while I was there, but I thought it anything but an improvement. I allude to the alphabetical system of sorting and despatching mails. I thought the old system much preferable.
12. What was the old system? It was known by the name of the "Road System." The letters were divided into three heads—Northern, Southern, and Western, and then sorted into different boxes labelled with the names of the post towns.
13. You consider the road system preferable to the alphabetical system? Yes, because by that plan mistakes, when made, were rectified more readily, and were made less serious.
14. Would it not necessitate on the part of the clerks sorting a certain amount of geographical knowledge of the interior of the Colony? No doubt.
15. Suppose a clerk possessing such knowledge were ill, or absent from any cause, how would his place be supplied? All the clerks in that department ought to have that geographical knowledge.
16. Did they have it? Yes, I think they did, generally speaking, know enough to be able to distinguish whether a post town was in the Northern, Western, or Southern division; that might easily be acquired.
17. According to this road system, you first separated the letters into three great divisions; what plan was followed afterwards? Three clerks, one for each road, took the letters and sorted them for the different post towns into the respective boxes.
18. Does it not appear better to combine the two systems; that is, to sort into three great divisions for the different roads, and then to subdivide the letters according to the alphabetical system? I think that would be an improvement; but it never suggested itself to me.
19. Can you make any other suggestions that might be carried out with advantage? There was one thing I wished to mention, and that is, that I think it very desirable that the clerks in the Inland Letter Branch should be protected. When I was there it was in the power of any dishonest postmaster to impeach the honesty of any clerk who made up a mail containing registered letters, by saying that he had not received them.
20. Were they not entered in the way-bill? They were entered by him; but he might put them in his pocket afterwards, or the postmaster might do the same and say he did not receive them. There ought to be some witness to the actual despatching of a registered letter.
21. You mean that, before despatching the mail, the way-bills ought to be checked over? Yes, and the second party ought to put the letters into the bag—the two being present while they were being put in.
22. Do you think the Post Office building is in every way fitted for the work that has to be done there—is it sufficiently commodious? I do not; I think it is particularly small for the number of officers employed in it.
23. Is it generally healthy, in your opinion? I found it unhealthy, remarkably so.
24. Do you think that if a new Post Office were built, arranged in a suitable manner, the work could be done by a smaller number of hands? I think it could.
25. Was there general harmony among the different branches of the establishment while you were there? When I first went there, there was; but, latterly, it was not so.
26. In what way? There was a difference between the up-stairs and down-stairs branches.
27. Between the clerks, or between the heads of the different branches? Between the heads, and the clerks seemed to take up the quarrel; they formed themselves into parties, as it were.
28. Where do you think the blame lay? It is hardly possible for me to answer a question like that with any degree of certainty.
29. Can you give any reason for the disagreement or want of harmony? Only that of the present Secretary being raised above one who was formerly his senior in office—I mean the Superintendent; that I think under any circumstances would give rise to jealousy and perhaps ill feeling.
30. Jealousy between whom? Between these two officers; and the subordinates under them would probably range themselves on either side.
31. Do you think this want of harmony prevented in any way the efficient working of the Post Office—do you think it impeded the public service? Yes, I do.
32. In what way? If the gentlemen were engaged in carrying on a private correspondence, they could not of course be attending to their public duties, and the service must suffer more or less in a case of that kind.
33. Was there a general willingness to assist from one branch to another? Yes, amongst the subordinates, undoubtedly. Perhaps I should say here, that when the clerks of the up-stairs branch were called upon to assist below, they were paid for it as overtime.
34. Was the office of Postal Inspector in existence while you were in the Post Office? It was created while I was there.
35. It was in existence before you left? It was.

Mr. F. W.
Webb.
14 April, 1862.

- Mr. F. W. Webb.
14 April, 1862.
36. Do you know if the Postal Inspector passed most of his time on the roads or in Sydney? I think he passed the greater portion of his time out of Sydney.
37. Seven months out of the twelve? I should think so.
38. What was he doing the other five months? Attending to matters that had been laid by for him by the Postmaster General, giving decisions in matters relating to postal lines, preparing time tables, and so on.
39. When you first went to the Post Office the appointment did not exist? No.
40. Who examined the time tables before that time, and did the other office work now done by the Inspector? The Postmaster General and the Secretary, assisted by one of the clerks in the office (Mr. Levinge), who was afterwards Postal Inspector.
41. Had you anything to do with the Stamp Department while there? Yes, I was there for one month during the absence of one of the clerks, and assisted for an hour each day for a considerable time, during the luncheon hour of one of the gentlemen.
42. Doing what? Selling the stamps at the window.
43. Was the system in force, before you left, of the Post Office repurchasing its own stamps? It was not.
44. The latter portion of the time you were in the Post Office you were in the Secretary's Department? Yes, the latter portion, fifteen months in all.
45. Was the time of all the clerks fully occupied in that department? Yes, with the exception of the half hour or thereabouts at lunch. I am speaking of the Corresponding Branch; I know nothing of the duties of the Account Branch.
46. Are you aware whether the Postal Inspector ever suggested any improvements in the carrying out of any inland contract? I remember that he made several reports which contained suggestions, but I cannot now recollect what they were, or any of the particulars.
47. Can you make any suggestions by which the general management of the Post Office might be improved and its efficiency increased? None, except that of combining the offices of Superintendent and Chief Clerk.
48. *By Mr. King*: Secretary you mean? No, Chief Clerk in the Letter Branch. I think there is no occasion for a Superintendent.
49. *By the Chairman*: You mean Superintendent of the Letter Branch? I do.
50. What are the duties of Superintendent of the Letter Branch? Merely to pass on applications and letters concerning the Inland and Delivery Branches, initial them, and see that they are properly replied to. That could be easily done by the Chief Clerk, who could give all the superintendence that is necessary in that branch. I consider the office of Superintendent almost a sinecure.
51. The Chief Clerk is actively employed in the duties of the department? Yes, in assisting.
52. What did the Superintendent do while you were there—how did he employ his time—what was his daily occupation? His daily occupation consisted in receiving, after they were registered up stairs, the letters that concerned his particular department, seeing that they were properly replied to, and then walking about the building, to see that things went right. He had no stated occupation; he never did anything that I saw, more than what I have stated, except when an English mail arrived, when he might assist in a small way; I confess I very rarely saw that.
53. Did not the Superintendent often make suggestions for increasing the efficiency of the department under his control and for the advantage of the public? He very often made suggestions to the Postmaster General by memoranda, during the time I was there, that might have benefited the department.
54. Did the Postmaster General himself take any active part in superintending the management of the office? Personally superintending it?
55. Personally? No, I should say not; he was seldom seen down stairs, except on the arrival of a mail, when he came to assist or to look on.
56. *By Mr. Smart*: I think you said the clerks in the up-stairs department, when called upon to assist in the Letter Branch, were paid for it? Yes, at the rate of two shillings an hour; that is, after their hour for leaving the office, four o'clock.
57. Were the clerks in the Letter Branch also paid for extra time? Yes, after six o'clock—for all over seven hours a day.
58. The clerks in all the branches were paid alike for what is called overtime? Yes, precisely.

William Hanson, Esq., called in and examined:—

- W. Hanson, Esq.
14 April, 1862.
1. *By the Chairman*: You are one of the proprietors of the *Empire* newspaper? Yes.
2. You receive a large amount of correspondence? Yes.
3. Of course you must have a great deal of business to do with the Post Office? We have a great deal.
4. Have you any complaint to make as to the way in which the work of the Post Office — ? Our complaints extend over a very long period—two or three years.
5. Will you specify them? The complaints usually come to us in the way of business, and with the large mass of correspondence that we have, which is tied up and put away as it comes in, it is not easy, as you will readily understand, to select the most prominent cases without considerable trouble. Still I have casually taken up a few letters which have been recently received and have brought them with me. The complaint has been existing ever since we have had the *Empire*.
6. *By Mr. Smart*: Have you any complaints to make that have come under your own personal observation, without reference to your correspondents—from your own experience have you any

any complaints personally against the way in which the business of the Post Office is conducted? When I speak of correspondence, you must understand that I do not allude merely to letters written to the *Empire* for publication, but to complaints made by our business correspondents. Here are three letters from business correspondents, dated in January last, which I can shew the Board—letters that have not been published, and were never intended for publication. With regard to the delivery of papers we have constant complaints made. This is one, dated 20th January, 1862, from Machett, Cooper, & Co., our agents at Lambing Flat:—"The *Empires* that we ordered to Binalong arrived there 150 short of the number. We enclose £4, and please send us 300 *Weekly Empires* of the next issue to Binalong, and 100 to Lambing Flat. Be sure that they are addressed to different names, to the care of Machett, Cooper, & Co., or else we may expect some difficulty with the Post Office authorities." Here is another from the same parties, dated 27th January:—"We are again greatly disappointed and much inconvenienced at not getting our complement of *Empires* as ordered—only 126 to hands. Last week we lost in *Empires* nearly £10, having been compelled to sell them as waste paper only." That was because they were posted and did not reach their destination in time. Again, on the 4th February, Machett, Cooper and Co. write as follows:—"We are again compelled to complain to you of the manner in which our orders have been executed. We have now been greatly disappointed three times, and the neglect at your office has been a most serious loss to us. Our first order to send the papers to Binalong was not attended to, only 100 arriving in place of 400 as ordered—the remainder coming on Thursday, three days late."

W. Hanson,
Esq.
14 April, 1862.

7. *By the Chairman*: Were 400 sent? Yes, decidedly; I can testify to their being posted. The letter goes on—"Our next order was not attended to at all—out of 400 all we received at Binalong was 26, the remainder having been posted in Sydney too late, as the post-marks clearly prove. The consequence was we had to send to Yass to have them brought on by coach, and had to pay carriage at a very high rate. This spoilt the sale of the papers, and we had to dispose of nearly 1 cwt. of papers at the rate of 6d. a pound for waste paper. Our last Monday's (January 31) papers came as directed by us to Lambing Flat."

8. *By Mr. Watt*: What steps did you take on receiving the first letter? I went up and shewed it to Mr. Hunt, and Mr. Hunt assured me that the papers had left the Sydney Post Office. I do not know that I did go on the other occasions, because we have such numberless complaints. Not a day passes without some complaint.

9. When you received the second letter what steps did you take—or did you make any application to the Post Office? I do not think I did; I merely wrote to our agents on the subject.

10. *By Mr. Smart*: Are these three letters from the same correspondents? Yes.

11. *By Mr. Watt*: Could you give us readily any instance where such a complaint was made and you followed it out, in order that we may see what steps were taken by the Postmaster General to remedy the grievance? There is one case which I have marked which we did follow out. Mrs. Bennett, who resides at Newtown, posted a letter, somewhere in December last, addressed to Miss Armstrong, Post Office, Appin. She also posted another in a fortnight afterwards, and another in a week or ten days more; the three were posted, I think, in December. Miss Armstrong is in the habit, when in Sydney, of visiting at my house and at Mr. Bennett's, and when she was down in January, it was found that none of the three letters had reached her, but while she was at my house all three letters were delivered at once at Appin, and the covers were sent down to her. Now Mr. Bennett had accused his little boy, who was sent for the purpose, of not having posted the letters, but it was ascertained that they were posted at Newtown and had come in to the Sydney Post Office, and I learnt from Mr. Hunt that they had been in the Post Office during the whole month, and I have no doubt if you question Mr. Hunt, he will recollect the circumstance.

12. Did Mr. Hunt give any explanation as to the cause of the detention of the letters? He said the clerk in the office who had charge of these letters, had put them into a wrong pigeon-hole.

13. How was Mr. Hunt aware that they had been a month in the Post Office? I can scarcely tax my memory, but I think Mr. Hunt said he had discovered the letters himself, and when they were found they were stamped and forwarded as they should have been at first. I saw the covers at my house after they had been detained a month.

14. All bearing one date? All bearing one date.

15. It is difficult to conceive that any letter-box in the Post Office would remain uncleared for a month? It was more than a month I think. Mr. Hunt must remember the circumstance perfectly well. It was not a matter in which I was personally concerned, but Miss Armstrong being at my house I went to inquire about it, and got the explanation I have stated from Mr. Hunt.

16. *By Mr. Smart*: Were the letters sent to Appin, to Miss Armstrong? Yes.

17. And forwarded on to Sydney? The covers were forwarded to her in Sydney.

18. *By Mr. Watt*: Can you mention any case of your own that you followed up by communicating with the Postmaster General with a view to having inquiry made by him? We have done so, but the answers we get are generally the usual official answer, that inquiry has been made and the letters cannot be traced.

19. Can you produce an instance? I think I have given you an instance that you may easily trace.

20. You had no official communication in that case? No. If we did officially communicate, the answer we should get would be a mere printed statement to the effect that inquiry had been made and no trace had been discovered.

W. Hanson, Esq.
 14 April, 1862.

21. Do I understand you to say that you have received such letters? Yes; I have made such complaints, and have had an official notification in the usual way, without any possibility of finding out the cause of the delay. Here is another case in which, however, I cannot bring anything written. It is a complaint made to us by Cleghorn and Jaques at Uralla. It seems that when sent through the Armidale Post Office letters and papers were never delivered punctually at Uralla, and they applied to have a private bag made up at Sydney, and now the letters, and our papers as well, go safe, but if they went in the regular post bag there was no certainty about it.

22. Do you infer neglect in the Central Post Office, or in the Post Office at Armidale? I think the fault was in the Armidale Post Office in that case; but in the case of the three letters I spoke of just now, the fault was entirely in the Sydney Post Office; when I called there I found that the fault lay in Mr. Hunt's own department. Here is another letter, dated Mulla Villa, Wollombi, 31st March, 1862, in which the writer, after reporting that two numbers of the *Empire* had not reached him, goes on to say:—"It appears to me that there must be something radically wrong in Post Office arrangements when there have occurred so many detentions to one individual, and I have not reported half of the missing papers to my address. I desire to add that several papers have reached me having written on the cover, 'Why returned to Maitland.' One of these I took to our local postmaster, who solemnly stated that that paper had never been in his hands until the evening of delivery to me. If newspapers can be systematically stopped, the same I presume may be extended to letters, and believing as I do that the Post Office is one of the most important establishments of the Government, as respects the masses of the community, strict regularity ought to be enforced." Here is another letter:—"To the Editor of the *Empire*. Sir,—How comes the mail to be so irregular? I beg to direct your attention to this grievance which the public has to suffer from on the Western Road. From Parramatta to Bathurst, Orange, Sofala, and Mudgee, the mail is often carried on horseback. So irregular has it become of late that we never can rely on it at any particular time. Why does not our worthy Postmaster General compel the mail contractors to carry the mail in vehicles within the prescribed time, and make them responsible for delays? Is their convenience to be considered by the Postmaster General in preference to that of the public? The mail coach to Bathurst is drawn by two miserable horses, who travel not much quicker than a good walking pace. Previous to this late contract the mail kept such good time that we had not much room for complaint. I trust our Postmaster General will look into this affair, which so much affects the public, as also his own honor, and compel the mail contractors to fulfil their contract as punctually as it was done the six years previous to the present contract." This is dated, Bathurst, 2nd April, 1862.

23. *By Mr. King*: How do you forward papers to your agent at Burrangong? We pack them up twelve in a packet, directed.

24. Might they not be abstracted at the local Post Office? I think it must be in some such way they are abstracted. We never could trace them, though I gave myself a great deal of trouble about it.

25. *By the Chairman*: In a matter so serious, did you never make any representation to the Postmaster General? Certainly I did. I forgot to bring two official letters, merely intimating that the papers could not be traced. I went up and saw him personally, and complained with regard to alterations in the mail to Braidwood. He said he would take care to inquire, and he did inquire, and communicated with me sometime afterwards; but I forget whether he had made a change, or found some difficulty about it. For the last twelve months we have not communicated with him, but previously we did, frequently.

26. But this affair of these papers was something so serious, considering the number that were missing, that I should have thought you would have felt bound to trace it out. It seems they were marked "Too late"—were they posted too late? My people assure me that they were not. If they were marked "Too late," no doubt that was written in the Post Office here. I made particular inquiry when this letter came, and I know the papers all went from our office. We publish early in the morning, and the mail does not go till three o'clock; consequently, there was plenty of time to have posted them, and as all the papers for the country are checked off in a regular manner, I see no reason to suppose that they were too late in leaving our office.

27. *By Mr. Smart*: Do you think it likely any of the officials in the Post Office would mark the papers "Too late," if they had been received in time? I cannot say they would.

28. Do you think there is any disregard to forwarding papers in consequence of their having no stamps on them? I think it very likely.

29. What do you think would be the effect if they had each a penny stamp on them—do you think they would have more attention paid to them? I have no doubt of that at all; but at the same time I think it would be a step that would be very injurious to the country at large.

30. That is, if a stamp on newspapers was adopted? Yes.

31. Still you think they would be more likely to be forwarded, if stamped, than when not stamped? Yes, I do.

32. Can you give us any further instances of irregularities in the Post Office that have fallen under your own knowledge? I do not know that I can specify any particular case, but they are very very numerous. Complaints very frequently come to us from our correspondents, who put their complaints in a postscript to letters on business, or for publication.

33. *By the Chairman*: Have you any means of judging whether, in general, the irregularities that occur arise through carelessness in the Letter Department of the Central Office, through the irregularities of contractors, or through the carelessness of the up country postmasters? The difficulty is in tracing to which party the error is due. In our communications with the Post Office, of course it is for them to shew where the error lies.

34. Can you form no idea? No idea. I am quite clear that with respect to these Newtown letters the fault lay with the Sydney Post Office.
35. With respect to the newspapers —? I can form no idea.
36. Have you made no inquiry? We have sometimes. I know that during the Burrangong riots our papers were kept at Campbelltown for nearly a fortnight, but that was by order of the Government. We did not know it till it was over. No papers were forwarded for nearly a fortnight.
37. *By Mr. Watt*: Was that from the conveyance being otherwise engaged? Being occupied in taking up the military, I believe. And they had orders not to send on any newspapers.
38. *By Mr. King*: Are you allowed to tie twelve papers in a packet? Yes.
39. *By the Chairman*: You have printed in your journal sundry articles upon the Post Office—would you have any objection to state whether any of those articles have been contributed by any of those employed in the Post Office Department? I have not the slightest hesitation in stating that they know no more about them than you do. Not a single individual in the Post Office knows anything about any article that has appeared in the columns of the *Empire*.
40. You think they have not in any way contributed the information? Not at all, not in any way. I may state that from my having been in the Government employ for six or seven years I am very conversant with the intricacies of every department, and I will not accept information from an official; if he comes and volunteers it I will not use it. The information respecting matters that we take up in the leading columns of the *Empire* is never supplied in any such manner.
41. You have received correspondence under the signature of Samuel Plumb? Yes.
42. Have you reason to believe that the person writing under that name is other than Mr. Samuel Plumb, of Muswellbrook, or that the letters are really the production of some other person? Now you are speaking of letters published in the *Empire*—Mr. Plumb's letters—published under the signature of "One who Knows." We do not insert such letters without we have the name of the author. We know Mr. Plumb's writing, and we know his signature. He has been the principal writer of letters under the signature of "One who Knows," in the *Empire*, in defence of the Post Office; but I have no knowledge of myself how he gets his information.
43. *By Mr. King*: Is Plumb in any way connected with the Post Office now? I do not think he is, but I do not know.
44. *By the Chairman*: Do you consider the general management of the Post Office defective? Very.
45. In what way? I have watched the Post Office for many years, and I am quite satisfied that in the present management all the evil rests. For instance, there is the Postmaster General, and then there are three officers, at salaries of £530 each, who have a divided authority; one is very jealous of the other; one will not allow the other to interfere in his department. There is no possibility of having anything like proper organization where you have three gentlemen so utterly opposed to each other, and all on the same salary—I mean the Secretary, the Accountant, and the Superintendent. Now if we had a Postmaster General, and then a General Superintendent, say at £600, the others would be mere clerical duties—subordinate duties. It is from having these three heads always fighting one against the other, that all the difficulty arises. One will not be interfered with by the other, each exercises authority to a certain extent, they consider themselves quite equal to one another, and hence the squabbles that take place; and the Postmaster General does not know how to act between them.
46. Can you say how the public are in any way injured by these dissensions? You will find in all matters of business, that if you have in any establishment three individuals working one against the other, they cannot carry on their duties satisfactorily. I can see very clearly the way in which the department could be managed by having a Postmaster General, with a Superintendent under him, at a superior salary, who should be responsible for the conduct of the whole office; but not when there are three individuals, each having a separate department, and not co-operating one with the other. I believe they exclude from each other all sorts of information. I know as regards letters, I have once or twice asked Mr. Hunt with regard to letters, and he said he had no power of looking at the letter book.
47. Have you ever formed any opinion as to the advisableness of the Postmaster General being a political officer? Yes, I have thought very much on the subject, and I am of opinion that the only course to be pursued, in order that the department may be put on a proper footing, is to make the Postmaster Generalship a political office. My idea has always been that there should be a political head, with a good Superintendent.
48. Have you had much to do with the Post Office in the way of reselling stamps to them? Yes.
49. Do you find that a convenience? No, I do not at all.
50. Would not a Money Order System be a convenience? It would be a great convenience; vastly more convenient than the present system of repurchasing stamps.
51. You do not consider the system of repurchasing stamps an advisable one? No, it is merely suicidal; it is false in every respect. I consider it places the revenue in a false position, for one thing; these stamps are returned as postage stamps, so many issued for letters, which is not the fact.
52. Beyond what you have stated to the Board, could you make any suggestions that you think would improve the efficiency of the Postal Department? With regard to stamps, there is a stamp for registering letters, which is very difficult and troublesome to print, because

W. Hanson,
Esq.

14 April, 1862.

W. Hanson,
Esq.
14 April, 1862.

it is printed in two colours. The original idea was, that by putting a register stamp on a letter, and dropping it in the Post Office, it was considered registered, whereas in fact it does not register it at all, but it points out to the thief the letter that contains money; and it is inconvenient, too, for you have to go and buy a register stamp and put the ordinary postage stamp on as well.

53. Is it necessary that a registered letter should have a register stamp upon it? Yes.

54. If it had not the register stamp upon it, would it not be marked as registered? Yes, but persons would not be deceived, as they are likely to be now, by thinking it is registered in virtue of the stamp.

55. Then, in your opinion, the register stamp is useless? It is a piece of deceit, because a great portion of the public do not know but what a letter is registered when the stamp is put upon it. There is an eightpenny stamp, which is scarcely ever used now, that would answer well for postage stamp and register stamp together, and there is nothing peculiar in the stamp that would point out the letter as containing money. The plate for this eightpenny stamp is never used, and is perfectly new. This register stamp was introduced in 1854 or 1855, and it was the idea that it would save all the trouble of registering, but that it does not. It is got up in a fanciful way, to look very conspicuous, being printed in two colours, the outer ring in red and the inner part of another colour, and is a very troublesome stamp to print. That, I believe, was entirely a suggestion of Major Christie.—Here is another letter, apparently written for publication but not published, which I may as well read to you, to shew one kind of complaint that is made against the Post Office:—“The unmerited contumely which parties are subjected to at the General Post Office when inquiring for letters is beyond endurance, and I am positively assured that Major Christie is not cognizant of such injudicious proceedings on the part of the clerks in the Delivery Office. I had occasion to inquire the other day whether there were any letters to my address, being answered in the negative by one of them, whose physiognomy is anything but prepossessing, and who interrogated me with a multiplicity of inquisitorial questions quite incompatible with the subject. I presume that every one is entitled to common civility, whether gentleman or labouring man. Knowing that you are an advocate for public rights induces me to write these few lines to your valuable journal, and beg you will be kind enough to give publicity to the same in Monday’s issue. Apologizing for thus intruding, I am, your obedient servant, _____.”

56. Was Mr. Plumb the author of the letters signed “Scrutator,” in your paper? No, he was not.

57. Did you, at the requisition of Mr. Hunt, cease publishing any more of “Scrutator’s” letters? Never; Mr. Hunt never applied to me.

58. Have you ever visited the building at the General Post Office? Very frequently.

59. Do you think it sufficiently commodious or convenient for the work that has to be done there? No, I do not think it at all convenient.

60. Do you think it a building well suited for a Post Office? No, it is not well suited for a Post Office. It appears to me to want one very large room for the sorting of letters and papers, and then, also, merely one large room for the rest of the clerks. It is too much cut up into separate rooms. I think that is a fault attaching to all the Government offices. The clerks should be more together.

61. Does not that appear to be more essentially necessary in a Post Office where a direct surveillance over all the clerks is requisite? Yes; it appears very necessary that they should be under the surveillance of the head of the office.

62. Are you aware that there is a wide difference between the revenue and the expenditure of the postal department? I am.

63. Could you suggest any mode by which this deficiency might be lessened, and yet the public service not suffer? I am not in a position to go into the intricacies of postal routes, but I believe an immense deal might be done by re-arranging them. I believe that some places, where they do not get more than one or two letters by each mail, cost the country £30 or £40 a year. When I was in England there were many places of considerable population that had no direct mails, but here every little place that one or two letters go to must have a postal contract. I am not thoroughly up in the subject of postal routes, but I am quite sure there might be effected an enormous saving.

64. Do you not think, now that these Post Offices have been established, that if they were taken away the complaints would be very loud and great? No, I do not. I think they never ought to have been placed there.

65. Having been placed there, do you not think the parties interested would complain if they were removed? I dare say one or two parties in each case would feel inconvenienced, but I think the Government ought not to go to such a large expenditure. There is room for economy, too, in the system of contracts. The contractors from Melbourne were here twelve months ago. It appears they take the whole post roads of Victoria, and manage the whole of them. They are not cut up into so many different contracts. These are men of capital, who are able to carry out the postal contracts much more satisfactorily in consequence of having such large contracts. I forget their names now, but I had some considerable conversation with them about it.

66. Are you aware of the relative difference of the cost of conveyance in Victoria and in New South Wales? No, I am not.

67. You are not aware perhaps that it is very nearly double in Victoria? No, I was not aware of it. It has often occurred to me, with regard to increasing the revenue of the Post Office, though it would not be a popular thing, that if town letters were made to pay 2d., and country letters 3d., it would increase the revenue enormously. I went into a calculation, when I was Inspector of Stamps, to shew what the increase would be. Though there might be

be some dissatisfaction at first, I think it would subside; for when the postage on Melbourne letters was raised to 6d. there was a great outcry, but the public now willingly pay the 6d., and it produces a very large revenue. It would not cost anything to set the new postage afloat, for they have the 2d. plate now, and also a 3d. plate, so that there would be no expense in the production of more stamps, while it would increase the revenue enormously. The revenue from town letters would be doubled.

W. Hanson,
Esq.

14 April, 1862.

68. Do you think there would be an equal number of letters posted? Yes.

69. Do you not bear in mind that it would be the same here as in London—that, when a number of circulars are sent out from any business establishment, the party sending them could make a tolerably accurate calculation of what it would cost him to deliver them by private hand; and, though it might be cheaper to post them at a 1d., yet there might be a saving, if the postage were 2d., by sending them out in another way. In London it can be done for less than the postage comes to? No doubt in London it could; but in Sydney it would be more expensive by private hand. If four or five hundred circulars were to be sent out it might come cheaper to do it by private hand; but, with regard to bills, it would be better to send them by post.

70. Do you think it would cost more than five hundred pence to deliver five hundred circulars in Sydney? I think it would.

71. Are you aware what the postal tariff is in Victoria? No.

72. Would you suggest that letters should be delivered at the furthest post town in the Colony—for instance, at Wentworth, 700 miles distant—for threepence? No; it is one of those Post Offices, probably, that ought to be dispensed with.

THURSDAY, 17 APRIL, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

MR. KING, | MR. SMART,

MR. WATT.

Mr. Augustus Dillon called in and examined:—

1. *By the Chairman*: What is your occupation at the Post Office? Postal Inspector. Mr. A. Dillon.
2. How long have you been Postal Inspector? Since the 1st of March last.
3. How long have you been in the Post Office? Since the 1st of July, 1853—nearly nine 17 April, 1862. years.
4. Have you entered upon your duties as Postal Inspector? I have.
5. What do you consider those duties to be? Part of my duties have reference to the country alone, and my other duties I have to perform in Sydney. My duties in the country are to visit certain districts whenever the Postmaster General may order me to inspect the country Post Offices; to instruct the postmasters in their duties; to inquire into the manner in which the mail contractors perform their contracts; to ascertain if there are any irregularities or any complaints against the Post Offices; to inquire into the postal wants of the districts; to see if any changes could be made, and to propose such as might appear to me desirable. When I am absent I have to keep a journal of my proceedings, and to send a weekly report to the Postmaster General. When I have terminated a tour of inspection I have to send in a final report accompanied by a copy of my journal. In the event of any derangement of the service I am liable to be sent off at a moment's notice to remedy it. When there is any serious complaint against a postmaster I am liable to be sent to the Post Office to inquire into it. In such cases I have to make a special report. When I am in Sydney I have to revise the time tables, make out a monthly time table, and report upon a number of cases that are referred to me concerning the Post Offices. Perhaps I can better explain what my duties are if you will allow me to refer to a note I have made. I have on my table, at the present moment, 248 time bills; upon each of these time bills is to be found a record of some irregularities. I have to inquire into these, and report upon them to the Postmaster General—whether fines should be inflicted or not. I also have proposals for changes in the time table on twenty-nine postal lines. I have also a proposal for a new line, and a partial discontinuance of an old one. I have to draw up a report shewing the rate at which the mails travel throughout the Colony; to report concerning the abandonment of a contract by a mail contractor. I have two reports concerning missing mails, one concerning the habitual detention of mails upon a line of road, one concerning gross misconduct on the part of a mail contractor, two concerning missing money letters; and in the tables of the arrival and despatch of mails, since they were published on the 1st of January, there have been eighty changes made. I mean that the time tables upon eighty lines have been changed since the 1st of January, requiring the time tables of each of those lines to be revised.
6. Who performed this work in Sydney before there was a Postal Inspector? The Secretary and Cashier.
7. Is not the Secretary and Cashier equally able to perform it in Sydney now? One of the chief reasons for making this appointment was to relieve the Secretary and Cashier of these duties. The work connected with them became so heavy, that it was impossible he could attend to them and perform his other duties.
8. Was it not understood that one of the chief duties of the Postal Inspector was to look after the proper performance of the country contracts? Yes; but it was also to revise the time tables.

- Mr. A. Dillon. 9. Do you think any Postal Inspector could do this duty efficiently if he were travelling about the country only six months in the year? Yes.
- 17 April, 1862. 10. You have mentioned that there have been eighty changes made since the first of January—have these been made without a visitation of the districts? Without visiting the districts.
11. Do you think it advisable changes should be so made? It is not advisable in one sense; but they would be made at long intervals unless they were made without my visiting the districts.
12. Is it not advisable that, before these changes are made, the districts should be visited by the Postal Inspector? I do not think it is absolutely necessary.
13. You say you have to advise respecting changes on twenty-nine postal lines? On twenty-nine postal lines.
14. Are you going to make these changes without visiting the districts? I am.
15. Do you think that is advisable? Yes; I can do it very well. It depends entirely upon what the complaints are; if it is a complaint which has reference merely to the change of a day, and that change can be made so as to satisfy any particular application, without causing any harm to the rest of the service, it can be done at once, without any reference.
16. How are you to ascertain whether the application made is worthy of attention without visiting the district yourself? The time tables are never framed by merely visiting the districts. I can make out the whole of the time tables for the Colony without leaving Sydney.
17. Could a time table be properly made out without the Postal Inspector had previously visited the line, and reported upon the state of the road? That is only supposing there is some peculiarity in the country.
18. Do you consider it advisable that a time table should be made out in Sydney by one who never visits the country districts, and knows nothing about the postal route—would a time table be better made by such a person? I do not say that it would be better, but that it is not absolutely necessary that the person should visit a district in order to form an opinion as to the alteration of a time table; it certainly is not necessary in every case; it depends upon the kind of alteration required. Perhaps I should make myself better understood if I were to instance a case now under consideration. There is a three times a week communication between Goulburn, Queanbeyan, and Cooma. One of those mails formerly left on Wednesday—it now leaves on Tuesday—and there is a complaint made respecting it, and a request that it may leave on Wednesday. That change could be made without visiting the district.
19. Do you think it advisable to wait till complaints are made before making changes? Certainly not; but these things are brought under my notice in the office—unless I happen to be travelling, when, of course, I report them to the Postmaster General.
20. That is what I wish to arrive at—whether the Postal Inspector should not be always travelling, in order that he might learn what changes were necessary? But I could ascertain that without leaving Sydney.
21. Before complaints were made—could he ascertain that without leaving Sydney? Not before complaints were made.
22. When applications are made for new lines, are the new lines established without the Postal Inspector visiting the district? Frequently they are.
23. Do you think that is advisable? There is no analogy between the two cases.
24. I ask you whether you think it an advisable course? I do not; but I doubt whether any other course could be pursued at present.
25. Are you aware whether any care is taken to ascertain the traffic likely to exist upon any postal line before a new Post Office is established? No care is taken, generally speaking.
26. What would induce the Post Office to establish a new postal line—suppose any person in authority were to make an application for a particular postal line, would it be established? It depends a great deal upon the application sometimes.
27. What application would the Post Office consider sufficient? It is generally made by a petition of the inhabitants of a district.
28. Supposing a petition were to come from twenty inhabitants in an out of the way part of the country, would a Post Office be established upon such an application? I have known it to be done.
29. Do you think that advisable? It depends entirely upon the circumstances that surround the case. I have known a Post Office to be established upon the application of one person, who has been a Member of the Assembly.
30. Can you give an instance? I cannot at this moment call one to mind; but I have no doubt you will find out one by reference to the office records. I am not quite sure that Douglass Park was not established on the requisition of one person, but I cannot say positively.
31. As you make out the time tables, you also, of course, see the contracts? No; but I know the particulars of the contracts—they are printed.
32. You know nothing further of the cost of contracts? We always publish the cost of contracts. What we mean by contracts is the legal documents that are drawn up.
33. Are you aware whether the cost of establishing a line ever enters into the consideration of the Post Office before a line is established? Yes, it does. We have now called for tenders for a line to Wellingrove; whether it will be established or not will depend upon the cost.
34. Have you formed some estimate of the probable traffic upon the line? We are not able to do that. We generally ask as many questions as we can of the applicants and others connected with the district, but the probable traffic upon a line they are rarely in a position to state.

35. Let me take a distant post town. It appears that the township of Wentworth is the most distant in the Colony, seven hundred miles? It is, as far as mileage distance is concerned. Mr. A. Dillon.
17 April, 1862.
36. Letters go to Wentworth from Deniliquin? Yes, *via* Balranald.
37. Are you aware of the probable cost of carrying the mail as far as Wentworth? No.
38. Can you form no idea? No, it has to go by so many different lines, involving different costs—it could at best be only an estimate. It could only be arrived at by sending to all the postmasters along all the lines leading to that place for a return of all the letters received and despatched by them. We have no such return in the office.
39. You have not, since your appointment, left Sydney? I have not.
40. Do you remain in Sydney until the Postmaster General directs you to go on some tour of inspection? Yes; I am entirely under his orders, and never leave Sydney without instructions from him.
41. Have you ever communicated to any party out of the office, any information that you may have gained in your official position? To what extent am I to understand the question to apply; is it intended to inquire whether I have spoken to any one at all?
42. Have you ever given information to persons which have been the groundwork of letters published in the *Empire*? I have not, either directly or indirectly.
43. Have you ever yourself written in any journal? Yes.
44. Touching the Post Office? Touching the Post Office.
45. Under your own, or under an assumed name? I have written two letters under my own name, to defend myself from a personal attack.
46. Not otherwise? I have also written under the name of "Scrutator." Those letters were written to defend the Post Office against articles written in the *Herald*, headed "Mail Statistics of the United Kingdom and of New South Wales." In those two articles the Post Office was attacked, and also the Postmaster General. I wrote in reply, and signed the letters "Scrutator." Sometime afterwards a "communicated" article appeared in the *Empire*, and I wrote a second letter, signed "Scrutator," to rebut the statements made therein. Those are the only two letters I have ever written to the public newspapers under an assumed name, since I have been in the Post Office, respecting that establishment.
47. During the time you have been in the Sydney Post Office, what employment have you held there? I entered the Sydney Post Office in July, 1853, and was in the Account Branch from July till December. In December I was removed to the Stamp Office, and took charge of that and the Registration Office, where letters are registered. In February, 1854, I was transferred to the Inland Letter Office.
48. How was it you left the Stamp Office so soon? In consequence of a disagreement with Mr. Peel Raymond, the former Inspector of Stamps. In October, 1855, I entered the Secretary and Cashier's Office, where I remained till I was appointed to the Postal Inspectorship.
49. During the time you were in the Inland Letter Office, I suppose Mr. Hunt was the chief of your department? During the time I was in the office Mr. Hunt went to England; he was in the office a portion of the time—from February to April. When he went to England, Mr. Abbott became Acting Superintendent.
50. During the time you were in the Letter Branch, did it appear to you that that branch of the Post Office business was well conducted? Generally?
51. Yes, generally? It was certainly capable of improvement in many ways; in fact, many improvements were made.
52. Such improvements have been made subsequently? A great many improvements have been made since I have been in the office. From year to year improvements have been made, and the Letter Branch is now conducted very differently from what it was when I entered the office.
53. Can you suggest any further improvements? I think if all the officers could be under one roof, on one floor in the same building, it would be very desirable. They are now much disconnected, and this causes great labour.
54. Do you think some clerical labour might be dispensed with if the premises were more commodious? I think so.
55. Are you aware whether the health of the department is generally good? I do not think I was ever in a department where there were more deaths. On the average one clerk has died every year since I have been in the office. I am not prepared to say that that is to be attributed to the building, but I believe it is very unhealthy, especially the north side, where Major Christie's room is.
56. Were you always fully occupied while you were in the Secretary's department? Completely so; in fact I had more than I could do frequently.
57. Did you not, about six months ago, apply for literary employment upon one of the journals? I did.
58. Do you think you could find time for literary labour and attend to your duties in the Secretary's Office? Certainly not at the same time; but when I made that application I intended to work in the evening.
59. Were you never called upon to work late in the evening at the Post Office? Sometimes I have worked until five or six o'clock, and I have frequently stayed there on what are called holidays, on race days and cricket days.
60. We have heard a great deal about the different modes of sorting letters, about what are termed road sorting and alphabetical sorting; do you know anything of the road system of sorting letters? Yes. I have sorted by the road system myself, and I suggested the alphabetical system.
61. You are aware that there are great differences of opinion as to which is the better mode? I am.

Mr. A. Dillon. 62. Does it seem to you that the objections to the alphabetical system will outweigh those to the road system? No, it seems to me that if the alphabetical system were carried out in its integrity it is the better system of the two.

17 April, 1862.

63. Are you aware of the number of mails that have gone wrong in consequence of following the alphabetical system? No, I am not; but I am aware that the alphabetical system is not in operation now, and has not been for years.

64. What system is in operation? A kind of hybrid between the alphabetical and road systems.

65. Will you explain what you mean? The alphabetical system is this:—The letters are sorted into twenty-four different compartments, labelled alphabetically according to the first letter of the post town of the district to which they are addressed—Armidale into A, Bathurst into B, and so on. There are two classes, the one Direct, and the other Forward. The Direct are those with which Sydney exchanges mails; the correspondence for the Forward offices is sent through the Direct offices. Goulburn is a Direct office, but Binda is a Forward office, the correspondence for Binda being sent through the Goulburn office; according to the system now in use, a letter for Binda is sorted into G, G being the initial for Goulburn, the Direct office to which correspondence for Binda is sent. The alphabetical system has not been in operation for many years, in fact not since the late Mr. Stone's decease. It was changed in some way or other by his successor, and at the present time it is the road system virtually, but nominally the alphabetical.

66. It has been stated in evidence that several instances have occurred of mistakes in the last few years; for instance, we have heard that the Armidale mail has been sent to Bathurst, and the Bathurst mail to Brisbane; and we have been told the reason of this is that under the alphabetical system the clerk may make a mistake and put a letter into the B compartment which should go into the A? I apprehend the cause of the mis-sending of the mails is to be explained as follows:—Formerly, the letters after being cleared out of the compartments were placed upon a table having divisions, a bag being hung under each division; at present, the mails are made up on a kind of ledge in front of the compartments and the bags are hung behind, and in taking the letters from the compartments, turning round, and putting them into the bags, the bags hanging closely together, the letters may be put into the wrong bag. I do not think it has anything to do with the system of sorting.

67. Does it not appear to you that if the letters were preliminarily sorted into three districts, west, north, and south, and then subdivided, it would tend to obviate this evil? In the first place it is impossible to separate them into those divisions; formerly it might have been done, for then there were three roads quite separate, now they are so connected by the postal lines and post towns lying between them that it is often difficult to say whether a letter belongs to a post town in the northern or western district.

68. It would effectually prevent a mail for the northern road being sent to the southern? That could be done only by having distinct sets of compartments.

69. I mean that there should be distinct sets of compartments? It would prevent that, but I think it would increase the clerical labour.

70. I do not see how it would increase the clerical labour if you had sufficient accommodation? You must have clerks for each division. If you had the letters divided under three heads, you would require three clerks to do the preliminary sorting.

71. Might they not be the same that did the subsequent sorting? Yes, but they could not do it so rapidly. No doubt it would prevent the letters going to wrong districts. The difference between the alphabetical and the road system is simply this—under the road system, if a mistake is made it is more easily rectified; but for ten mistakes made under the road system there is not more than one under the alphabetical. There is another objection to the road system, which is this, none but an experienced clerk can sort according to it, whereas an inexperienced clerk can sort according to the alphabetical system. If a man has been only twenty-four hours in the office he will sort by the latter system as well though not as fast as any other.

72. Will you explain what is the course that would be pursued under the alphabetical system, whether one clerk would sort the letters, or two or three? One clerk. It depends upon the number of sets of compartments, if there were a very large number of letters the sets of compartments must be increased, at present one is sufficient. The clerk to be put to the preliminary sorting must be acquainted with every place in the Colony.

73. What do you do with letters that have no post town on them? They are thrown aside if the post town is not known to the sorter, and an experienced hand then writes the post town upon them. When this sorting is completed they are taken out of these compartments and put into compartments having the name of every Post Office arranged alphabetically, as Albury, Bathurst, Binda, and so on. They are then put upon the table for despatch; those for the direct offices are taken out first, and then those for the forward offices; they are then tied up and put into the bags. As my name has been prominently before the public, I would beg to hand in a statement of my official career in England and in this Colony. (*The witness handed in the same. Vide Appendix A.*)

74. We see from this statement that you were occupied in the Money Order Office at Home? Yes.

75. Do you know anything of the Money Order System? I do.

76. Do you know why it has not been adopted in this Colony? I think, in the first place, there was a belief that it would not pay, and in the second, the present Post Office building is very inconvenient. I am not aware of any other reason.

77. Beyond these you know of no reason why it should not be introduced here? No; the second reason I do not think a very valid one. I am not sufficiently acquainted with the Colony to say whether it would or would not pay; but I see no obstacle to the mere working of the system.

78. Are you aware whether there is a good feeling prevailing among the clerks of the Post Office? There has been a feud in the department ever since I have been in it; in fact, for years and years past. Mr. A. Dillon.
17 April, 1862.
79. From what cause arising? There has always been a disagreement between the superior officers for years past.
80. Has this led to disagreements between the subordinate officers? To a certain extent. Some do not regard it; others take their tone from their superior officer, and of course side with him.
81. Are you aware whether the clerks of the Post Office are satisfied generally with their employment? In what respect—with regard to their salaries?
82. With regard to their salaries and promotion? They are not satisfied with regard to promotion—with the manner in which strangers are put over their heads in the office.
83. Are you aware whether they consider that promotion has been tolerably equitably distributed? I conclude you refer to my promotion?
84. I do not refer to any specific case? There have been two systems of promotion in operation since I have been in the office; one before Responsible Government, and one since. I know there were complaints when I was promoted over the heads of two gentlemen; they naturally complained. I know also that complaints have been made that strangers have been put in the office recently instead of promoting those already in it.
85. Is there a feeling that efficiency and seniority will command advancement? Certainly not. Efficiency combined with seniority, I presume you mean; the very reverse has been the case for years past.

APPENDIX A.

A BRIEF statement of Mr. Augustus Dillon's official career in England and New South Wales.

- 10th February, 1847.—Appointed by the Marquis of Clanricarde a clerk in the Chief Money Order Office, London.
- From 16th March to 8th September, 1850.—In charge of the Post Office at Rye, Sussex.
- From 9th September, 1850, to 19th June, 1851.—Resumed duties in London.
- From 20th June to 15th August, 1851.—Performing money order duties at the Shrewsbury Post Office.
- From 16th August to 17th October, 1851.—In charge of the Post Office at Market Drayton, Staffordshire.
- From 18th October, 1851, to 1st September, 1852.—Resumed duties in London.
- From 2nd September to 2nd October, 1852.—On leave of absence.
- 3rd October, 1852.—Resigned. (*Copy of certificate, &c., herewith.*)
- June, 1853.—Arrived in Sydney.
- 1 July, 1853.—Appointed by Major Christie, upon the introduction of Captain Dumaresq and production of certificate, an assistant clerk in the Account Branch of the General Post Office, at 5s. per diem.
- 8th August, 1853.—Salary increased to £190 per annum.
- 12th December, 1853.—Transferred to Postage Stamps and Registered Letter Office, at a salary of £191 5s. per annum.
- 9th February, 1854.—Transferred to Inland Letter Office.
- 1st April, 1854.—Salary increased to £209 10s.
- 1st June, 1855.—Salary increased to £225 per annum.
- 6th to 16th June, 1855.—Engaged in inspecting the twenty-two Suburban and Receiving Offices.
- Same year.—Visited Newcastle for the purpose of installing and instructing new Postmaster.
- 1st October, 1855.—Transferred to Secretary and Cashier's Branch.
- 1st April, 1856.—Salary raised to £240 per annum.
- 1st January, 1857.—Salary reduced to £230 per annum. (Consequent upon general reduction.)
- 1857.—Engaged in inquiring into charge brought against Postmaster at Longbottom; also visited Windsor, for purpose of inspecting office, and to inquire respecting alleged abstraction of letters.
- From 18th May to 18th June, 1858.—On a tour of postal inspection, viz.—from Newcastle to Tamworth, and thence to Wallgett, about 500 miles.
- 26th June, 1858.—Appointed senior and corresponding clerk of Secretary and Cashier's Branch, at a salary of £300 per annum.
- 1st March, 1862.—Appointed Postal Inspector, with a salary of £500 per annum (including travelling expenses), and a free seat upon every mail coach. The "travelling expenses" include the hire of horses and the purchase of forage for them, when the Inspector has to travel on lines on which no coaches run, which lines form about three-quarters of the total extent of postal lines.
- During the whole of Mr. Dillon's official career he has never been reported for misconduct or incapacity.

AUGUSTUS DILLON,
Postal Inspector.

Copy of certificate, &c., alluded to in the foregoing statement.

*Money Order Office,
11 December, 1852.*

Dear Sir,

I send you herewith, as requested, the certificate of character during the period you held an appointment in this Office, and I trust it will be of use to you, and that change of climate will re-establish your health.

Mr. A. Dillon.

Very faithfully your's,
T. R. JACKSON.

*Money Order Office,
London, 11 December, 1852.*

I hereby certify that Mr. Augustus Dillon, during a period of upwards of five and a half years, discharged his duties in the London Money Order Office with integrity, ability, and zeal, and that he quitted that service of his own free will.

(L.S.) T. R. JACKSON,
President.

Thomas

T. K. Abbott,
Esq.

17 April, 1862.

Thomas Kingsmill Abbott, Esq., again called in and further examined:—

1. *By the Chairman:* There are two or three more questions I should like to ask you, chiefly with reference to the office of the Postal Inspector—do you consider the duties of that office best performed by the Postal Inspector residing in Sydney? Certainly not; it was never the intention that he should reside permanently in Sydney; it was always intended that he should proceed to the country when occasion required, and that whilst in Sydney he should perform the duties pertaining to his office.
2. It is stated that a large portion of his time in Sydney is occupied in the preparation of time tables; before the appointment of the Postal Inspector these tables were prepared in the office by the clerks; could they not still be prepared by them? They were prepared by me before his appointment, and one great reason for making the appointment was, that I had too much to do, and could not devote the attention necessary to this matter. In order to perform this duty efficiently a considerable knowledge of the country and of what the country requires is necessary.
3. Could not the time table be more efficiently drawn out if the party in Sydney whose duty it was to prepare them had correspondence with the travelling Inspector on each line? That is, if he could correspond with him upon the instant; but the Inspector might be at the extremity of the Colony when the information might be required.
4. Nevertheless is it not the duty of the Postal Inspector to visit each line and report upon it before any change is made? It has never yet been done.
5. Should it not be done? If it were, great delays would take place before any change could be made; for instance, a change might be required between Deniliquin and Balranald, and he might be at Liverpool Plains when information was required upon that point. Of course, unless he had previously visited that line, such information could not be given by him. Until he has visited all the postal lines of the Colony he cannot be expected to give information upon all.
6. Is it possible that he can inspect all the postal lines of the Colony if he is to pass six months in Sydney? It is not.
7. Does it not appear desirable that the duty of preparing the time table should be prepared by some one else? If it could be prepared by the Postal Inspector it should be prepared by him, as he ought to possess the most intimate knowledge of the country.
8. Could not that knowledge be conveyed by correspondence? Correspondence very seldom conveys accurate knowledge of the features of a country; it may give the distances between two points, but it does not give a correct idea of the speed at which mails might be conveyed.
9. What is the use of the creation of the office of Postal Inspector if he is to pass half his time in Sydney? It may be said that the office of Postal Inspector heretofore has not conferred the benefits it ought to have conferred; but that is not to be ascribed so much to the office itself as to the person holding it.
10. Do you think any changes ought to be made in a postal line without the line having been previously inspected by the Postal Inspector? I think it would be a great advantage if the line were to be inspected before any change were made; but it would not always be practicable.
11. Do you know what course is taken in the establishment of new Post Offices? Yes, they come before me every day.
12. What applications induce the department to establish new Post Offices? Applications either from private individuals or from persons collectively interested in a certain locality. Sometimes inquiry is made of the nearest postmaster, or Bench, or of some person of note on whom the Postmaster General can rely; and it depends upon the report he receives whether the office is approved. If the report is favourable, he refers the matter to the Treasurer for his decision.
13. I imagine the Treasurer acts upon the reports from the Post Office? Generally, but not always.
14. Considering that the department shews so large a deficiency in the revenue as compared with the expenditure every year, before recommending the establishment of any Post Office, do you take into consideration the probable cost of the postal line and the probable revenue to be derived from it? The establishment of a Post Office does not always entail the establishment of a postal line; when it involves the establishment of a postal line the cost is always considered in connection with it, and the probable expense brought under the special notice of the Treasurer.
15. Have there not been a great many postal lines established which would appear to be rather for private interests than for the public advantage? I think it not improbable there may have been a few of such cases.
16. Are there any cases you can name? I think it would be rather invidious to name any particular one, for my judgment might be erroneous.
17. Without naming any particular case, do you think there are any such cases? I think it quite possible there may be. In fact I think there are some postal lines established which might be dispensed with, where the advantages do not compensate for the cost. I may say with regard to this point that I have often thought, and I have named it to Major Christie, that it would not only be a saving of expense and an advantage to the public, but that it would remove all suspicion of jobbery, if a Board were established to consider periodically applications for postal lines. The highest cost of postal lines is for those from which the least revenue is derived, those in the interior, and those are established for the indirect purpose of opening up the country, and are claimed by the squatters as some return for the large assessments and rents they pay.
18. Are not these lines those upon which the number of newspapers greatly exceeds that of letters? Certainly.

19. So that the chief cost has been for the conveyance of newspapers? Yes. I have been speaking with two contractors of great experience, one the contractor for the main Western Road as far as Orange, and the other for the Southern Road as far as Yass, and they both agree that a third of the cost of the contracts would be saved if the weight of newspapers were diminished. T. K. Abbott,
Esq.
17 April, 1862.
20. Are you aware who suggested the introduction of the Money Order System into this office? I am inclined to think that the introduction of the Money Order System is alluded to in the Post Office Report of 1851, but my memory will not enable me to speak positively. The matter has been before the Postmaster General and the public many times within the last few years. It has been discussed in the daily papers, and the Postmaster General has been in communication with the London Post Office upon the subject, and also with the Post Office of Victoria.
21. Are you aware what is the average rate of speed at which the mail travels along the roads of the Colony? Taking the whole of the roads I do not think the speed averages four miles an hour.
22. Is that sufficient? Any speed is almost too great upon some of the roads in bad weather.
23. Might you not have two time tables—one for winter and one for summer? Winter is often the best for travelling; sometimes the rains prevail here more in summer than in winter.
24. May not the Postmaster General exercise a reasonable discretion if a mail arrives late in consequence of the state of the roads? Yes. The time table ranges up to five miles an hour in some places. Where the road is better the speed is greater.
25. Is the rate anywhere up to six miles? I think so.
26. Can you name any road? I think from Parramatta to Penrith the distance is beyond eighteen miles, and it is done in three hours. The distance from Penrith to Hartley is forty-eight miles—the mail leaves the former place at half-past six, and reaches the latter at four in the morning. I think the time table for the Bathurst Road averages about four miles an hour, which, considering the state of the roads, is as much as can be done, considering the impediments to be overcome.
27. In time of flood there is a reason for delay, but there is no reason why, at other times, the Bathurst mails could not be conveyed at five miles an hour? We never could get them conveyed at that rate.
28. Would not increased expenditure induce greater speed? Yes; and I think if the number of passengers to be conveyed by mail coaches were limited, it would induce greater speed. I think the number of passengers carried by the mail coaches is the most general cause of the irregularities that occur. Heretofore, the rule has been to allow contractors to convey passengers, and these have, in many cases, been conveyed beyond what the license has permitted.
29. If the mail were permitted to carry only two passengers, would there be any difficulty in increasing the speed to five miles and a half an hour? There would be no difficulty in increasing it to eight miles, but then you would have to pay in proportion. That system was suggested by either Mr. Merewether or the present Postmaster General, but it was found that the cost would be so enormous that it was not brought into operation.
30. Can you give any idea, supposing the mails were limited to the carrying of two passengers, and were obliged to travel at the rate of six miles an hour, as to what would be the expense? As much again as they are at present. I think the mail contractors rely more upon the revenue derived from passengers than upon that from the Post Office. It is a question that has been often considered; almost year after year the Postmaster General has expressed his desire that it should be introduced, but considering the enormous cost, he has not recommended it.
31. As the opinion you have just expressed that the cost would be about doubled must be rather vague, perhaps in a week's time, after consideration, you will be enabled to give a more definite answer to the Board upon this point? The only way by which I can get more accurate information will be by communicating with some of the principal contractors.
32. Perhaps you will do that? I will. (*Vide Appendix.*)
33. Is the Post Office open to any visitors who choose to go in and examine it? No.
34. Suppose any persons call upon any of the heads of departments, say either the Postmaster General, yourself, Mr. Hunt, or the Accountant, is it supposed that you have private rooms in the office where to receive them? No; in fact there is no waiting-room in the Post Office, which is a very great inconvenience.
35. You at one time held the office of Superintendent of the Letter Branch? I did, from the early part of 1854 to the latter part of 1855.
36. What do you consider to be the duties of that office? The direct supervision of the Letter Department and of everybody in it. When I had charge of the department I not only exercised a general supervision, but I did just as much work as any one there. I assisted in every department, in making up mails, sorting for letter carriers, sorting for despatch, and in fact in everything that was to be done. Any one who performs the duties of that office as they ought to be done, will have quite enough to do. When I was there I attended as early as any one, and did not leave till the last. I saw the whole of the duties performed from the commencement to the close.
37. There have been some complaints about the large number of newspapers that occasionally go astray—do the particulars ever come to your knowledge? Correspondence continually passes through my hands.
38. In one case it has been stated that 400 *Empires* were posted, and only 128 reached their destination? I do not think any complaint has reached me with reference to that instance.

- T. K. Abbott, Esq.
17 April, 1862.
39. They were going to Lambing Flat? I do not recollect that, but complaints of a like nature were so frequent some time ago that the Postmaster General was obliged, in self-defence, to ask for a list of subscribers to some of the papers published in Sydney, and by these lists the numbers posted were checked, and the errors upon the part of the publishers were, in some cases, proved to be so numerous, that at length they refused to supply their lists. It was shewn clearly that the errors were traceable, not to the Post Office, but to themselves.
40. It appears that in this case of the *Empire* the error did not occur only once but three several times; that not more than one-fourth of the papers posted reached their destination? I do not recollect the cases; they did not come before me.
41. No, they were only referred to the Superintendent for the Letter Branch? Then that is an irregularity on his part, for such complaints as this could not be inquired into by him. Reference ought to have been made to the Post Office at Lambing Flat, and that could be done only through the Postmaster General or myself.
42. Suppose the complaint had been referred to you, what steps would you have taken? I would have referred first to the Letter Branch, as to whether such newspapers had been posted, and if so what had become of them. If the answer was not satisfactory I would then have referred to the Post Office to which they were addressed, for further report.
43. How do you account for so great an error? I can only account for it in this way: that the outside paper was addressed to some other office, and that the whole parcel was sent accordingly. It is the duty of the sorters to open and check such parcels, and when they fail to do so, and that errors result, they are fined sixpence for every newspaper mis-sent.
44. *By Mr. Smart*: Had not the proprietors of the *Empire* the right to send any number of newspapers addressed to the same individual? No; I think they are limited to twenty ounces by one post.
45. So that an individual making up newspapers to the number of fifty, addressed to one person, has no right to send them free of charge? According to the regulations he has not.
46. *By the Chairman*: According to the statement made they arrived too late? I think in nine cases out of ten the complaints are rather attributable to the newspaper agents than to the Post Office.
47. *By Mr. King*: Is it in the power of a country postmaster to retain newspapers for his own use? Certainly not.
48. *By Mr. Smart*: If a packet of twelve or twenty newspapers were addressed to one individual, would it pass through the Post Office? If the newspapers are not above seven days old, provided they do not exceed the prescribed weight—twenty ounces.
49. What does a newspaper usually weigh? About two ounces and a-half.
50. *By Mr. Watt*: What would be done if the papers were above the prescribed weight? They would be thrown into a basket in the newspaper room and ultimately sold as waste paper.
51. Would the proprietors be told of it? We have no means of knowing the senders; if they were from a newspaper office the proprietors would be informed, but I think they are quite aware of the rule.
52. They do not seem to attend to it, for we have heard of their sending newspapers in packets of twelve or more? If you will refer to the rule you will see that the weight is limited to twenty ounces.
53. Is the rule carried out; we hear of 400 papers being addressed to one party? I am not aware. I know that by the English mails large packets are sent to the news agents here; we have no means of preventing that.
54. But in the present instance the newspapers were sent from Sydney to an agent at a distant place? I am ignorant of the fact.
55. We gather that it is done? It is contrary to the regulations if it is.
56. From the evidence given it would appear that the parties are not aware of the regulations? The fact is that the newspaper office is not under the control of a clerk. I would suggest that it should be under a clerk who should exercise a control over the sorters; at present the newspapers are sorted by sorters who are superintended by a sorter.
57. *By Mr. King*: What standing has he? He is not recognised as a clerk, but has a position somewhat superior to that of a sorter.
58. *By the Chairman*: We have heard the registration stamp objected to on the ground that it serves to draw special attention to the letter bearing it? It was for that purpose it was introduced. Before the stamp was used it was required that the word "Registered" should be written in red ink upon a registered letter.
59. Do you not think it would be better that the required fee should be paid, and ordinary stamps used. If any one wished to purloin the letters, does it not appear to you that this stamp would facilitate his taking those which were likely to be of the most value? The stamp would certainly render it more easy to discern which were the registered letters than if they bore no such stamp; but it has been the object of the office to make them easily distinguishable from other letters, to prevent mistakes on the part of the postmasters. In addition to the registration stamp it is required that registered letters shall be tied round with red tape, and be enveloped in coloured paper.
60. Registered letters no doubt must be posted separately; but I mean while they are in the office? When they leave the office it is just as necessary that they shall be easily distinguished in any office to which they may be sent. If there are three letters in a mail addressed to one person, how is the registered letter to be distinguished from the others unless it bears a stamp of some kind?
61. *By Mr. Smart*: By being included in a separate packet? Sometimes the packets get loose from the motion caused by the jolting of the mail.
- 62.

62. *By the Chairman*: If they were inclosed in a gummed envelope? The very fact of T. K. Abbott, Esq., their being so inclosed would attract attention.
63. But it would not attract attention before the letters were despatched? I cannot see the danger to be apprehended. So long as they are in the custody of the clerk in the Registry Room, as he has given his receipts for them he will, for his own protection, see to their safety, and the clerk who receives them from him will be equally careful for the same reason. I know where the postmaster has failed to mark the registry of a letter difficulty has arisen. We are supposed to mark every letter, and to get receipts for them. The experience of the London Post Office ought to be a pretty good one, and they always stamp registered letters in red ink, and mark them registered.
64. Are you not aware that people buying the stamp are under the impression that by affixing that stamp their letters are registered without their filling up the registration form? I do not recollect a single instance of any one making such a statement.
65. It seems to be a very natural supposition? I know that letters have been posted after the Post Office has closed with the registration stamp upon them under the supposition, or rather hoping that they would be registered.
66. Why not supposing—I can hardly imagine that you can distinguish in such a case between a supposition and a hope? I know the case to which you refer. So far as I can recollect, I do not remember it to have been stated. With regard to registered letters in the Sydney Post Office the transmission of these has been marvellously correct; very few have been mislaid or miscarried. I know none that have actually miscarried except from mail robberies.
67. You know, of course, from having had the supervision of the office, the difference between the alphabetical and road systems of sorting, of which we have heard so much? Yes.
68. From your experience, which do you consider the best? The alphabetical; the very fact of its being alphabetical conveys the idea of simplicity.
69. Is the alphabetical system followed in the office? It is now a sort of hybrid system.
70. Will you explain what you mean? For the Post Offices to which mails are made up direct the alphabetical system is carried out, but for Post Offices to which direct mails are not sent it is not applicable.
71. Have not many mistakes arisen from the alphabetical system of sorting within the last few years? Within the last few years mistakes have arisen, but not from the alphabetical system; I believe they are to be attributed to carelessness. When the system of alphabetical sorting was carried out by the late Mr. Stone, a mistake was the exception. During the time he had charge of the Inland Office it excited remark when a mistake was made, and since then mistakes have frequently occurred, especially since the system was altered. The present system was introduced when Mr. Hunt was in England, when he came back he disapproved of it, and he disapproves of it to the present moment. I think so far as Mr. Hunt is concerned it never had his good wishes.
72. It appears that almost all the clerks consider the road system better than the alphabetical? I think where the head of a department expresses a decided opinion upon a subject the clerks under him are generally influenced by that opinion. I know that formerly when a stranger came into the office as a clerk, he was for some months almost useless as a sorter.
73. Suppose some such plan as that adopted in London were established here, and the public were directed to write upon their letters Northern, Southern, or Western District, would not that prevent these errors? In some cases it might be done, in others it would not. They have been requested to address persons by their Christian names, but it has been of very little use, they do not do. We often have letters addressed without any Christian name to persons in Sydney without stating the street, and many of these letters are left in the Delivery Office unclaimed. It would be no harm, as a matter of course, to do so, but I do not think the benefit to be derived from it would be appreciable.

THURSDAY, 24 APRIL, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

MR. KING, | MR. WATT.

Mr. Nicholas Nelson called in and examined:—

1. *By the Chairman*: What is your occupation in the Post Office? I am at present attached Mr. N. Nelson, to the Account Branch.
2. You have stated that you are able to give the Board information respecting the working of the Post Office which we are not likely to obtain in any other way—will you explain what that information is? With reference to the general working of the branch with which I am connected. Perhaps I had better speak about my own duties first. Since the office has been established the examination of the country postmasters' accounts has been considered absolutely necessary to the well-doing of the postal arrangements; but lately the Accountant has suggested that that examination should be done away with. When a postmaster has no stamps on hand he takes money at his window, and debits himself with the money, on certain forms, which adds considerably to the amount of his account, and which can only be checked by examination. There are 35,000 of these forms examined every month, and great reference is made to them in tracing registered letters, and also missing mails. Formerly, when there were only about 70 Post Offices in the Colony, there were four

Mr. N. Nelson. four clerks attached to that one duty—Mr. Ussher, who lately died, Mr. Raymond, who has been I may say pensioned off, Mr. Gosling, also pensioned off—and now there is only myself, when there are 360 postmasters. You may think it strange how I can do the work that required four to do it when there were not one-fourth the number of offices, but I can explain it by saying that the forms have been made more simple now than they were before. The Accountant suggested, some little time ago, that the words of the postmasters were to be taken for the amount of their accounts as they thought proper to make them out, and the correspondence which ensued was very voluminous. I will not attempt to read it, but I have copied it all. Mr. Keble suggested that the offices should be divided, and that ten only of the number should be called major offices, and those alone to be examined, and for the minor offices the words of the postmasters were to be taken. Well, I asked the Accountant which offices he would term major offices, and the answer he gave was in effect that he had not decided; but when the January accounts were to be examined I received instructions that the accounts of ten offices only were to be checked, namely, Aberdeen, Albion Park, Bathurst, Bega, Berrima, Black Creek, Broughton's Creek, Boro, Braidwood, and Brownlow Hill. I thought it strange that an office like Boro, one of the most minor offices in the Colony, and an office like Bega, which is of very small importance, should form two out of the ten, when offices like Maitland, Goulburn, Yass, and Bathurst, were not examined at all. I was yet kept in the dark which offices were to be termed major offices; but I was no more enlightened when I got the memorandum relating to February, when ten more offices were selected—seven offices beginning with C, and three offices beginning with D—when I was informed that it was intended to take up the book which contained the list of Post Offices, and take ten offices indiscriminately as they might present themselves before the mind of him who held the book, and so the examination should be proceeded with; and considering there are three hundred and sixty Post Offices, and only ten examined each month, many of the offices would never be examined in the year at all, and some only once in three years. An office which was of no importance the other day—Forbes, on the Lachlan—suddenly became a great place, so much so that instead of a postmaster at a nominal salary, a clerk has been sent from the Sydney office to take charge of the Post Office there at £200 a year. It was, therefore, necessary to close the account of him who had been removed, and this was an office the account of which was taken at guess-work.

3. What do you mean by guess-work? From a few vouchers that might be lying at hand; the clerk who examined the account looked in the division, and from the few vouchers he found there he made out the account.

4. You mean to say the account was made out from the vouchers received, as well as it could be made out according to those vouchers? He looked into the division —

5. Where the vouchers for this office ought to be? Yes, and he took the vouchers he found there, and from those few he made out the account.

6. That is what you call guess-work? Yes, for this reason, that he should have known whether all the vouchers were there appertaining to that office, and that could only be ascertained by examination.

7. By application to you? By application to him who had the duty of examining these vouchers. For Black Ridge, now called Forbes, he entered in the ledger as the account of the postmaster for December, £1 2s. 3d., whereas had he examined it as formerly was the usage, the December account for Black Ridge, or Forbes, would have been £17 17s. 10d. more; and if in the January account the matter is taken at guess-work, as it was in this case, the Forbes account for January would be deficient £19 10s. 5d.

8. *By Mr. Watt*: The actual account? The actual account for January.

9. *By Mr. King*: What is the name of the clerk who makes out these guess-work accounts? This gentleman gets £300 a year. That is my reason for saying I believe the Commission has been kept completely in the dark regarding the Account Branch, for I can say safely that the Accountant, on the average, has not got half an hour's work to do a day. A requisition comes up for stamps, and the ledger-keeper is asked the question if the postmaster has paid 75 per cent. on the former supply; if he says he has, the stamps are issued, and Mr. Reeve, having issued the stamps, sends that requisition from up-stairs, and Mr. Keble, the Accountant, enters it in his day-book, from which it is entered in the ledger, and that is all that has to be done.

10. *By the Chairman*: That is the whole of the Accountant's work, is it? That is the whole of the stamp account. Then, regarding postages, as I am only asked for these matters every six months, the ledger-keeper enters them straight into his ledger at once, every six months.

11. How, then, do you account for the postmasters' accounts being written up to the end of every month, and that, when I examined them in March, they were balanced to the end of February? The postmasters' accounts?

12. Yes? The accounts have not been examined.

13. Whose fault is it if they are not examined? The party whose duty it is.

14. Whose duty is it? The ledger-keeper has taken upon himself to perform that duty.

15. Where does he get his information? From the vouchers; and the postmasters not having sent their accounts in —

16. How long do they keep them out? They should send them in at the end of each month, but they fail in doing so.

17. How long do they keep them out? Some of them might keep them for four or five months.

18. Is that allowed at the Post Office? They are continually being applied to, and still they keep delaying.

19. Before you go any further, as you are very liberal in your remarks about the Account Branch,

Branch, I should like to ask what you know of the working of the Account Branch? I Mr. N. Nelson. know simply this, that I see the ledger-keeper making an entry of the stamps issued when there are any issued in the day; I see him also putting to credit, from the cash-book, the sums received and entered by the Cashier; and in the afternoon, the greater part of the time, he is asleep.

20. *By Mr. King:* Do you mean the Accountant? No; a young man brought in at £300 a year to keep this ledger.

21. What is his name? Mr. Nightingale.

22. *By the Chairman:* By your account it would appear that no one in the Accountant's Office, except yourself, has any work? No, I beg your pardon.

23. The Accountant himself, you say, has not more than half an hour's work a day; the ledger-keeper is asleep half his time; but you yourself have done the work that used to occupy four clerks? That is the case.

24. That is in effect saying, that the only one in the Accountant's Office that does any work is yourself—is that clearly what you mean? I mean to say, I do what four did before.

25. Do I understand you to mean that the only person in the Accountant's Branch who does a day's work is yourself? I believe the duty assigned to me to do one cannot do.

26. I cannot get a direct answer. You have told me the Accountant does no more than half an hour's work a day? That is what I do say.

27. And the ledger-keeper is asleep half his time? Yes.

28. And you do the work that used to be done by four clerks. Do I understand you to mean that the only person that does a proper day's work in the Accountant's Branch is yourself? I believe so. You will allow me to say a good deal of this work should be given to a very humble junior to do—the sorting of these letter bills, which occupies my time, and is entirely lost, when I could be more usefully employed. They come from the country in this form (*producing certain forms*), and the arranging of them, and putting them in divisions, occupies nearly a fortnight in the month.

29. What is the work you have in the other fortnight? The examining of these accounts, and putting them in form.

30. Will you explain what you mean by examining them? As in the case of Wollongong, for instance, they come in this shape, and are sorted and put in divisions. I must ascertain what offices Wollongong exchanges mails with, which I know from a book which I keep.

31. I want to know the nature of the examination? To see that the accounts on the face of these vouchers correspond with the account as drawn up by the postmaster.

32. You have said you should consider that a junior might do the work that you do for fourteen days in the month—do you not think he could do the examination of these accounts too? I do not think he could, except he had a knowledge of the interchanges which should be made, and which it takes long experience to be familiar with.

33. Suppose he has that knowledge? If he had that knowledge, or was able to acquire it, he could do it.

34. What is there that is difficult to do in this work? The arrangement of the mails in one series of offices being intertwined with the others.

35. You mean to say the chief difficulty is the arrangement of the papers? Yes, for this reason; that it occupies my time, and I cannot get on with work of importance.

36. Can you give any opinion as to the causes of the want of harmony in the Post Office? I believe that the whole want of harmony arises from several causes. I believe if Major Christie acted on his own judgment he would be right nine times out of ten. I speak of him with great respect; but he takes the opinions of his officers, who mislead him. For instance, the simplest movement in the office, he has the Accountant, the Secretary, and Mr. Dillon, meeting to arrange a reply or a report, and when it is given it is the concoction of the three. Parties in the office who scarcely have been warm in their seats have suddenly risen to importance, both as regards salary and position, which they never anticipated. One clerk in the office suddenly rises to £300 a year; I believe he was only three years in office before he attained this salary; and I was, I suppose, seventeen years in office before I rose to that amount.

37. Do you think the officers generally are not satisfied with the way in which promotion takes place? Very much dissatisfied.

38. Does the want of harmony that exists in any way prejudice the public interest? I believe it does, because the minds of many are occupied with internal grievances instead of being directed to their duties.—I will mention one matter. Some years ago a Commission, consisting of Mr. James and Mr. Smith, came out from the London Post Office, and I was appointed their Secretary. I thought I would shew you the letters the Commission addressed to the Postmaster General, arriving in Sydney as they were strangers seeking information about the Sydney Post Office, and the way in which they set about it. I would like to have shewn these letters to you, for I entered them in a book as I wrote them for the Commission.

39. How will that assist us in our inquiry? I thought you might have liked to see the information they sought, which would perhaps be interesting to you. Mr. James is now Postmaster at Glasgow, and the other holds an equally important position in Ireland. I was going to mention one matter regarding the discontent in the office. As a servant of the department, I think I might be permitted at any time to see documents or vouchers in the office, but I cannot do so without making an application to the Accountant, who sends it to the Secretary. For instance, I sent a message to the Secretary to ask him to let me see a minute of the Colonial Treasurer on a letter I had addressed to him, and I was informed by the Secretary that I must apply through the Accountant. In former years I might have gone and seen it without any trouble. I sent the Accountant the following memo. :—

“ The

Mr. N. Nelson. "The Accountant will oblige by granting the necessary authority for the Secretary
 "to permit me to see the Treasurer's minute on a letter I addressed to the Minister,
 24 April, 1862. "referred to the Postmaster General for report.—NICHOLAS NELSON. 24/2/62."

Upon that the following minutes were made:—

"For the Secretary and Cashier.—JOHN KEBBLE, Accountant. 24/2/62."

"Mr. Kebble,—I think the letter in question is with you for report.—T. K. ABBOTT,
 Secretary. 24/2/62."

"Yes. Herewith.—JOHN KEBBLE, Accountant. 24/2/62."

"For Mr. Nelson's perusal.—JOHN KEBBLE, Accountant. 24/2/62."

"Read. Returned to Accountant.—NICH. NELSON. 24/2/62."

"For the Secretary and Cashier.—JOHN KEBBLE, Accountant. 24/2/62."

Then again I begged permission to be allowed to see the Accountant's second report, and there was a long correspondence on that. I also wanted to see the letter-book for 1845, with the letters addressed from the office to the Colonial Secretary, and the Secretary and Cashier wrote—"If Mr. Nelson will state the information he requires"—

40. What is the object of all this—what has it to do with our inquiry? You were asking me the reason of the grievances in the office, and I was shewing you the way in which I was served in a simple matter of reference to papers.

41. You say you have only ten of these postmasters' accounts to do each month, instead of 360? Only ten to be examined.

42. Is it the examination of these ten that takes up the remainder of your time when you are not arranging the other papers—the other fourteen days? The examination of the ten, which they propose to come into operation, would only take me a very short time indeed.

43. For January and February you examined only ten? There were only ten to be examined for January and February this year; only ten for each month.

44. *By Mr. Watt*: Have they been examined yet? Mr. Nightingale is preparing the vouchers for the present year.

45. Then you have nothing to do? I have had the accounts of Mr. Miller, whose duties have been transferred to me.

46. *By the Chairman*: Part of your work during the past year was the examination or arrangement of these accounts? Yes.

47. What is about the total amount of cash you have had to check—did it amount to £300 a year? Some of the postmasters would make out that they owed two-pence, where I made out that they owed 7s. by checking their accounts with the vouchers.

48. I want to know the total amount that these accounts came to in the year? £400 or £500; I am not aware exactly.

49. Have you anything further to state to the Board, bearing upon their public inquiry? I have much to say, but will only occupy your time by mentioning, respecting the discontent in the office, the nepotism existing in it. The Accountant first brings in Mr. Charles Nightingale, then his brother Mr. Alfred Nightingale, then Mr. Rogers who lives with him. Then afterwards when the gentleman lodging with him goes, the Accountant's nephew comes in, Mr. Coleman.

50. Who makes these appointments? They are made upon the Accountant's recommendation.

51. Who makes the appointments? The Accountant recommends the appointments in his branch to the Postmaster General, who recommends to the Treasurer.

52. Has every recommendation of the Postmaster General to the Treasurer been followed? In these cases they have been all, I believe.

53. Has every recommendation of the Postmaster General been followed? I am not aware, only regarding the Account Branch.

54. Do you not think that in an office like the Post Office it would be far better that the clerks should be advanced according to their efficiency rather than according to their seniority, and do you not think the Post Office would be far better worked by very efficient clerks who had, perhaps, been there only one year, than by clerks not equally efficient who had been there fifteen years? Decidedly; but I would say one thing, that I do not believe there is any duty in the Post Office requiring any very superior ability. I am sure if I were to enter the counting-house of a merchant in Sydney I would feel very much taken aback. The duties of the Post Office are, comparatively speaking, trifling to what invoices and tare and tret would be. You asked me also another thing, regarding the matter of grievances in the office. Greater indulgence is shewn to one clerk more than to another. We have heard a great deal of the Postmaster General's Reports, which Major Christie was well able to prepare himself, but it was given to Mr. Dillon to do, and I believe he was a fortnight away from the office, and a week, by the Postmaster General's minute, exempt from any duty excepting the preparing of that report, and then the material of it was given in information from the several branches. I believe a junior reporter on the *Herald* or *Empire* would have done it in a day—and I know something of literary as well as letterary labour. I am sorry, for Major Christie's sake, that he did not prepare it himself, which he was well able to have done. I would suggest one matter, too, regarding the expenses, if you will allow me. There are a great number of Post Offices that might easily be abolished. I believe many of them are established through the influence of persons in the interior, who, having property to sell, wish to enhance the value of it by getting a Post Office established, so that when sold by the auctioneer he can state that it is an "allotment adjoining the Post Office," or "within five minutes walk of the Post Office." Then there are such places as Fort Bourke, which exchanges with Walgett and Mount Murchison, and other offices in the remote interior, that I might allude to; it costs large sums to convey the mails to these places, and they might easily be abolished. Perhaps only two or three residents reside at the scene of the locality, and each letter so conveyed might cost from £1 to £5. Then again a large office on the Western Road, like Bathurst, might be made an office of more importance, to which the tributary offices might

be subservient, and to which reports might be made without referring to the head office; Mr. N. Nelson. and in the same way Gundagai, Albury, Gundaroo, Collector, and those offices about Yass, might be subservient to it. Newcastle, Hexham, Raymond Terrace, and others might be subservient to Maitland. And so with others in other parts. The postmaster of each important office might have the surveillance of the offices in the immediate vicinity, and might take within his range perhaps twenty offices. There is one more matter. There are many Post Offices congregated within a short distance. For instance, on the Parramatta Road, there are Ashfield, Burwood, Longbottom, Five Dock—four offices all within a pleasant walk of one another, and not so very far off a fifth, Ryde, across the river, and even a sixth, Hunter's Hill. These offices have been established through interest; and a great many of them could be done away with and make an immense reduction in the expenses. Then again I have spoken about the indulgence shewn to some clerks in the department. I can mention one clerk, the ledger-keeper, who in the years 1860 and 1861 has been longer away from office by leave than I have been after nearly twenty-three years' service. Again there is the attendance book kept in the Accountant's Office. Several of the clerks do not go in till about twenty minutes to ten. The attendance book is not attended to.

55. Do I understand you to mean that the clerks make false entries? I am sure of it. I have seen Mr. Nightingale put down dates as if he had been there when he had not been there at all, and that I can certify. There are two matters I can prove by a gentleman within a few yards of this room, Mr. Miller, in the Premier's department. He sat in the room with me for a long time, and will corroborate what I say regarding the ledger-keeper being asleep in the afternoon; and about the entries made in the attendance book when a clerk has not been there, which book the Accountant does not check for months. For instance, no entry has been made since Thursday last excepting by myself. It is very painful to me to give evidence in this way, but I am convinced the Board is kept as much in the dark as possible. I believe in the vote account book two hours would fill up all that has been done in it last year. The revenue account, on the 13th January last, he first took it over to himself. The expenditure book—no cheques entered between the 24th February and the 4th March last; and first cheque entered on 13th January. There surely cannot be much to do in that book. And in the revenue account book I saw Mr. Miller entering two quarters' arrears in it lately. I know this—that since the Board of Inquiry has sat a number of small books have been prepared by the Accountant from printed estimates, and their newness will shew that they are merely the work of the other day, and the half-yearly stamp accounts to the postmasters were not sent till the 19th February last. The contractors' accounts every quarter, and the postmasters' accounts every month form the principal work of the branch. There are merely the two ledgers, debiting the postmasters with stamps and postages, and the contractors with the amounts paid to them. And I would mention one thing—the ledger-keeper—I saw him on the commencement of January entering in the ledger from the Accountant's only book, the day-book, the issues of stamps from October—I am willing to swear it—I challenged him with it. He was entering from the day-book, in last January, the issues of stamps for October. And one word I will say—that in the first week of this month, the ledger-keeper, Mr. Nightingale, first opened an account with the contractors whose tenders had been accepted in October. He took it from the Treasurer's printed matter—the accepted tenders in the *Gazette*, and opened the ledger.

56. Are you aware whether it was necessary to enter them before? I imagine, when the tenders were accepted in October, when the tenders received the sanction of the Board, the contractors were informed that an account would be opened with them.

57. Was any money paid before the beginning of April? No, that was the reason why he was obliged to enter them then—because the quarter's accounts had to be paid.

58. Is there any necessity to open a ledger heading before you have to pay money or receive money under it? I thought that immediately a contract was accepted an entry would be made.

59. *By Mr. King:* What entry would you make? Presuming that the contract was for £500 a year, an account would be opened with the contractor for that sum.

60. *By Mr. Watt:* Before any of it is earned? The account would be opened with the party at once I should think, because the accounts already have gone out. I thought immediately on the acceptance of a contract an account would be opened in the ledger.

61. *By Mr. King:* Surely not till the contractor has earned some money or some payment has been made? The correspondence is carried on with him.

62. You would not enter correspondence in the ledger? No, it is only to shew he is in treaty with the office, and fines are exacted from the moment his contract begins to run, which, from time to time, should be debited to him in the ledger.

Robert Allen Hunt, Esq., called in and further examined:—

1. *By the Chairman:* There are two or three points on which we wish to have a little more information. No delivery is allowed by the Government on Sundays—do any of the Post Office clerks attend at the office on Sundays? On the arrival of an English mail we all in the Letter Branch attend.

2. Whether any letters go out or not? Whether any letters go out or not. It is only on the arrival of the English mail.

3. Would any extra work be entailed on the clerks in the Post Office, supposing the holders of boxes, after the arrival of an English mail on Sundays, were allowed to send for their letters? I should think not—certainly not.

4. You have stated in your previous examination that the existence of private boxes is a very great convenience to the Post Office? Very great.

5.

R. A. Hunt,
Esq.

24 April, 1862.

- R. A. Hunt, Esq.
24 April, 1862.
5. And for this convenience the holders of boxes pay £1 ls. per annum? Yes, and next year they will have to pay £2 2s.
 6. What special advantages do the holders of boxes derive from this payment? They get their letters immediately after the window is opened in the morning, instead of waiting for the letter carriers to go round.
 7. Beyond getting their letters, on an average, say half an hour sooner, is there any other advantage? That is the only advantage.
 8. If there were no private letter boxes, what would be the extra expense to the Government for additional letter carriers? I do not think there would be any additional expense; a letter carrier can deliver 500 letters almost as soon as he can 100.
 9. On the arrival of an English mail the correspondence delivered through these 200 boxes is very large? No doubt, but it would not make much difference to the letter carriers, because it would be distributed among the different beats.
 10. Would the letter carriers on the different beats be able to take out this additional correspondence? Yes.
 11. What is the reason for increasing the fee for private boxes to £2 2s? Merely to make it uniform with Melbourne.
 12. In Melbourne it is £5 5s., is it not? Not now, they have reduced it.
 13. What do they charge now? £2 2s. I think.
 14. Do they not at Melbourne give special privileges to the holders of boxes—can they not always send for their letters as soon as the mail is sorted, and get them every morning by six o'clock? Yes.
 15. Why are not the same advantages given here? They will be given here as soon as we get the rule revoked which says that there shall be no additional advantage to the parties.
 16. Is it reasonable to expect the double fee, without additional advantages? I think the rule will be revoked, but I do not know if the delivery will take place as early as six o'clock in the morning. A regulation has been made that the Marseilles letters should be first sorted and delivered; and I think if I succeed in what I have recommended, that is, in having four deliveries a day, there will be one at eight o'clock in the morning.
 17. The fact is, at present, that the holders of private boxes pay for a privilege which saves the Post Office trouble? Yes.
 18. When a letter is not sufficiently stamped at present, does it go forward or is it returned to the writer? That depends on where it is addressed to.
 19. A local letter, for instance? It goes forward, charged with double the amount of deficiency.
 20. Suppose such a letter is addressed to Queensland or Melbourne, does it go forward? No, it is sent back to the writer.
 21. Do you not think it would be an advantage to send such letters on, charged with double postage? Then we should lose the revenue.
 22. Why? We should put it in the pockets of the Melbourne and Queensland people.
 23. Might there not be a reasonable interchange of courtesies between the respective Post Offices. If you get a letter by a ship's mail, addressed to Queensland, you send it on? Yes.
 24. Would it not be better that there should be some reciprocity, so that all deficiently stamped letters should be sent on, and charged double postage? No doubt; I think that ought to be the case with all the Colonies. The rules and laws of the Post Office in all the Colonies should be the same.
 25. It has been suggested to us that there is some disadvantage attached to the registry stamp, inasmuch as it points out the registered letter particularly—Does it do so more than if you wrote on it the word "Registered"? Not any more.
 26. If a letter is registered it must be noted somehow? Yes, it is stamped with the word "Registered" in large letters, in the office.
 27. It is said that some persons are under the impression that by merely putting on a registry stamp, and dropping the letter in the box, it is registered—do you think such a thing often happens? Very seldom.
 28. Would your clerks inform you if they saw such a thing? Once or twice I have seen it done. Sometimes people use them for postage stamps, but that is not allowed, as the registry stamps do not indicate any amount of postage, and the Act says the stamp must indicate the amount.
 29. We have had some complaints from the *Empire* Office, about the non-delivery of newspapers—are you aware where the fault lies? It is difficult to tell. It is principally on the coast lines; Broulee, for instance, and down to the southward.
 30. Have any complaints been made at the Post Office on the subject? Yes; Mr. Hanson has called upon me several times, and I have endeavoured to point out that sometimes the fault rests with themselves, the newspapers not being posted in time.
 31. They have always been sent from your office? Yes.
 32. How do you account for the irregularity? There are two or three offices where the letters and newspapers are re-sorted and forwarded to their destination; but we have now commenced making up direct mails to some of the places about which complaints are most frequent, in order to prevent their being sorted at intermediate offices. There have been several complaints this last month from between Broulee and Moruya, and that direction.
 33. *By Mr. King:* If newspapers are posted too late one day, they go by the next mail? Yes. The proprietors of newspapers are afforded great facilities.
 34. *By Mr. Watt:* Mr. Hanson told us that in one case he posted 400 papers for Lambing Flat, and only about 100 were received in time? Yes, he stated that himself.
 35. Was any inquiry made? I told him to write officially, with a view to inquiry.
 36. Did he do so? I do not know; I never saw any letter on the subject.

37. Did you set on foot any inquiry? I could not without he wrote about it. He complained of his papers being detained; he said the *Sydney Mail* went on, and his did not go. R. A. Hunt, Esq.
38. What is the limit to the size of the packets sent through the Post Office? I think it is 20 ounces in weight, for one person, under one envelope, or one string. 24 April, 1862.
39. How many papers? Ten or twelve; but if they put twenty papers together we do not mind it.
40. You do not observe the rule strictly? No; in fact, we afford them very great facilities—the *Herald*, and *Empire*, and *Bell's Life*.
41. *By the Chairman*: Mr. Hanson also mentioned a case about the non-delivery of three letters addressed to Appin by Mrs. Bennett—can you explain that? The word "Appin" was written very low down. I forget the exact address; but the clerk whose fault it was sorted them away into one of the divisions, where they remained until they were making out the list of unclaimed letters, when he observed the word "Appin." The word "Appin" looked more like "Office," from the way in which it was written; reading it in those dark places it looked like "Office." That was the excuse he made.
42. You have stated in your previous examination that you saw no objection to a small postage charge on newspapers. Supposing you had four deliveries a day—one beginning as early as eight o'clock—under the present Act, could newspaper proprietors in Sydney avail themselves of the Post Office for their morning deliveries? Under the present Act they could do it; in fact, we are now delivering *Bell's Life*, on Saturday mornings, in different localities in the suburbs.
43. In accordance with your request, several questions have been put to different witnesses, touching any information they may have given to newspapers, or to any party not in the Post Office. Now we should like to ask you, if you have ever given any information to any party not in the Post Office? Not for publication in the newspapers.
44. Have you ever given any information to any party who has made use of such information for publication? Certainly not.
45. Nor to any party likely so to make use of it? I should think not. It was never intended by me for publication—that I most emphatically deny.
46. I am not telling you that any one has said so? It has been said outside; of course, I do not know whether they have said it here.
47. You are aware that Mr. Richard Thompson has written sundry articles in the newspapers? I am; at least I understand he has. I have heard so.
48. Has Mr. Thompson never received any information from you, directly or indirectly? Certainly not for that purpose. Mr. Thompson has been employed by me in a totally different capacity.
49. Mr. Thompson has stated here that he has, in some measure, the entrée of your rooms at the Post Office? He has, and so has any person that chooses to come in. He comes into my rooms frequently. He has been employed, in fact, in a private capacity by me for the last two years. The remark was made by Major Christie himself, and I explained to him what Mr. Thompson came to me for. These will shew you. (*The witness handed some written papers to the Members of the Board.*)
50. Did you suggest the employment of sorting clerks on board the mail steamers? Yes.
51. The suggestion was originally made by you? In England—yes. When I went home from this country to England, I changed ship at Rio, and went into the mail steamer, and it was there it struck me that the Admiralty Agent, or Post Office clerks, could be employed sorting. When I went to London, I wrote to the Post Office authorities there on the subject, and the answer I received is printed in my evidence before the Retrenchment Committee, page 112.
52. Will you give the Board an idea of the exact nature of your duties during the whole time you are in the office, all day? I am there at eight o'clock in the morning; I walk round all the offices to see that the clerks are there and on duty; examine all the letter carriers to see that they are sober, clean, and fit for duty; check the attendance books of the clerks and letter carriers. After the letter carriers are despatched I have the applications and letters to attend to, which are sent down from the Secretary's Office and returned from the different branches. Numerous applications are made verbally respecting the non-delivery of letters, and I have to attend to them, in order to do which I have to go to the different offices—the Dead Letter Office, for instance—and search. Then I return to my office till one o'clock, when I go to dinner; I return at two, and remain till four, five, or six, according as the business of the office requires my attendance. At one o'clock I see that the letter carriers are despatched, and again at four. I also take my rounds again, and there are various other duties I have to see to.
53. Are the attendance books regularly kept? Yes, I initial them every morning. I go round during the day, at intervals, to the newspaper rooms, and see that the men are sorting; and on London mail days I am generally there fourteen or fifteen hours, seeing to the opening of the boxes and the delivery of the mail; in fact, I do many things I cannot call to mind now. I go to Moore's Wharf, on the departure of the English mail, and receive letters there. Last mail day I received upwards of 180, and £20 in postage and late fees for the Government. That I do myself with the assistance of a stamper.
54. In reference to newspapers—I suppose no book whatever, of any nature or kind, will go free of postage through the office? No.
55. Beyond the information which you have given us, can you make any further suggestions to increase the efficiency of the office, supposing you had a new building, which if I recollect aright, you think of importance? I think in that case we could do with less hands. If there were fewer apertures we could do with less hands; there are, I think, ten apertures at which I am obliged to keep clerks. You saw the state of the delivery room yourself. If I had

R. A. Hunt, Esq. been here I never would have allowed them to make such a place, but it was done when I was in England at the time.

24 April, 1862. 56. Would you think it advisable that every Post Office in the Colony should be visited annually? I think so, and oftener if practicable. I think those offices where there are complaints should be visited often.

57. It is stated that there have been 80 changes made in postal lines since the 1st of January, 1862—do you think it advisable that such changes should be made without the Postal Inspector having visited the locality? I think not.

58. Would you suggest the appointment of more Inspectors than one? I think one is quite sufficient for the present. At all events one might do the Southern and Western Roads, if there were another for the Northern Road.

59. You consider it advisable that each Post Office should be visited once a year? Yes, at least.

60. And in the same way the working of the contracts should be inspected? Yes, that requires inspection more than the Post Offices.

61. Do you think it necessary that the Postal Inspector should be in Sydney to prepare time tables? I do not; I do not think it is his duty.

62. Could not an ordinary clerk prepare time tables as well as the Inspector? Of course, with proper instructions and information.

MONDAY, 28 APRIL, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

| | | |
|-----------|--|------------|
| MR. KING, | \| | MR. SMART, |
| MR. KNOX, | \| | MR. WATT. |

Thomas Dangar, Esq., M.P., called in and examined:—

T. Dangar, Esq., M.P. 1. *By the Chairman*: You have informed the Board that it is in your power to give them some information respecting the working of the Country Post Offices? Yes.

28 April, 1862. 2. Will you be good enough to furnish us with such information? In my place in the Assembly I applied for a great number of Post Office returns, but at the close of the Session they had not been laid upon the Table; I have since been informed by Major Christie and by Mr. Weekes that they are now ready, and will be laid upon the Table of the House when Parliament meets. These returns, if they were laid before the Board, would furnish them with a great deal of useful information. I beg to hand in a copy of the motion made by me on the subject. (*The witness handed in the same. Vide Appendix.*)

3. The largest portion of that information is already before us? I have had a great number of letters from various parties, complaining of the smallness of the salaries of postmasters in the interior, and I think they are not sufficiently equalized.

4. Do you think the salaries of the postmasters in the interior are generally too small? Yes.

5. *By Mr. Knox*: What is the smallest salary? £12 a year.

6. *By the Chairman*: Are not the salaries in some measure equalized by the discounts received on the sale of stamps? There is a vast difference there also; they are not uniform; in some towns there are more sold than in others. I complain generally of the system adopted in the interior, of publicans and storekeepers being made postmasters; gentlemen who are merchants here suffer from irregularities in the Post Office, but not in the same ratio as we in the country. I disapprove of publicans being made postmasters, as the letters are often sorted and kept in the tap instead of in divisions, and are liable to be lost. As to the appointment of a Post Office Inspector, I think that is a fallacy altogether, for he goes only to a few towns selected on the main lines, and where there is any real cause of complaint, at the remote and by-road Post Offices, he does not inspect. I think the office ought to be abolished.

7. Would it be a fallacy if he visited every Post Office in the Colony once in the course of a year? Yes, because I believe the moment his back was turned the postmasters would revert to their old practices—everything would appear to be properly managed while he was present, and the postmasters would promise to conduct their offices according to regulations. Having been a postmaster myself for fifteen years, I can judge how Post Offices are conducted. Great complaints are made of newspapers not reaching their proper destination, but that is easily accounted for: A shepherd or servant goes to a store which is also a Post Office, and lays out £5 or more; he says to the storekeeper, "Can you give us a few old newspapers?" "Oh! certainly, take a few out of that box, they won't be missed"; and then complaints are published in the press that the newspapers do not reach the persons to whom they are addressed or sent. What I have just stated has occurred in my presence. In many instances newspapers are lost or purloined, or lost by the parties who are sent for them, and are forwarded to distant stations by any person travelling past the residences of those thinly populated districts.

8. How could you remedy such a state of things? My impression is, and I mean to argue in favour of this when the matter comes before the Assembly, that the postmaster should be appointed from head quarters to all up country districts. Postal communication is the greatest luxury in the interior, and the people there are more anxious to get their letters and newspapers than they are in Sydney, often read them on the Sabbath instead of going to church, as in many places there is none for hundreds of miles.

9. Supposing new postmasters were appointed, would that prevent newspapers being made away with? I believe the Postmaster General acts illegally by making publicans postmasters.
10. I think you are in error; I believe the appointments are made by the Minister for Finance? I believe they are recommended by the Postmaster General, or Magistrates of the district. I have been speaking with Mr. Weekes, and he says when there is a vacancy in these small hamlets—for you cannot call them townships—there are generally three, four, or five applicants for the office, and I can easily understand that, because I know there is a feeling in the country that if an innkeeper or storekeeper has a Post Office attached to his place of business it adds to his trade or income, and brings customers. When I gave up the Post Office, after having had it for fifteen years, half a dozen persons were quarrelling to be my successor. Recently the postmaster in Scone, who succeeded me, resigned, and there is the same quarrelling about it again. I have suggested to Major Christie and to Mr. Weekes that it would be better to appoint some person from the office here who understands the routine, and who would be likely to manage it better than a storekeeper could do.
11. *By Mr. Knox*: What is the emolument of the postmaster at Scone? £40 a year; he is a storekeeper, and is going to have charge of the telegraph office there. There is a person named Denshire who has been postmaster at Muswellbrook for eleven years, and he has been only one or two days away from the office during that time; he has no time even to attend church, as the mails come in at the time when service is being performed; and he receives but £65 a year and the per-centage on the sale of stamps. He has a great number of mails to attend to both by day and by night. I have interceded with Mr. Weekes for him, and both Mr. Cowper and Mr. Robertson have promised to recommend the increase of his salary to £100 a year.
12. *By the Chairman*: I understand you to recommend that postmasters should be appointed all over the country, who should have nothing to do but to attend to the Post Office? Yes; and that is the general wish of the Magistrates in the interior.
13. Have you any idea what salaries you would have to pay these men? From £100 to £120 a year, and the revenue or per-centage from the sale of stamps should go to the Government.
14. Do you think any clerks who understood the routine of the office in Sydney would be willing to go into the country upon such a salary? I think they would; they could live a great deal cheaper in the interior; they would have no taxes to pay, and nothing to pay for wood or water; I think also that the Government should pay their house-rent. Mr. Luscombe, the postmaster of Molong, a very old resident in the Colony, sent me this note (*producing a paper*) to shew what duties he has to perform, and his salary is only £35 a year, and commission on sale of stamps.
15. Then do you think that salaries should be given to these different persons ratably according to the amount of correspondence that passes through their hands? I think according to the number of mails they have to make up.
16. Irrespectively of the number of letters? Yes; I think the system now adopted as regards the counting of letters is fallacious altogether. They are now counted only once a month; heretofore, letters as well as newspapers were counted as they were put into the bag; at present they are only counted on the fifteenth of each month, and the average taken. When I was postmaster, from the letters all passing through my hands and being counted by me, I could almost tell, even without registration, whether a letter had gone through my office; now they are thrown into the bag and not counted at all. I expect there will be great complaints made from the country postmasters and correspondents about the system which Major Christie is going to bring into operation next month or very shortly, of sending letters from Sydney to be re-sorted at the principal post towns, instead of being made up direct from Sydney; thus letters will be sent to Maitland to be re-sorted for the Williams, Hinton, Paterson, the Upper Hunter, and so on. No doubt the object is to lessen the number of clerks in Sydney, but I think it will be a great loss to correspondents in the interior, because letters will go astray, and more difficulty in tracing lost letters.
17. If postmasters were paid ratably have you any idea what the salary of the postmaster at Maitland would be likely to be? If the plan proposed in Major Christie's circular is adopted no doubt the postmistress at Maitland will apply for extra salary, as she will have to re-sort so many additional mails. I think she used to get £120 or £150, but with her additional duties I think £200 would be a very fair salary, with house-rent free.
18. You think £200 a year would be a very fair salary? Yes, and I think many of the others would be perfectly satisfied with £100 a year; at present the postmaster at Cassilis has £25, Molong, £35, Scone, £40, Merriwa, £20, and Aberdeen, I think, £12 a year, and commission on stamps. It is to be remembered that the postmasters are supposed to be in their offices from nine o'clock till six every day, and that in consequence of the alteration made within the last year or eighteen months, the northern mail now travels by night, so that the postmasters have now in many cases to get up at all hours of the night to receive and despatch mails.
19. Do you think the Assembly would be likely to sanction the appropriation of so large a sum as would be necessary to pay the salaries you propose to the postmasters of all Post Offices through the Colony? I am afraid not, but yet the present arrangement I think is not equitable.
20. Do you think the system a good one of allowing a discount of ten per cent. to up country postmasters? No, my opinion is that it would be better to give the postmaster a fixed salary, the Government retaining the discount at present allowed on the sale of stamps. The Postmaster General has ample security, if he performs his duty, as he is required to take bonds from every country postmaster for the due performance of his duties. The postmaster is also sworn not to allow any one to enter on the portion of his premises devoted

T. Dangar.
Esq., M.P.

28 April, 1862.

T. Dangar,
Esq., M.P.

28 April, 1862.

devoted to the Post Office but those who have taken the oath, but this is much abused in the country parts, as strangers often go into the office, and children are allowed to deliver letters and newspapers.

21. Can you point out any abuses in the conduct of the up-country Post Offices which require special attention? The chief complaint is as to the salaries. There have been complaints made about postmasters not being attentive to their duties, but so far as I have myself observed, I do not think there is much cause of complaint in my electorate, except as to not giving out the letters after the arrival of a mail in the evening. In some of the districts the mails come in at seven, eight, or ten o'clock in the evening, and the postmasters refuse to deliver them the same evening, because, they say, that according to the regulations, the Post Office is open for the delivery of letters only from nine till six. I think the postmaster should be instructed to deliver the mails the same evening, as he is at present obliged to get up to receive the mails, and the convenience would be very great.

22. Would not the postmasters generally consider that a hardship? No doubt they would, but it would be a great convenience to the public. I believe many of the postmasters would deliver the letters after the stipulated hours, but in these small hamlets there is sure to be a little quarrelling and jealousy, and therefore they abide by their letter of instructions or regulations.

23. Beyond the appointment of country postmasters from the central office, can you suggest any improvements in the postal arrangements of the interior? Very generally the Postmaster General appoints a storekeeper or publican, and this is objected to by the Magistrates, who are of opinion that the Post Offices should be detached from business premises. Persons who are in business become acquainted with the correspondence going through their office, by watching the superscriptions of the letters. I know that at Seone the postmaster was accused of prying into other people's business; he is now I believe going to have the telegraph office, though I believe a petition is about to be sent to Mr. Arnold to appoint some other person. I think that a married person should have both offices; if he were married, he could carry on the telegraph, and his wife the Post Office.

24. If he were not married? Then two persons would be required; but I think nine out of ten of the postmasters are married. I also think many of the cross mails in the Unsettled Districts could be abolished; they go long distances and carry only a few newspapers and letters, and there are often no Post Offices between the two points of starting and arrival. There is a great waste of the public money in this way to serve a half-dozen stations on the route. Sheep and cattle returns are sent by these cross mails; it saves messengers to go for the post.

25. Are you aware what proportion of newspapers and letters go into the interior? No, nor do I think the postmaster could tell, unless he took a particular day upon which a leading local paper was published, for the purpose of counting.

26. *By Mr. Watt:* With reference to the sale of stamps, you have recommended that the postmasters should not receive the discount? Yes, I think it would be better to give the postmasters fixed salaries, and to let the revenue from stamps go to the Government.

27. But you would still require the postmasters to sell stamps to the public? Yes; they all give security to the Postmaster General, and should be supplied with stamps from the office, and more regularly than at present.

28. If you were to withhold the discount from the postmaster, you would take away the inducement to him to supply the wants of the public? Nearly all the storekeepers in the interior would be almost inclined to give premiums to be allowed to keep the Post Office, as both publicans and storekeepers believe it brings customers to them.

29. That is hardly an answer to my question? The object, I apprehend, of giving this discount to the postmasters is to give facilities to the public for the purchase of stamps, and to hold out an inducement to the postmaster to keep a sufficient supply; deprive him of that inducement, and he will let the public shift for themselves. They think the public are induced to visit their place of business in consequence of having the Post Office. As to the inspectorship of Post Offices, I have the greatest objection to that office, and when the subject comes before the House I shall vote against the salary.

30. As to the stamps—do you not think the number of stamps sold at an office is an indication of its importance and of the extent of the correspondence which passes through it? No, because squatters and others going up the country having forgotten to buy stamps on leaving home may go into an office on the road and buy ten shillings or a pound's worth, as they can buy them as cheap at one office as at another.

31. But the average of that would be pretty equal over all the Post Offices? Yes. The chief fault we have to find with the postmasters is that they do not keep sufficient stamps, and we are now often obliged to send to distant offices for them; but if there were officers appointed as I have suggested, the authorities at the head office would have confidence in them, and would keep them well supplied in stamps; more letters would be written and despatched, which would add to the Post Office revenue.

32. What I want to get at is, whether you do not think the sale of stamps is a guide to the amount of duty the postmaster has to perform, by shewing the extent of the correspondence in the district? Not at all. Their duties, if performed according to the regulations, are very hard; they have to attend in the office from nine in the morning till six in the evening, and often have to receive and despatch mails at twelve o'clock at night.

33. And you would increase the hardship by making them deliver the letters after the mail comes in at seven or eight o'clock in the evening? I think that would be right if an equivalent were given to the postmasters. Would you not consider it very hard, if your letters came in at seven o'clock in the evening in summer time, and you could not get them? And as postmasters have to stop up waiting for mails, it is no hardship.

34. It is the case in Sydney—we cannot get our letters after five o'clock? But you have all the day before you to answer your letters. Unfortunately, the time of the arrival of our mails in the north has been altered. The mail now travels by night, and this is found to be much less convenient than the former arrangement. No opportunity of replying to letters from Europe as in Sydney.

T. Dangar,
Esq., M.P.

28 April, 1862.

35. When you were postmaster were the mails pretty regularly conveyed? Yes, but they were not then conveyed so often; they were then conveyed three times a week, now they are six times.

36. With regularity? Generally they are. Our northern contractor has conveyed them for the last three or four years, and they are now conveyed much more regularly than formerly.

37. Can you suggest any mode of increasing the speed of the conveyance of mails, without entailing any great additional expense? I do not think they can be conveyed at greater speed without better roads. I think too much is given for the mail contracts. I know that when I was mail contractor there was less paid per mile for conveyance, and less passengers than now, although run daily, yet the calculation could be arrived at. I do not know whether there is any competition for the contract, but it appears singular that one man should have it year after year, and at a very high price. No doubt he has performed his contract very well, and that may be a good reason.

38. We are told that the great weight of newspapers sent to different parts of the country adds greatly to the cost of the conveyance of mails? No doubt; the newspapers are increasing every day, every month, and every year, and add to the cost.

39. Can you suggest any remedy for that? No, I do not know any remedy. What I should like to see would be that the mails should be carried without any passengers. I believe the question was mooted some years ago. The mail contractors now often take more passengers than they are allowed; they are not very particular about the number for which they are licensed, and constables do not interfere. Every one travelling says, "I wish to go on," and the consequence is that the coaches are overloaded, and break down. It would be much better if the mail coaches were allowed to carry only the mail driver and a guard.

40. Would not that add much to the cost of the conveyance of mails? Yes, but it would be saved in the cost of police protection; we should not have so many trials at Court, and should not require so many constables on the roads. During the time we had guards on the Northern line we had no mail robberies. I intend to assist others to endeavour to re-establish guards. It might not be necessary that they should travel with the mails every day, but perhaps twice or thrice a week on days which would be publicly known, so that bankers and others desirous of transmitting money might know when to send their money. I was told by a high officer that now we had the patrol under the new Police Act he hoped we should hear no more of mail robberies, but I believe they are still taking place in the south and west.

41. The question of expense is a very serious one, and the conveyance of passengers would appear to reduce to cost? No doubt.

42. Do you think, looking to the large cost of the conveyance of mails, we should continue to carry newspapers free of charge? I should be sorry to see the press taxed. If a tax were put upon newspapers the public would suffer.

43. Do you think the public would not be content to pay? I think they would rebel against it.

44. I suppose the public would also like to have their letters carried free; they are more important than papers. To the poor man, who gets a letter only once in three months, that letter is of infinitely more importance than a dozen papers—do you not think it is very hard for him to have to pay more than he otherwise would do for the carriage of his letter, in order that the rich man may get his paper for nothing? I would rather see 4d. charged for letters than the newspapers taxed. I believe 4d. was the sum fixed when the new Post Office Act was first introduced in Parliament, and I believe people would rather pay 4d. for letters than have the newspapers taxed.

45. You say you do not approve of a tax on newspapers, to make up the revenue—would you agree to an additional tax on letters? The mails, as far as the Northern Districts are concerned, would be a mere nothing to convey, but for the newspapers and books.

46. Books pay? Yes; but there are the *Illustrated News* and magazines.

47. Both pay? Yes, but only a small amount.

48. *By the Chairman*: They pay something? Yes.

49. *By Mr. Watt*: Should newspapers pay in the same ratio—you say there would be very small mails, but for the newspapers, on the northern lines—these northern lines are very expensive? Yes. I believe the newspapers were formerly paid for by a stamp tax, and that was objected to, but I think that would be better than to charge for postage.

50. That was not so here, but in England? I know it was so in England and here too.

51. *By Mr. Smart*: You are aware that the expenditure of the Post Office exceeds the revenue very considerably? I am.

52. Do you think the Post Office ought to pay its own expenses, or be a tax upon the country? I am of a different opinion from a great number upon that score; I think that internal communication, both by rail, telegraph, and postal, should be conducted for the benefit of the masses, without reference to the revenue or cost.

53. Do you think that portion of the public service should be carried on gratuitously for the benefit of those who avail themselves of it, or do you think those who use it should pay for it? They do pay for it indirectly, by taxes on commodities, and in the bush —

54. Do you think they pay sufficiently for it? I think the charge upon letters might be increased. I think the public would be just as well pleased to pay 4d. as 2d. for letters.

T. Dangar,
Esq., M.P.

23 April, 1862.

55. Do you think it right that £50,000 or £60,000 of the revenue should be appropriated to pay the expense of the Post Office Department? No, I do not; nor do I think postmasters in the interior ought to work for nothing.

56. According to the present scale of payments there was at least £50,000 deficiency in the postal revenue as compared with the expenditure, and you think that should be further increased by larger salaries to the postmasters—do you not think there should be some increased charge on letters or newspapers, or both, to meet this expenditure, or how do you propose to meet it? I would suggest an increase upon the charge for letters. I should be sorry to tax newspapers, though certainly the weight of the newspapers the mail contractors have to carry increases the cost of conveyance to a large degree.

57. Still you consider that newspapers should not be taxed to pay for these increased expenses? It is only my opinion; I think not.

58. That is all I ask? I should be sorry to tax the poor for the sake of literature and knowledge.

59. Do you think you tax the poor by putting a tax on newspapers—is it the poor who are the chief subscribers to the papers? They would be very much affected. The newspaper proprietors I do not think much of, but if you were to tax newspapers, I believe there would be a falling off of half the subscribers to the papers.

60. There would be less expense in carrying the mail if there were no newspapers? No doubt if you were to reduce the weight you would reduce the expense. But at present the mails in the Northern District are carried at a very high price, and the contract has been given to one man for several years in succession. I do not say it is, but many seem to think there is some kind of favouritism in the matter.

61. From your experience as a postmaster have you ever known a number of newspapers to lie at country Post Offices that were never called for? Yes; when I was postmaster I often had a great number, and after a given time and notice I returned them to the General Post Office.

62. *By Mr. Watt:* From your experience as a country postmaster, can you say whether the greater number of newspapers were addressed to the more opulent people in the district, or to the poorer classes? To the poorer classes, such as mechanics, even to shepherds and stockmen.

63. *By the Chairman:* The majority of newspapers? Yes; in fact on many establishments I knew men who received more newspapers than the master himself. Some of these people do nothing but read newspapers or books when they are looking after their sheep. They pay their subscriptions very regularly.

64. *By Mr. Smart:* Do you think they could not afford to pay some tax for the conveyance of their papers? They could afford if they chose, but there would be a great deal of discontent. Many of them could better afford to pay than those who move in higher circles.

65. *By the Chairman:* Do you not think there are many good books that could be transmitted which would be more instructive to these poor men than newspapers? Yes, but they prefer the newspaper.

66. I am not talking of what they prefer, but of what would be most beneficial to them? I do not know. I was agent to Mr. Richard Jones, and I found that these parties were the best patrons of his paper, and preferred them to books.

67. That is not an answer to my question. I ask whether you do not think there are many books which would be more instructive to the poorer classes than newspapers? No doubt they may be so.

68. If so, would not they be more entitled to go post free than the newspapers? If the proprietors of the papers would charge so much a quarter, including the postage, perhaps there would not be so much objection to it; that is the case with books, the charge of postage is included in the price. They would not object to pay a shilling or a couple of shillings a year in that way.

69. You have said that all these establishments should not be a source of revenue, but should be worked for the good of the masses; there is now a deficiency in the revenue of the Post Office of £50,000, who pays that deficiency? Of course it comes out of the general revenue. With respect to books, they are seldom sent by post, but in packages by ordinary conveyances, and the cost of conveying a book to its destination at a store seldom costs more than a penny, or perhaps not more than a farthing.

70. *By Mr. Watt:* Do you think if the Post Office conveyed them free a great many would be conveyed by the mail? Of course there would be a vast quantity.

71. Would it not be a great convenience to the public? No doubt.

72. The question comes to this, whether the expense of the Post Office Establishment should be borne by those who reap the benefits of it, or whether it should be paid for by the general public? I think as the sparsely populated districts do not enjoy the luxuries possessed by those in large towns they should at least have this privilege.

73. *By Mr. Smart:* If you are in favour of a stamp duty, what objection have you to a small postage stamp on newspapers? I would then let newspapers go free of postage.

74. You are in favour of stamp duties generally, but would not extend them to newspapers? No; I would rather increase the postage of letters to 4d.

75. Suppose you did that and the revenue were still deficient, how would you make up the deficiency? By direct taxation of the general public.

76. This is a species of direct taxation you now object to? I object to many things besides that.

77. *By the Chairman:* Suppose that, in consequence of the increasing wealth and population of the Colony, instead of two, there were six daily papers, and that, owing to the increase in the expense of the up-country mails, the deficiency in the revenue, instead of £50,000, were

were to amount to £150,000, or £200,000, would you still propose that the expense of the conveyance of newspapers should be borne by the general revenue? It would then be much better to follow the English system, and to stamp the newspapers; the expense would then be borne by the parties who received them, and they perhaps might not object if it were imposed in that way.

T. Dangar,
Esq., M.P.

28 April, 1862.

78. *By Mr. Knox*: It would be the same in effect? It would, but I think they would like it better.

79. *By Mr. Watt*: Would you recommend that course? I would recommend a stamp duty.

80. Upon newspapers? Upon them and many other things, such as bank notes, dividends, probate of wills, &c.

81. *By Mr. King*: For the purpose of supplementing the revenue? Yes; I think it would be the most equitable tax that could be imposed—I know it was so when I was a child, and I believe it is the law in England now, and that there is no grumbling about it.

82. *By Mr. Watt*: Have you been in England recently? I have not been there for nearly forty years.

APPENDIX.

9. Post Office Returns:—Mr. Dangar moved, pursuant to amended notice, That there be laid upon the Table of this House, a Return of all the Deputy Postmasters and Postmistresses in the Colony; their present salaries and emoluments, describing each, and dates of appointments; whether in business and of what kind; the number of mails received and despatched on each day and night; describing also the hours of attendance, including Sunday duty; the amount of bonds required and entered into by each Deputy Postmaster and Mistress; and the dates of increase of salary, and amounts, since appointed.

Debate ensued.

Question put and passed.

Henry Moore, Esq., called in and examined:—

1. *By the Chairman*: You are the Agent for the Peninsular and Oriental Company? I am. Henry Moore, Esq.

2. Are you aware what is the sum now paid as postal subsidy? £134,672.

3. The contract is performed by how many boats? Between Galle and Sydney three; at Galle it is incorporated with the Calcutta line.

28 April, 1862.

4. What is the tonnage of the three boats now employed? The three ships at present on the line are the "Northam," which is 904 tons registered, 426 tons engine-room, or 1,300 tons, and 1,600 tons builder's measurement.

5. Is not the "Northam" about to be removed for the "Shanghai"? I do not think so.

6. What is the horse-power of the "Northam"? 350.

7. Working up to 350, or actually 350? Actually 350.

8. What are the other two boats? The "Bombay" and "Madras". The "Bombay" is—registered tonnage, 608 tons; engine-room, 578; builder's measurement, 1,230; and horse-power, 275. The "Madras" is 607 tons registered, 578 tons engine-room, 1,230 builder's measurement, and 275 horse-power. They are sister ships.

9. Are you aware what was the subsidy the P. and O. Company received when they commenced the contracts by way of Singapore some twelve years ago? No, I never had a copy of that. The service opened here with the "Chusan" and "Formosa"; the "Formosa" was substituted by the "Shanghai"; and these in turn were replaced by the "Madras" and the "Norna."

10. Was the "Madras" a larger boat than the "Chusan" and "Formosa"? Yes, the "Chusan" and "Formosa" were about 700 tons; the "Madras" about 1,230. The Company found it necessary to put on the "Madras" and the "Norna," which were both about 1,200 tons.

11. These boats are branch boats from Galle? Yes.

12. What accommodation is given to Australian travellers going on from Galle? Up to two months since I had the privilege of availing myself of thirty berths, which were specially set aside in the Calcutta steamers, but in consequence of the pressure from the Colonies our Company have put on extra ships from Galle to Suez, to meet the steamers there during the busy season, mainly for the convenience of Australian passengers, and I was authorized to take passengers up to the extent of the vessel's capacity, leaving fifty berths for Indian and China passengers. The extra vessels were put on for the convenience of the whole passenger traffic.

13. *By Mr. Knox*: Larger vessels go from Galle? Yes, and the "Salsette" was one of these extra ships.

14. *By Mr. Watt*: What number would that give them? A great many more than would go from here.

15. How many berths does the "Salsette" make up? Upwards of a hundred; a hundred and twenty or a hundred and thirty. The Company being very anxious to meet the convenience of Australian passengers, had instructed me to be particular to send on to Calcutta beforehand as to our probable wants, so that extra accommodation might be provided if necessary. It was a great expense to them, without any advantage, to provide extra steamers during two months.

16. The thirty berths reserved are for the whole of the Colonies? Yes, which is more than the average.

Henry Moore, Esq. 17. *By the Chairman*: Will you state the contract speed? There is no speed specified, but there is time and penalty.

18. *By Mr. Knox*: Are the penalties rigidly enforced? I believe so.

28 April, 1862. 19. Excepting, I suppose, the case of the "Bombay"? I believe in her case it would be claimed, as it was on the occasion of the "Emeu's" detention here.

20. *By Mr. Watt*: Possibly that might be because there was not a spare boat in readiness? There was another ship in port, but not ready at the time. I believe the penalty was afterwards given back, but it was stopped in the meantime. I should like to say something about the power of these two ships, "Bombay" and "Madras," as rumours have gone abroad that they are deficient in speed and size. I have a letter from the Superintendent in Bombay, officially informing me, before the "Bombay" came on the line, that on her trial trip she made twelve knots an hour. At the time the accident took place, when she broke her shaft, she had advanced further on her voyage than any other vessel on the line had done in a similar period. With regard to the "Madras," she was unquestionably late on the last passage, having arrived on the 20th instead of on the 17th; but that was not the fault of the vessel, as she started two days late from Galle; she was then kept five hours off Port Phillip in consequence of the pilot not going off, and then she was again detained for eighteen hours in consequence of the violence of the weather; and at length, being unable to land him, she brought the pilot on here. So that, taking the time she was actually on the voyage, she performed it in exact contract time.

21. *By the Chairman*: As you have mentioned the matter, are you not aware that the "City of Sydney" came out in the face of the gale when the "Madras" would not venture to do so? I do not. I know the commander of the "Madras" told me that the pilot objected to take the vessel to sea on his own responsibility, and he himself would not do it. I may perhaps say, on behalf of the Company, that these vessels have been employed in the mail service for the last nine years, and have been singularly successful; they have met with fewer mishaps than any other vessels in the Company's fleet. I do not know that they will be permanently on the line.

22. *By Mr. Watt*: Do you think vessels of that size are perfectly competent for the service all the year round? Yes, perfectly. The "Northam" is superior to these two, but she is one of the fastest screw steamers afloat. During the last voyage her average rate of speed to King George's Sound was thirteen knots. They say she is the fastest screw steamer out of the eighty vessels of the Company. The vessels have always been up at Galle before their time, from the commencement of their contract; it is only down here that they are ever behind.

23. They put them in such thorough order here? No doubt; they turn round from Galle at once, while here they remain four or five weeks.

John Keble, Esq., again called in and further examined:—

John Keble, Esq. 1. *By the Chairman*: In reference to the evidence you gave when you were before the Board on a previous occasion, I would ask you whether it occupies the whole of Mr. Nelson's time to check the accounts you then spoke of? Yes, the country postmasters' accounts, and he could not get through them.

2. Does he get through them? They are not checked now.

3. There are ten now monthly checked? Yes.

4. Would not a good deal of labour be saved in the Post Office if there were none of these accounts there at all? I proposed that they should altogether do away with the checking of them. I think it a useless waste of time.

5. Could it not be done if all money were received in the head office instead of being received by the up-country postmasters? No, we cannot charge the cross-country postmasters.

6. Why not? We do not know what to charge for redirected letters or for the fines which may be charged upon them.

7. Could you not check these in the Sydney office? No.

8. Why not? If a letter were sent to Bathurst directed to some person there, the person having removed to some other place, and the letter were redirected to him with a charge of two-pence upon it, we could not charge that in Sydney, and we must give the country postmasters credit for letters charged against them originally, and redirected to other places.

9. Why would you propose giving up the checking of these accounts? Because the accounts do not pay for the work caused; it is not worth while for the sake of two or three shillings a month to have so much labour. I think the average for every postmaster throughout the Colony is about £1 a year. The only way I see of reducing the number of accounts to be checked, if they are to be checked, is, that all the postmasters of the direct offices should be responsible for the whole amount collected from the sub-offices; that would reduce the number of accounts from 300 to 105. I answered a suggestion which the Chairman made through the Postmaster General upon that subject.

10. You think that change might be effected? Yes; but that would depend upon the direct postmasters themselves, for they might say they would not take this trouble without they received higher salaries, as it would throw upon them a great deal of trouble.

11. Suppose you still follow the system now pursued, could not a junior clerk check all these accounts? There would be no difficulty.

12. Could not a clerk at £120 a year check them? No doubt about it; but one clerk cannot do it; he cannot check 350 accounts a month and sort over all vouchers.

13. Do you not think it is desirable that some system should be devised for doing away with this work? I have tried every year since I have been in the Post Office to reduce the system to as simple an one as possible. When I went there originally I tried to get the postmasters to make up their accounts, and at length having done so, I found they were £1,500 in arrear. Unless this system of checking is done away with, I do not see any help but to keep one clerk specially engaged at it; and as the business increases, I do not think one clerk can do it. John Kebble,
Esq.
28 April, 1862.
14. Are you aware whether any of the work of Mr. Nightingale, the ledger-keeper, is or has been within the last six months in arrear? No, I am certain it is not the case.
15. You are certain none of his work has been in arrear? Yes.
16. None whatever? None; he is obliged to post every day; he cannot allow his work to get into arrear.
17. *By Mr. Knox*: He posts from the cash-book? From the cash-book and day-book.
18. *By the Chairman*: Is Mr. Nightingale's time fully engaged? Yes. If I might take the liberty I would suggest that he should be examined.
19. Do you think Mr. Nightingale has any leisure time in the day? I do not think he has; what little he has he assists me.
20. Do you think you require that assistance? Certainly. My duties are not confined to merely the keeping of books, but a large number of papers are sent to me to report upon, and these take up a great portion of my time. I am even required to search with reference to a missing registered letter from a cross-country Post Office. If I had only to attend to the mere book-keeping my duty would be very simple.
21. I think we have seen long papers from the Post Office with minute after minute upon them, initialled by you, do you think that system advisable? I am not aware that I have initialled such minutes; matters referred to me to report upon are matters of account.
22. Would not *vivâ voce* remarks save much time and labour in the Post Office? Yes; and I believe I have myself got into disgrace, and have given rise to the remark that I have nothing to do, because I have run about to the different branches for information, instead of writing a note and sending a messenger.
23. Would it much increase the labour of your department if the cash department were amalgamated with your own? No, I should much prefer it; it would save me a world of trouble. It was recommended by the Board in 1851 that the Secretary and Cashier should be one person, and that has never been altered.
24. You think the office of Accountant and Cashier could be combined, and so relieve the Secretary's Office of some clerical labour? Yes.
25. Which might be done without any increase of clerical assistance in your office? Not if you put upon me the examination of 350 country postmasters' accounts every month.
26. *By Mr. Watt*: Are these the accounts that Mr. Nelson checks? Yes.
27. What items are they composed of? Unpaid and redirected letters to cross Post Offices.
28. Unpaid letters from Sydney might be charged in Sydney? They might be charged against the direct offices, but not against the cross offices; they are charged, but the direct offices have to get credit for the money for letters sent on by them to the cross offices.
29. Suppose he got the money from the other offices? That is the system I wished to be adopted.
30. Suppose you charged the direct office when the mail left Sydney? The postmaster at the direct office would then see that the others paid.
31. That would do away with the account so far as that was concerned? Yes; but not as regards the other offices.
32. As to redirected letters from cross roads, for instance a letter directed to Goulburn and redirected to Queanbeyan, suppose no postage were charged upon them? Then the Government would lose.
33. Is not the loss a great deal more by checking the accounts? Yes.
34. *By the Chairman*: Might not all letters that were insufficiently or wrongly stamped be at once passed to the Dead Letter Office, and so save all this money? That is done with regard to up-country, but not with regard to English letters; the latter are forwarded Home—but I am not exactly aware of the process in the Letter Branch.
35. *By Mr. Knox*: In the event of the postmaster being out of stamps, and receiving payment in money for letters, is that also included in this account? Yes.
36. *By Mr. Smart*: It is not compulsory under the Postage Act that all letters shall be stamped? No, they must be prepaid; but it is not absolutely necessary that they shall. We seldom meet with cases of postmasters taking payment in money, but we do sometimes, if they have not stamps. If they have stamps they put them on themselves, or oblige the parties to do so.

MONDAY, 5 MAY, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

MR. KING, | MR. KNOX,
MR. SMART.

Mr. David Winton called in and examined:—

Mr. David
Winton.

5 May, 1862.

1. *By the Chairman*: You are postmaster at Gundagai? Yes.
2. How long have you been so? About six years.
3. Had you been postmaster in any other district before you were appointed at Gundagai? No.
4. During the time you have been postmaster at Gundagai, have you been able to observe whether there are any irregularities or abuses in carrying out the business of the Post Office, or whether the work is generally well done, in reference to the inward and outward mails? It has been very regularly done; so much so that they have never any fault to find. If irregularities take place by sending letters or papers wrongly, of course it is notified to the Post Office here, and a fine is inflicted; but that is very seldom the case.
5. How many mails pass through your hands? We have a daily mail, one up and one down. Six nights in the week I make up two mails up, and three nights in the week four; that is, to the Tumut and Adelong; and then of down mails I have three.
6. Have you any idea of the number of letters that pass through your hands by each mail, on the average? We do not count the letters now, generally.
7. Can you not give an idea? I daresay sometimes, with the down mail, there might be an average of from 200 to 500; and then the up mail at night at ten o'clock is much heavier; perhaps there are sometimes as many as 1,000 letters to sort.
8. And the newspapers? Besides newspapers. The quantity of newspapers is very large sometimes; I should think it averaged from about 500 to 800 a night.
9. Are there as many newspapers as letters? I think there are, if not more, on account of the local newspapers now.
10. Is there a large number of local newspapers? Yes, a considerable number several nights in the week; there are the Goulburn local papers and various others.
11. Are you aware whether the larger number of these newspapers are addressed to the wealthy or the poorer classes? I think that most of the respectable settlers and squatters all round about the district, and every one in any way connected with business, besides a considerable number of small farmers, take in a newspaper.
12. Can you give us an idea whether the bulk of the papers are addressed to the poorer classes, or to the wealthy or well-to-do classes? I should certainly say the greater number are of the poorer and middling classes, because the population among these classes is far more numerous in the district.
13. Can you offer any suggestions by which the Post Office service might be improved at Gundagai, for the convenience of the public? I am not aware of any additional convenience that is required further than this, that according to the strict letter of the law I am not permitted to deliver letters before nine o'clock; and if persons take offence at the postmaster, as has been the case with one individual at Gundagai, they watch the Post Office, and if they see the slightest deviation from the rules they make reports about it, which tends to prevent a postmaster exercising a sound discretion in accommodating the public. Until that individual interfered I used to take upon myself to deliver letters early in the morning, because it is a great convenience to business people to get their letters and papers at seven or eight o'clock instead of waiting till nine. The mail comes in at nine o'clock and is despatched at eleven in the evening, and immediately after the mail is despatched I have all the letters sorted and ready for delivery next morning; so that if any person should require to have his letters very early I can give them to him—if he should be starting on a journey for instance at five or six o'clock in the morning.
14. Would it not be advisable that postmasters should be instructed to deliver letters to any person who may call for them in the evening, supposing they were paid for such trouble? I invariably do it, because it is a great convenience to the public.
15. But it is against the Post Office rules, I think you say? It is against the strict rules.
16. Do not the postmasters at present derive a large amount of their emolument from their commission on the sale of stamps? Not very much. I derive from that source about £24 or £25 a year.
17. Do you think it would be better that the whole amount should be paid in the shape of salary? It would save the postmasters trouble.
18. Do you look upon it as a good system to allow credit to postmasters for the purchase of stamps? No, I do not think it is a good system; I think it would be better that they should remit the full amount; it would save them trouble in the General Post Office.
19. In what way? It would save them posting and making out the quarterly accounts.
20. At present the Sydney Post Office repurchases stamps that have been issued—are you aware of that? As remittances, yes. There was a rule put in force some time ago authorizing postmasters to buy stamps from the inhabitants to a certain amount by deducting five per cent.
21. Do you think that is an advisable plan to be pursued, that the Post Office should repurchase stamps once issued? Stamps are very convenient in the country for making up remittances instead of sending silver money. It is a great convenience when there is a balance of a few shillings to be able to make up the deficiency with stamps.

22. Would not a Money Order System answer much better? I do not know. There are a great many people in the country that would not take advantage of a Money Order System; there are a great many even in very good circumstances that can neither read nor write.

Mr. David
Winton.

5 May, 1862.

23. Suppose a Money Order System were introduced the same as at Home? No doubt it would be a very great convenience.

24. Are you aware of any reason why it should not be introduced? No; I think it would be highly advisable. The system adopted at Home is found to work with very great benefit.

25. *By Mr. Smart*: Do you find all the newspapers sent to your office regularly called for by the subscribers? Yes.

26. There is no accumulation of them in your office? No, only when sometimes parties leave the district.

27. The residents generally get their papers regularly? Yes, very regularly.

28. How do the poorer classes of persons you alluded to just now get their newspapers—are they delivered to them, or do they send for them themselves? They call or send for them themselves.

29. What do you mean by the poorer classes? The working classes—men engaged in splitting and fencing, or sawing, bricklayers, masons, and that class of men.

30. From their position do you think they are not as well able to pay for their newspapers as what are called the better classes? They pay very regularly. I find that class pay their quarter's subscriptions as punctually as the better class.

31. Do you think the same class of persons would as readily subscribe to a newspaper if a small tax were put on newspapers in addition to the subscription? I think it would have the effect of causing many to give up taking newspapers.

32. You think such an increase in the cost of a newspaper would cause a diminution in the number of the subscribers? Yes.

33. Are you aware that there is a very great deficiency in the Post Office revenue during the year? I observe there is a deficiency when the accounts are published at times.

34. From your experience as a postmaster can you make any suggestion as to how the revenue might be increased—do you think there would be any objection to an increase of the postage on letters, in the first place? I should think not, supposing the postage should be increased from 2d. to 3d.

35. Do you think it would be a fair charge to put a small stamp upon newspapers, so as to pay the expense of delivery and conveying them over the country? I do not think a small charge in the shape of a stamp put on by the publishers, and charged in the quarterly account, would be complained of—something like a half-penny or a penny.

36. You do not think it would be complained of by the class of persons who pay for newspapers in your district? Not if the subject were properly explained, so that they could understand it. I think the great majority would not object to it; rather than give up their newspaper I think they would be content to pay a very small item in the quarterly account.

37. The majority of subscribers in your neighbourhood who pay now £4 a year, for the *Herald* for instance, would not, you are of opinion, object to pay £5 for it, so as to increase the Post Office revenue? I think a great many would give it up if it were increased 25 per cent.; it would limit the circulation of the paper. They might not object to pay four guineas instead of £4; or an increase of four or five or even ten per cent.

38. By limiting the circulation of the papers the expense of conveying the mails would be lessened? No, I think not, inasmuch as the mails have to go. It would lighten the labour of the contractors, but they would make no difference in the price of the contract, because they would have to keep up their staff, and go through the same routine with light mails as with heavy mails.

39. *By the Chairman*: What is the rate of speed on the postal contracts along your line of road—the high road? It is very slow, about five miles an hour, or even slower. The mail that leaves my place about five o'clock in the afternoon reaches Yass about eight next morning; that is, fifteen hours doing sixty-five miles; but then it is night travelling. I think in the state of efficiency the roads are in now, the hours could very easily be shortened.

40. Do you think there is any objection to increasing the rate of speed to six miles an hour? I think they ought to be able to do that.

41. Would it materially increase the cost of the contract? No, I do not see that it would. There is one improvement that I have advocated for the last four or five years, that is, shortening the stages. Sometimes they drive stages of twenty or twenty-five miles, even in winter. When the roads were very heavy, I have seen the horses come in behind time thoroughly exhausted, so much so as hardly to be able to drive up to the Post Office; that was in the case of very wet weather. Twenty-five miles I consider far too long a stage for postal communication.

42. Do any mails arrive at Gundagai on Sunday? Two. The mail for Sydney comes down the country at four, and is despatched at five o'clock; and the mail from Sydney reaches me at ten, and is despatched at eleven.

43. Then you have a certain amount of Sunday work which you must necessarily perform? Yes; in fact on Sunday many parties will send in for their letters and newspapers—some a distance of twenty-five miles.

44. And you deliver them? Yes, I never allow the place to be left; there is always someone there in case of emergency, although there is only one hour stipulated for delivery on Sunday. I know parties cannot always send at the exact time; and it would be very hard to send them back without their papers and letters, a distance of twenty-five miles.

45. Has the Postal Inspector ever visited your office? Yes.

- Mr. D. Win-
ton.
5 May, 1862.
46. When? I think about the end of last September or the beginning of October, and about two years before that. I was about to remark, that there has been a controversy with a man in Gundagai, named Hayes, a miller; he has been endeavouring to subject me to all the inconvenience he could, and I was obliged to take steps in the case, and he has been committed to take his trial at the next Quarter Sessions. He was anxious at one time to be made a Magistrate, but a memorial was got up and sent to the Government against him, and I am the only one, out of the 80 persons who signed it, that he has pitched upon for a victim. He attacked me with respect to the Post Office, and the case has come before the Magistrates once or twice, and witnesses have come forward to contradict all his statements. Such things as these are the greatest drawbacks that postmasters are subjected to. As the Magistrate told him, when summing up, if he had any fault to find on my part, it was his place to have called a public meeting, and taken the sense of the inhabitants.
47. *By Mr. Smart*: I suppose you think country postmasters ought to have a discretion as to delivering letters at any time in addition to the prescribed hours? Yes, in the country certainly. I think any postmaster who cannot be allowed to use his discretion is not worthy to hold office.
48. If you had this discretion, you would not be subject to such annoyance as you have experienced from Mr. Hayes? Just so.
49. *By Mr. Knox*: In that case you would deliver letters to everybody who called for them—not to some favoured persons only? To anyone calling; I never make any favouritism.

THURSDAY, 8 MAY, 1862.

Present:—

MR. MONTEFIORE, IN THE CHAIR.

| | | |
|-----------|--|------------|
| MR. KING, | \| | MR. SMART, |
| MR. KNOX, | \| | MR. WATT. |

Michael Metcalfe, Esquire, called in and examined:—

- Michael
Metcalfe, Esq.
8 May, 1862.
1. *By the Chairman*: You are Chairman of the Australasian Steam Navigation Company? I am.
2. Your position as Chairman makes you well versed in the cost of working steamers? Yes.
3. Could you give the Board any idea for what sum your Company would be prepared to undertake such a contract as now exists on the subsidized Indian postal route, as far as Galle? I could give you an approximate idea. With boats such as we have at present, and those we have ordered, I think we could do it for from £85,000 to £90,000 a year, taking exactly the same route as is now taken by the Peninsular and Oriental Company's boats, from Sydney to Galle by way of King George's Sound, and back by the same route.
4. What class of boats would you use for such a service? We consider the boats we have at present quite capable of performing the service, but we are now going into a larger class of boats; we have ordered one, and if we had such a contract we should order another. We are quite of opinion that the boats we have now are capable of doing that work with punctuality.
5. Do you think that such boats as the "City of Sydney" and "Wonga Wonga" could carry sufficient coal to be certain of performing the service by that route with punctuality? Yes, I am sure of that. We do not speak from a mere idea; we know that the "City of Sydney" did perform the longer voyage from Sydney to Suez and back, and did it within the time taken by the contract boats. She carried 630 tons of coal, and had 100 tons to spare when she arrived; having coaled, of course, at King George's Sound.
6. Are you aware of the number of boxes of mails the mail steamers now carry? No, but I imagine they would take about 100 tons of room.
7. After allowing for that 100 tons of room, do you think the boats you now have could carry sufficient coal to ensure the performance of a contract with regularity? Yes.
8. If your Company had such a contract, would they be prepared to enter into conditions as to fines and penalties? Not more than the Peninsular and Oriental Company now submit to—not such a contract as the European mail contract.
9. The Peninsular and Oriental Company are now liable to fines unless they show that the delay results from unavoidable causes? Yes; we should be prepared for that. For instance, if a vessel left Sydney thoroughly equipped, with a certificate from proper surveyors, and broke down on the voyage, as the Bombay did lately, that we should think ought not to cause the imposition of a fine; it would be a matter over which we should have no control.
10. Supposing a steamer should meet with very heavy weather, and that from that cause delay took place, should you consider that a proper case for penalty? That is a question we have not considered, but I think we should not refuse to take such a risk as that.
11. You think about £85,000 or £90,000 a year would be a sufficient remuneration? Yes, with such boats as we have now, and I think about £5,000 more for boats of 1,000 tons, that is, of one-fourth more capacity than the present.
12. How many boats would be required to perform the service efficiently? I think three would do it.
13. What would be likely to be the subsidy, supposing the service were fortnightly? On that point I would not like to speak; I have not given it consideration, and we have never thought such a service would be demanded.
14. In performing this service, after taking on board the requisite quantity of coal, would there be any room for passengers in your boats? Yes, for cabin passengers.

15. For cabin passengers only? Yes; none other go by the mail boats. No man without means can afford to go, with the chance of having to pay the heavy rates demanded by the Indian Companies. Michael Metcalfe, Esq.
16. The French steamers now about to commence running will take second-class passengers? 8 May, 1862.
- In the boats we have at present there would be no room for second-class passengers.
17. You would have in boats of 1,000 tons? I think so, but I am not quite certain; such a thing was never contemplated by our Directors.
18. Have you any idea what would be the probable cost to first-class passengers from Sydney to Galle? I think about £50.
19. When the vessel from the Colonies arrived at Galle, do you think your Company could find any facilities for transmitting the mails onward to England? That is a matter which I have never thought of; but I imagine that, as the Home Government have a fortnightly if not a weekly, communication with Galle now, there would be no difficulty on that head.
20. Have you received any communication from Home that would lead you to believe that you might make an arrangement with any other than the Peninsular and Oriental Company? No. I have always been of opinion that the Home Government would perform that part of the service, and that we should have nothing to do but fetch the mails to and from Galle. I think Sir William Denison's idea was, that the Colonies should perform their own service to and from Galle, and the Home Government carry it on between Galle and England.
21. The amount of the present subsidy being £134,672, of which the Home Government pays half, and the Colonies the other half, would not the Home Government have rather the best of the bargain, if we were to undertake the service as far as Galle, at a cost of £90,000, the Home Government continuing to receive all the outward postage on letters from England? Perhaps they would. I presume that would be left as matter of negotiation between the Home Government and the Colonies.
22. Do I understand you to say that, in the event of your obtaining such a contract, your Company would be prepared to have boats of 1,000 tons? Yes, I have no doubt we should.
23. *By Mr. Knox:* Are you aware what amount the Company received for the service performed by the "City of Sydney" in 1857? I think it was £8,500; I am not quite sure.
24. That was for the voyage to Suez and back? Yes. I believe the Mail Company found coals, or a part of them.
25. You are aware that the "City of Sydney" on that occasion was obliged to carry a considerable quantity of coal on deck when leaving King George's Sound? Yes, that was a matter of extreme caution; I believe she could have done it without; but the present voyage is nothing near the same in length.
26. I believe the consumption of coal is not so large as it was on board your steamers, in consequence of alterations? It is not, from slight alterations in the machinery.
27. Are you aware whether your Company have any contracts with the Government for carrying letters to the Hunter River, or to Melbourne? No.
28. Would the Company not be willing to enter into such contracts? I dare say we should be willing, if properly paid for it.
29. The present payment they receive is so much a letter? Yes; for Foreign mails, 1d. a letter; and for the Hunter River mails and others within the Colony, $\frac{1}{2}$ d.

APPENDIX.

My dear Sir,

Bridge-street, Sydney, 21 May, 1862.

In reply to your inquiry whether, and upon what terms the A. S. N. Co. would undertake a fortnightly service to and from Galle, I beg to say that I have consulted my Co-Directors, and we are of opinion that such a service could be performed for a subsidy of from £130,000 to £140,000 per annum. I remain, &c.

M. METCALFE.

J. L. Montefiore, Esq.,
Chairman, Postal Inquiry Commission.

John Fairfax, Esquire, called in and further examined:—

1. *By the Chairman:* In asking you to attend the Board again, the Board are anxious to know what mode you would suggest as the most advisable—if you have given any thought to the matter—to supplement the deficiency that there is in the revenue of the Post Office? I really have not thought on the subject; the thing has not come before me in any shape, and I have not given attention to it. John Fairfax, Esq.
8 May, 1862.
2. You are aware that there is a large deficiency? Yes.
3. And that that deficiency is year by year made up out of the General Revenue? Yes.
4. Do you think it would be advisable to supplement that deficiency by increasing the rates of postage? I would very much prefer that a series of questions should be put to me, and that you would allow me to return my answers, say the next time you meet. It is a matter requiring very serious consideration, especially when a question will probably arise in which I have a personal interest, though at the same time, I hope, a feeling above that of mere personal interest would induce me to speak with due regard to what I may conceive to be best for the country.

(After some conversation, the witness was requested to withdraw. The Board deliberated. Witness recalled, and the following questions submitted to him, with a view to his being prepared with answers at the next meeting:—"Can you suggest any means for supplementing the deficiency of about £50,000 in the revenue of the Post Office—whether by increased postage on letters, or charging a postage stamp on newspapers, or both? Can you inform the Board if you know of any other Country or Colony where newspapers are carried free by post?" Further examination of the witness then postponed until Monday next.)

Mr.

Mr. Robert
Craig.

8 May, 1862.

Mr. Robert Craig called in and examined, (*at his own request personally preferred*):—

1. *By the Chairman* : You are the agent for the *Sydney Morning Herald* at Goulburn? I am.
2. Can you give us any information respecting the postal communication between Sydney and Goulburn? With respect to the arrival and departure of the mail I can.
3. Will you state whatever you know that may be of interest to the Board? Till very lately the mail for Sydney used to leave Goulburn at nine o'clock in the evening, and arrived at Campbelltown the following evening in sufficient time to come down to Sydney by the last train. The passengers were much benefited by this arrangement, as they arrived in Sydney by the same train, instead of remaining for the night in Campbelltown, as they now have to do. Within a short time—these few days—an order has come up from the Postmaster General delaying the departure of the mail from Goulburn from nine o'clock to half-past ten; and the consequence is that the mail does not arrive in Campbelltown till it is too late to be brought on by the evening train to Sydney.
4. At what time does it arrive in Campbelltown? About half-past six o'clock. The consequence is that the mail bags remain in Campbelltown all night, and to the annoyance of the passengers the same is the result with them. We feel aggrieved at this, seeing that the previous arrangement was so much better; and speaking for myself, and I think I may say for several persons in Goulburn to whom I have spoken on the subject, we would wish to go back to the old arrangement, that is, leaving at nine o'clock, with a view to arriving the next day in Campbelltown in time to allow mails and passengers to come on to Sydney the same evening. If such an arrangement cannot be made, it would be better to delay the departure of the mail from Goulburn till the morning, allowing sufficient time for it to arrive in Campbelltown for the train that now brings down the mail in the morning when it is too late the previous night. Then the same result would be effected,—that the mail would arrive in Sydney at the same time in the morning that it now arrives when it is too late to come on the previous evening.
5. *By Mr. Smart* : What benefit would that be to the residents of Goulburn? We should be able to remain a night in our own beds at home, instead of having to pass a night at Campbelltown.
6. *By the Chairman* : What has that to do with the post? It would not delay the mail in any way, for the same advantage can be obtained by the mail leaving Goulburn at six or seven o'clock in the morning as is now obtained by leaving at half-past ten at night—that is to say, it would be delivered at the same hour in Sydney as at present. And by this arrangement there would be some benefit to the up country post towns, inasmuch as when their mails were delayed by very heavy weather or accidental causes, they would have a far better chance of being in before the departure of the mail from Goulburn. At present, if a country mail does not arrive before the Goulburn coach leaves, at half-past ten in the evening, as may frequently happen, they lose a post; whereas if the coach was delayed till next morning, all those that were late would be able to come in during the night.
7. *By Mr. Watt* : Do you not think that would risk the conveyance of the Goulburn mail—Would not the wet weather that operated to delay the up country mails also tend to retard the mail from Goulburn to Sydney? That might be the case certainly if the start were delayed too long, but the hour might be fixed so as to give sufficient time to make allowance for casualties.
8. I presume the Postmaster General's view is to ensure the mails catching the train? The bags remain all night in Campbelltown. If the mail were to leave Goulburn at six or seven in the morning, you would have the bags in Sydney equally in the same time as you have them now.
9. What is the ordinary time occupied in good weather, between Goulburn and Campbelltown? About nineteen hours.
10. And in the case of very wet weather, such as would stop the country mails? I could not make the calculation. The road between Berrima and Campbelltown is excellent; between Goulburn and Berrima at places it is good, and at places very bad; and we travelled quite as quickly during the darkest of the night over the bad road, on the worst part of the road between Goulburn and Berrima, as we did during the day, and with the better road, from Berrima to Campbelltown.
11. *By the Chairman* : You must put out of consideration the convenience of passengers, because this Board has nothing to do with that—we have only to do with postal matters. Do you not think that the up country people would have a decided objection to their letters remaining in the Goulburn Post Office the whole night, as they would do if the mail started in the morning as you desire? They do not get to Sydney any sooner by leaving at night.
12. *By Mr. Watt* : They would be kept in Goulburn all night, at the risk of losing the train to Sydney, in bad weather? They would have several hours to allow for the risk of that. However, supposing the hour were altered back from half-past ten to nine o'clock in the evening, the mail would then arrive in Sydney at seven the following evening, and I would beg to suggest that it would be an improvement in the postal arrangements that there should be a delivery at night, after seven o'clock, for the benefit of those interested in the southern districts.
13. *By Mr. Smart* : Why should the Post Office be kept open two hours later, for the sake of delivering one portion of the country mails? Those particularly interested might have the opportunity afforded them of calling to receive their letters. At present, however particular correspondence may be, it cannot be obtained till the morning. I have frequently important information to send to the *Sydney Morning Herald*, which it would be a great advantage to have delivered on the evening of arrival.
14. *By the Chairman* : Does it not seem to you that if this were to be granted, and the Post Office clerks kept there till eight o'clock, another portion of the Colony might like the Office

Office kept open till nine, so that the clerks would never get away? I understood some time ago, that there was actually a delivery at the Post Office when the mails came in late from other parts of the Colony—I refer to the Hunter River mails—and we thought naturally, that we might have the same privilege for the Southern District as they have for the Hunter River.

Mr. Robert
Craig.

8 May, 1862.

15. *By Mr. Watt*: The mail for the Hunter leaving late at night, a reply to a letter received in the evening can be despatched the same night, so that there is a motive, in that case, for a late delivery, which does not exist in the other? I was not aware of that. But still it would be an advantage, especially to the newspapers, to get their correspondence on the evening of arrival.

16. *By Mr. Smart*: Your recommendation is that the mail should leave Goulburn at nine o'clock, so as to arrive at Campbelltown in time to come on to Sydney by the five o'clock train? Yes.

17. Do you know whether, when that arrangement was in force, the mails were delivered punctually at Campbelltown in time for the five o'clock train? I have not heard any complaints; there may have been exceptional cases; but I believe generally they did arrive. I believe the up-country mails are generally in Goulburn before nine o'clock.

18. Are you aware whether the alteration was made in consequence of some of the country mails not being in before nine o'clock? I think not.

19. Are you aware what was the cause of the alteration to half-past ten? I do not know what was the the real cause.

20. Still you think it would be an advantage to revert to the old time? I think so.

21. *By the Chairman*: As agent of the *Sydney Morning Herald* at Goulburn, you receive a large quantity of newspapers for distribution there? Yes, there are a good number of subscribers in the district.

22. Are you aware whether the subscribers in the Goulburn district are principally among the wealthy classes, the well-to-do classes, or the laboring classes? All classes take it in.

23. Of which class are the largest number of subscribers? Generally speaking the better-off portion of the community—merchants, storekeepers, and gentlemen generally.

24. Are you personally acquainted with the postal arrangements at Goulburn, so as to be able to say whether the service is well performed or not? I believe the postal arrangements there are as well carried out as ever they were. There has been grumbling at times, but I must say I have always met with civility and attention. I think that generally speaking regularity is observed.

MONDAY, 12 MAY, 1862.

Present:—

MR. MONTEFIORE, IN THE CHAIR.

MR. KING, | MR. KNOX,
MR. SMART.

William Hanson, Esq., called in and further examined:—

1. *By the Chairman*: In proceeding to re-examine you, the Board are quite aware that the points on which they contemplate examining you to-day nearly affect your private interests, but they entertain every confidence that you will give your opinions free of all bias, and with the view alone of promoting the general welfare of the community. As has been intimated to you, the first question I will ask of you is this—Can you suggest any means for supplementing the deficiency of about £50,000 in the revenue of the Post Office—whether by increased postage on letters or charging a postage stamp on newspapers, or both? With regard to suggesting any plan for supplementing the deficiency you speak of, which I presume includes our proportion of the subsidy for the English Mail Contract, I think in my former evidence I alluded to what I conceived would be an advisable mode of increasing the Post Office revenue, viz., to increase the postage on town letters to 2d. and on country letters to 3d., but I then had not the data to lay before the Board to shew what would be the result. I have, however, obtained some statistics on the subject, all of which are official ones, for the year 1860. In 1860, 1,383,347 1d. postage stamps were issued to the Postmaster General, producing a revenue of £5,764; and 2,931,851 2d. stamps, producing £24,432. Now by putting an additional 1d. on town letters, I calculate the revenue would be increased by £5,000; and by charging 3d. on country letters instead of 2d., there would be an increase of £12,000—the two making £17,000. Then with regard to our proportion of the English Mail subsidy, I find that the actual amount paid last year was £18,442—which every one must admit is a most ridiculous subsidy for us to pay. I am quite satisfied £9,000 ought to be our proper proportion, and if it were reduced to that amount there would be a saving of £9,000. That makes, with the increase of postage I have named, a difference of £28,000. But supposing you put a 1d. stamp on newspapers, the gain would be very insignificant. The total number of newspapers that passed through the Post Office in 1860 was 2,758,305, on which a 1d. stamp would produce £11,441, supposing for the moment that this number would pass through the post after the imposition of such a charge. But I think I shall be able to shew you presently, that a tax on newspapers would not produce a revenue of more than £2,000 a year. I think I have data to shew that that would be the fact. However I will go on now with the other part of the subject. I consider that decreasing the number of branch offices and cross-country postal routes,

W. Hanson,
Esq.

12 May, 1862.

W. Hanson,
Esq.
12 May, 1862.

routes, and a general retrenchment throughout the department, would effect an enormous saving. I may mention, for instance, the case of Mr. Garnett, who received salary at the rate of £300 a year, for many months, without being present or doing any duty at the Office; and that the Postal Inspector, who receives £500 a year, has not been out of Sydney this year until within the last fortnight. I think the Postmaster General ought to suggest the best means of bringing the expenses nearer to the income than at present. He receives a high salary for performing the duties attaching to his office, but he never seems to have turned his attention to the necessity of retrenchment in his department; neither has he abolished those postal routes across the country, where only a few letters pass annually at an enormous cost, and which afford accommodation for only two or three individuals. The conveyance of mails for 1860 cost £51,162 ls. 6d., or about £1,000 a week for internal communication, exclusive of the subsidy for the Steam Postal Contract. I think this ought to be largely reduced, which would be a very great saving. In 1851 the number of miles traversed by the inland mails was 751,154, and the receipts for the year were £18,252 ls. 11d., and the expenditure £16,324 13s. 4d. This was the last year that the receipts were more than the expenditure, and it was the last year of Mr. Raymond's administration of the Post Office. Major Christie commenced in 1852 —

2. *By Mr. King*: Was not Mr. Merewether after Mr. Raymond? Well, whoever it was, that was the last year that the Post Office revenue was more than its expenses; and Major Christie was appointed Postmaster General in May, 1852. In 1852 the number of miles traversed was 945,010—the receipts about the same as the previous year, £18,174 ls. 11d., and the expenses jumped up to £25,304 8s. And it must be recollected that in 1851 Port Phillip was separated. Then, if you take the official returns from 1852 to 1860, you will find a gradual and very large increase every year. In 1860 the miles traversed were 1,461,518—about double the number in 1851—the receipts £45,612 10s. 3d., and the expenditure £72,371 15s. 4d. Now I consider this increased expenditure has arisen entirely in consequence of the absurd postal routes that have been established, more for the accommodation of one or two individuals. I may state further, that in 1851 and 1852 the postage stamps were printed at the Post Office, and formed part of the expenses of the department, whereas in 1860 the production of stamps was a charge on the Government Printer. That has never been taken into consideration. I have stated before that I conceive that a stamp on newspapers would produce a very small revenue. Other channels would be found for sending newspapers besides the Post Office. The Post Office is an establishment almost exclusively for the use of the merchant and trader. The general revenue supports the Post Office from the taxes paid by those who have comparatively little advantage from the postal expenditure. For instance, take the case of the *Times*, in England:—Mr. Smith, of the Strand, has every morning about 25,000 copies of the *Times*, and out of these 25,000—I cannot speak positively, but I am pretty near the mark when I say that not 2,000 go through the post,—they are all sent by rail to the different parts of England; they avoid sending them through the post, in consequence of there being a postage charge upon them of 1d. The revenue from newspapers in England is, I believe, an insignificant item; and I am sure it would be excessively small if imposed here, besides having the effect of preventing the public from being informed on matters of a public character—not of a private character, as is the case with a letter. A newspaper is not a privileged communication like a letter, and the parties benefited are not those who usually avail themselves of the advantages of postal communication. I may state that I have here, and will hand in to the Board, a copy of a Bill which is now brought forward in the United States, in consequence of the civil war, to put a tax on newspapers. It is very short, and perhaps it would be as well it should be printed. (*The witness read and handed in the same. Vide Appendix A.*) Even in America newspapers are free of postage in the county in which they are printed; and one of those counties numbers more than the whole of New South Wales—some one or two of them do.

3. *By Mr. Smart*: In population—not in area? Not in area.

4. Nor in the number of miles travelled? No. Here is another extract I will read, which I should like printed. It is from an American paper, on the subject of the stamp duty on newspapers. (*The witness read and handed in the same. Vide Appendix B.*) Then I will read a short extract from the proceedings of our own Executive, on the 13th June, 1859, on the subject of an additional penny postage on newspapers. (*The witness read and handed in the same. Vide Appendix C.*) I may conclude my answer to the first question you put to me, by saying that I entertain a strong feeling as to the impolicy of putting any tax on newspapers.

5. *By the Chairman*: The second question of which you have had notice is this:—Can you inform the Board if you know of any other country or colony where newspapers are carried free by post? Yes, the Colony of Victoria, the Colony of Queensland —

6. Are you quite sure that in the Colony of Victoria, at the present moment, newspapers are carried free by post? Yes. Queensland, South Australia, Western Australia, New Zealand, Van Diemen's Land, the Cape of Good Hope, and, strictly speaking, America.

7. *By Mr. King*: Canada? I cannot ascertain about Canada.

8. *By the Chairman*: Are you quite sure you are quite correct? I, of course, would not be upon my oath, but I state it as a man believing it to be true.

9. I only put the question, because if it should be apparent that you are not quite correct in one instance it would suggest a doubt how far you might be correct in others? I have never been in Victoria, but I receive papers constantly from Victoria without a stamp upon them. There is no stamp for intercolonial postage upon them, unless they are more than seven days old, and then they pay 1d.

10. You have stated that we are paying £18,000 a year as our proportion of the English mail subsidy, and you consider we should pay about £9,000, in which case the whole service

service should be performed for £70,000 or £75,000, instead of £135,000, as at present— have you any idea that it could be performed for the smaller amount? I have been informed that it could be performed as a branch mail to Ceylon for £70,000, which would be little more than half the present cost. I believe our proportion of the subsidy is £16,160, but we paid last year £18,000; and I think we ought to get the branch service to Ceylon done for a contribution on our part of about £9,000. That would be a reduction of one-half what we at present pay.

W. Hanson,
Esq.

12 May, 1862.

11. You reckon that, in the event of the postage on town letters being doubled, and on country letters increased to 3d., there would be no diminution in the circulation of letters, while at the same time you have stated that postage on newspapers would materially diminish the number sent by post. What reason have you for supposing that there would be no diminution in the number of letters if the postage were increased as you propose? We have had experience of the alteration of the postage to Melbourne from 3d. to 6d., which did not diminish the number, while it doubled the revenue. That was a matter Mr. Donaldson carried out, and the result was most beneficial.

12. You state that the Post Office is supported by those who derive but little advantage from the postal expenditure —? No, I say that many newspaper readers are not writers of letters, and that the postage of letters is more beneficial to the trading and commercial part of the community than to the reading part of the community in the interior.

13. Are you at all aware of the extent to which the conveyance of newspapers augments the cost of postal contracts? I see that in the year 1860, as I before stated, the number of newspapers that passed through the post was 2,758,000, but I do not think their conveyance makes much difference in the cost of the contracts, because they are distributed over the whole year. And supposing the whole number were posted, with 1d. postage—and I am satisfied not one-quarter of them would be posted—they would only produce £11,441.

14. Are you aware that a great many of the posts up the country convey more newspapers than they do letters? No, I was not aware of it; but I should not be surprised if that is the fact. The newspaper proprietors, however, are not the parties who ask the Post Office to establish absurd and unnecessary postal routes; they only wish to avail themselves of the most effective means of transit.

15. Can you give any idea whether the bulk of the newspapers published in the Colony are subscribed for by the wealthiest classes, the well-to-do or middling classes, or by the laborer who earns his daily wages? It is difficult to arrive at any correct idea on that subject. I can say this, that I do not think that among the poor there are a great many persons who subscribe to newspapers; the great majority are among the well-to-do classes.

16. When there is a deficiency in the revenue of the Post Office, and that deficiency is supplemented out of the General Revenue, is it not making those who do not enjoy the luxury of, or who do not derive the instruction—if you choose to put it in that way—from a newspaper, pay for the enjoyment of those who do, if newspapers are carried free by post? It is; but I may put it in my own way too, that it is the mercantile and trading classes who use the Post Office almost exclusively, while those who belong to the reading portion and not the writing portion of the public, get no advantage from the Post Office except the carriage of newspapers.

17. *By Mr. Knox*: You mean to say the mercantile classes have an undue advantage in a certain sense? I do.

18. *By Mr. Smart*: They pay for it? Their letters are carried for one-half the cost of carrying them.

19. And papers are carried for nothing at all? Yes; but I have endeavoured to shew that that is the true policy. I feel strongly—altogether irrespective of my being connected with a newspaper—that it would be a retrogressive step to put a tax on newspapers, and that it would never be submitted to by the community.

20. *By the Chairman*: You have made some remarks touching the *Times*—You are aware that the *Times*, being a stamped paper, does not pay postage? They only stamp those that go through the post.

21. All others have to pay 1d. postage when they travel by the mail—they have to pay 1d. either to the Stamp Office or the Post Office, if they go by post? Yes; but very few are sent by post. The early trains from London take down the papers in large numbers, without passing through the Post Office. Mr. Smith, as I have stated, sends 25,000, and they are not stamped—not one of them.

22. *By Mr. Smart*: That is because they obtain an earlier delivery than by the post? Yes.

23. Do not the newspaper agents pay the proprietors of railways for this convenience? I do not know what the arrangement may be, but I think the railways are exceedingly liberal in regard to the conveyance of newspapers.

24. Can you say whether the railways carry Mr. Smith's newspapers free? I can say most positively that my papers, coming from London to Reigate, where I was a bookseller, used to reach me without a farthing cost to me.

25. *By the Chairman*: You have stated that the ratio of ignorance has much decreased—do you think it fair to attribute that to the circulation of newspapers? I do.

26. And not at all to the circulation of books? Very little in the interior of the Colony, as books are almost unobtainable.

27. Then, in your opinion, books should be taxed when they go by post, however much instruction they may contain? I think books ought to pay the rate they do pay. A book, after all, is instructive only to one or two persons into whose hands it falls; and the information it conveys is of a very different class to that imparted by a newspaper. Say it is scientific information. If Mr. Tebbutt, of Windsor, receives a work on astronomy, he gladly pays 8d. for postage; but that book would convey no information probably to any other person in his district.

- W. Hanson, Esq.
12 May, 1862.
28. Take the case of a grammar, a history of England, or a Bible—should such books as those pay, while a sporting newspaper goes free? As to Bibles, I do not see that there is any necessity to send them by post. The difference between a newspaper and a book is very great indeed. A newspaper conveys public information, and each day informs the public mind as to what is passing; it is not a privileged communication, but a public one, and it is for the public weal it is published. It is a fiction of the Courts that every British subject is acquainted with the laws of his country. Now, I would ask, is it possible, with a scattered population spread over a very large area, as in this Colony, to make the laws known to the people, except through the medium of newspapers? Circumstances have come immediately under my notice with reference to the passing of the Gold Fields Act, shewing the great importance to the people in the interior of being acquainted with changes in the law. I will mention one such. An official at the Lachlan—and surely he ought not to plead ignorance of the law—continued to charge £4 for a business license after it had been reduced to £1, which sum was paid until the *Empire* newspaper was produced, containing the Act, and shewing the law had been altered.
29. Under the present system of taxation in this country, is not a large amount of revenue derived from the working classes? Yes.
30. Then if there is a deficiency these classes contribute largely to make up that deficiency? Yes.
31. Then does it not follow, as you say the subscribers to newspapers are chiefly among the well-to-do classes, that while newspapers go free by post, and there is a deficiency in the revenue of the Post Office, the working classes are contributing to the enjoyment of the classes wealthier than themselves, so far as newspaper reading is concerned? I think that is hardly a fair way of putting the question.
32. You are not aware that the circulation of newspapers in the Colony of Victoria is any less than it is here? I am not.
33. You believe it to be equally large? I should think it is much larger. They have a great many daily papers in Victoria, and we have only two in New South Wales.
34. *By Mr. Knox*: You spoke of the expenditure of the Post Office being so much smaller in 1851 than it is now—was not the number of letters and newspapers carried at that time, insignificant compared with the number now carried? Yes. But I may state that what is now the Colony of Queensland was then a part of New South Wales, and so also was Port Phillip.
35. Port Phillip was part of this Colony only during a portion of 1851? Yes.
36. You are aware that the gold discovery has immensely increased the cost of the interior service—for some years it did at all events? No doubt. I see that Mr. Hunt, in his examination before the Retrenchment Committee of 1858, among other things suggests, that “by importing covered mail carts for one or two horses, with duplicate sets of axles, wheels, springs, &c, and contracting with the innkeepers on the respective roads to horse—in fact, “carrying out what has been pursued in both England and Ireland for years—£5,000 per annum may be saved.”
37. Do you think it would be desirable for the Government to undertake the conveyance of the mails? No.
38. Mr. Hunt's proposal would involve that? I think, if you look at the enormous expense of conveying the mails—£51,000, or about £1,000 a week—in this infant Colony, you must see that there is very great room for economy.
39. *By Mr. Smart*: What do you think is the cause of this great expense—is it not the large amount of newspapers that are sent by post? Certainly not.
40. *By the Chairman*: Do you believe that the circulation of newspapers in England is at the present moment quite as large and widely spread as is necessary for the purposes of the instruction of the public? Yes, I do. If a stamp were put on newspapers it would have the effect of their being conveyed by other channels, and therefore you must not calculate on getting any large amount of postage from newspapers.
41. *By Mr. Smart*: If that is the result, will it not be the means of reducing the cost of the conveyance of the mails? No, I am quite certain you will find it would not reduce the expenses one farthing. I think the proper way to reduce the expenses is to diminish the number of postal routes, and get rid of those absurd lines where only two or three letters are carried in the course of the year.
42. I suppose you are aware that the cost of conveying the mails in America and England is much less than here, on account of the facilities afforded by railway travelling? Yes.
43. *By Mr. Knox*: You spoke of the year 1851, as having shewn a larger revenue than expenditure—were not the high rates of postage in use in those days? I cannot say; I took the amounts from the Statistical Returns, without that idea suggesting itself to me. It is very probable it was so. It is very singular, that notwithstanding the separation of Moreton Bay, which must have cut off a vast number of miles from the postal routes, the expenses and receipts increased in that year just in the same proportion as before; you can see no difference in the return. With reference to the conveyance of the mails, I may mention what is taking place since the opening of the railway to St. Mary's. Although the line is open to St. Mary's, South Creek, the mail still comes jogging on all the way from St. Mary's to Parramatta by the road, leaving at eight o'clock in the morning, and getting back to St. Mary's at two o'clock in the afternoon, while the train gets there about half-past eight in the morning, and the papers are delivered many hours in advance of the post.
44. How do your newspapers go forward? By train; but the post still comes by the road all the way to Parramatta; no step has been taken to alter it.

APPENDIX.

W. Hanson,
Esq.

12 May, 1862.

A.

" (Special Despatch to the *N. Y. Tribune.*)" *Washington, Monday, 27 Jan., 1862.*

" POSTAGE ON PRINTED MATTER.

" Mr. Colfax introduced the following Bill this morning, which substitutes several simple rates of postage on printed matter for the 320 rates under existing laws :—

" " A Bill to render more uniform the postage on printed matter.

" " Section 1. Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That from and after April 1, 1862, the postage on all printed matter sent through the United States mails, and on which postage is now payable by law, shall be as follows :—For newspapers not exceeding two ounces in weight, and issued not oftener than once a week, and carried not exceeding 2,000 miles, 5 cents per quarter; when issued twice a week, 10 cents per quarter; three times per week, 15 cents per quarter; six times per week, 30 cents per quarter, payable quarterly or yearly in advance, at the office where the said newspaper is mailed or delivered, at the option of the subscriber. And for newspapers exceeding two ounces in weight one additional rate of postage shall be collected for every additional two ounces or fraction thereof.

" " Section 2. Be it further enacted, That from and after the same date, the postage on magazines and periodicals sent through the mails shall be, for the same distance, half a cent per ounce or fraction thereof, to be paid quarterly in advance as above prescribed; provided that small newspapers and periodicals published monthly or oftener, and pamphlets containing not more than sixteen octavo pages each, when sent in single packages weighing at least eight ounces, shall be charged at the same rates, notwithstanding the postage calculated on each separate article of such package would exceed that amount.

" " Section 3. Be it further enacted, That from and after the same date books, bound and unbound, unsealed circulars, pamphlets, except as allowed in the preceding section, maps, engravings, lithographs, blanks, envelopes, and all other matter now mailable, and on which postage is chargeable by law, shall, when sent through the mails, pay postage at the rate of one cent per ounce for all distances under 2,000 miles, to be prepaid by stamps, and each circular shall be charged a single rate.

" " Section 4. Be it further enacted, That for all distances over 2,000 miles, one additional rate of postage shall be charged and collected for such excess on all printed matter sent through the mails.

" " Section 5. Repeals conflicting Acts.

" This Bill does not, nor does the Bill abolishing the franking privilege, as has been supposed, repeal the law enabling newspapers to exchange and to circulate within the county where they are published free of postage."

B.

" A STAMP DUTY ON NEWSPAPERS.

" Late correspondence from the East foreshadows great excitement in relation to the proposed stamp duty on newspapers. The Press, as the disseminator of knowledge, has always been regarded in this country as especially exempt from all the restrictions that apply to other pursuits; especially as it always claimed exemption from taxation, it being very correctly supposed that any legislation which places a restriction upon the newspapers must result in a loss to the community. The Bill introduced into the House by Mr. Colfax, imposing a tax upon the journals of from a quarter to half a cent would, in the present stage of the business, when newspapers are sold for a mere trifle, severely injure the business of a majority of them, and utterly ruin many which now constitute almost the sole reading of a large class of the community who cannot afford to pay a large price for intellectual pabulum. The proposed act of legislation would, in fact, bring the press of the Union to the condition from which that of England has just escaped. In England several years ago, the exaction of a high duty on newspapers excluded a large portion of the British public from the perusal of the journals. The necessity for an alteration in the laws was acknowledged, and the stamp duty was repealed. The consequence was that a number of cheap journals sprang up, and the proportion of illiterate and uneducated persons was immeasurably decreased. The ratio of intelligence is now much greater than ever before that the governing classes are beginning to recognize the laboring classes as a portion of the people, and to pay some regard to their opinions. Are we, then, who arrogate to ourselves the title of the most intelligent and liberal people on the face of the earth, to take up anew the abolished laws of England, to engraft upon our pure code the excrescences which foreign nations have disengaged from their own political systems, and to put a curb on the knowledge of our poorer citizens?"

C.

Proceedings of Executive Council, 13th June, 1859, on the subject of an additional Postage on Newspapers.

The Council having deliberated at some length, express an opinion that the question is one with which it will be unadvisable to deal until the decision of Parliament shall have been obtained with respect to it; the more especially as it has been the aim of legislation to diminish, to the utmost extent possible, the cost of transmission of newspapers by post.

John Fairfax, Esquire, called in and further examined:—

1. *By the Chairman:* The Board feel every confidence that, in replying to the questions they may put to you to-day, you will lay aside all idea of private interest, and allow your opinions, however difficult may be the task, to be influenced alone by the general welfare of the Colony. The first question we will put to you, in accordance with the notice already given you, is this:—Can you suggest any means for supplementing the deficiency of about £50,000 in the revenue of the Post Office—whether by increased postage on letters, or charging a postage stamp on newspapers, or both? I was not aware that the expenditure of the Post Office beyond the income was so much as £50,000. In 1860 I observe the income was £45,612 10s. 3d., whilst the expenditure was £72,371 15s. 4d., shewing a deficiency of only £26,759 5s. 1d. I am not prepared to recommend any plan for meeting this deficiency; but I beg to state that Post Offices have been established in districts where the

J. Fairfax,
Esq.

12 May, 1862.

J. Fairfax,
Esq.
May, 1862.

the population is sparse, and out of all proportion to the expense incurred in the delivery; but there may be public reasons for going to the expense, although contrary to all principles of commercial policy. The equitable principle of making the Post Office pay would be one of various rates, according to distance; but this would be deemed a great hardship by persons living in the distant interior. In districts near to the metropolis, and to which there is railway and steam communication, the Post Office is not always used by newspaper proprietors. (I presume the 1d. postage in the City more than covers the cost of delivery.) And, as a rule in the interior, excepting where the mail is conveyed on horseback, the carrying of the newspapers does not increase the expense to the Government. I beg too, to be permitted to mention that, in a country so large as this, the newspaper is the only means of obtaining information by a considerable number of the inhabitants, and to impose any restriction upon a free circulation would be to interfere with the instruction of the people. Referring to the Post Office expenditure being larger than the income, I beg to hand in to the Board an extract from the Annual Report of the United States Postmaster General; it is dated in 1855, and is the latest document of the kind I have been able to procure. He says: "It will be perceived, by the Report of the Postmaster General, that the gross expenditure of the department for the last fiscal year was 9,968,342 dollars, and the gross receipts 7,342,136 dollars, making an excess of expenditure over receipts of 2,628,206 dollars; and that the cost of mail transportation during that year was 674,952 dollars greater than the previous year. Much of the heavy expenditure to which the Treasury is thus subjected is to be ascribed to the large quantity of printed matter conveyed by the mails either franked or liable to no postage by law, or to very low rates of postage compared with that charged on letters, and to the great cost of mail service on railroads and by ocean steamers."

2. The second question is:—Can you inform the Board if you know of any other country or colony where newspapers are carried free by post? Yes, in South Australia, New Zealand, Queensland, and, I think, Tasmania, newspapers are sent free. In the United States a newspaper can go a distance of 3,000 miles for one cent—one halfpenny. But in Canada I am informed there is no postage on newspapers. In Germany and France there is a very trifling charge according to the weight. I should have added that in Victoria there is a charge of 1d.; not, I think, when posted to this Colony, but there is an interior postage.

3. You say in Germany and France the postage is according to weight—are you aware also that before a newspaper can be posted it must be stamped, besides the postage stamp, in Germany and France? I was not aware of that.

4. Supposing that, with the increase of population and wealth, the postal deliveries were increased from three to six daily in Sydney, one commencing say at seven o'clock in the morning, and others taking place at intervals of two hours throughout the day,—is there any reason why newspaper proprietors should not send out their newspapers in that case by post? I should not certainly do it; it would be no advantage.

5. You have stated that any postage stamp on newspapers would interfere with the instruction of the people? It would.

6. Do you consider that the people are chiefly instructed by newspapers? I think in the distant interior they get all their information from newspapers.

7. Are they chiefly instructed by newspapers in that kind of information which is generally useful to the community? The newspapers are the only means they have of obtaining general information of what is going on around them, and even of the changes that may take place in the laws. For instance, the Acts of Parliament are published in the *Gazette*, but who sees them in that publication in the country beyond the Petty Sessions House.

8. I will instance the books from which it is generally understood that people derive most of their instruction, books of elementary education, or books such as the Bible—does it seem to you equitable and just, or right, that such books as the Bible, and books of elementary education, should, when they travel by post, pay a certain amount to the State, while a sporting newspaper, such as *Bell's Life*, goes free? I am not aware of such a thing having been done as Bibles being sent by post. But I am not speaking of that kind of information.

9. An English grammar then? An English grammar goes now.

10. It pays? Yes.

11. Is it right it should pay, while such a newspaper as I have mentioned goes free? I am not prepared to say. But an English grammar does not convey the information that a newspaper does. A newspaper disseminates information affecting the laws and privileges under which we live, and which a grammar does not convey, or a Bible either.

12. Do you consider the largest number of subscribers to newspapers to be among the wealthy classes, the well-to-do or middling classes, or the working classes? I have never gone into the matter.

13. Can you form no opinion? No correct opinion.

14. Do you think the working classes subscribe to newspapers in the same proportion as the other two classes? Certainly I think not.

15. Well, if there is a deficiency in the Post Office revenue, which deficiency is supplemented each year by contributions out of the general revenue—are we not, in withdrawing so much from the proceeds of taxation, making the lower classes pay for the amusement, luxury, and instruction, if you please to call it so, of their more wealthy brethren, so long as their newspapers are carried free by the post? No, I do not think so. The lower classes have their newspapers, too, of a cheaper kind. You asked me just now to classify the persons who take in newspapers, and I may tell you that there is a newspaper which circulates to the amount of nearly 7,000 a-week, chiefly among the lower classes.

16. Does it seem reasonable that those who in no way share in the instruction or amusement afforded by these newspapers should be called upon to pay for their transmission by post?

post? I do not think the question should be put in that shape, and I am not prepared to reply. Perhaps under the people's ministry the people should be exempt from taxation altogether. As a matter of personal interest I do not care 2d. whether a newspaper postage is imposed or not; it will not affect me.

J. Fairfax,
Esq.

12 May, 1862.

17. Do you think an increase on the postage of letters would diminish their number? No, I think an increase on letters would be very fair taxation. I remember the two-penny post in London, before the penny postage was established, and I never heard any complaint made of it; and that was only within the walls of the City; if a letter went to Islington, for instance, it paid more.

18. *By Mr. Smart*: That was a reduction from a higher rate to a lower one, was it not? Not that I am aware of. Fifty years ago it was 2d. within the City walls. On the pavement was the expression—that is, within the City. I remember visiting London when I was quite a boy, and my uncle, with whom I was staying, resided only two doors off the pavement, in Clerkenwell, and the postage was double.

19. *By the Chairman*: Are you aware that there are post offices in the interior where the mail conveys a larger number of newspapers than letters? I am not aware of that.

20. Do you think a stamp on newspapers would materially diminish their circulation by post? I have no doubt it would.

21. And if such a diminution took place, does it not seem likely that the cost of conveying the mails would be diminished likewise? I do not think it would, except where the mail goes on horseback. The conveyance of newspapers does not much increase the expense.

22. Does it not make a difference in respect to requiring larger vehicles? It would be more likely to make a difference in horseflesh than in vehicles.

23. Would not the contracts be taken at a lower price if there were only one-fifth the weight to carry? Possibly they might.

24. Would it not be an advantage to those who write letters by post that the mail should be able to travel quicker than it does—four and a half miles an hour seems to be about the average? No doubt, in a country like this, the mail service must be very peculiar and very slow. It is impossible for any Postmaster General, or any person, to keep a surveillance over the distant postal contracts.

WEDNESDAY, 14 MAY, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

| | | |
|-----------|--|------------|
| MR. KING, | \| | MR. SMART, |
| MR. KNOX, | \| | MR. WATT. |

William Harvie Christie, Esq., again called in and further examined:—

1. *By the Chairman*: The Board are going to examine you to-day as a final examination, and as I see you have brought a despatch box with you, I would ask whether you have any papers you wish to lay before the Board, or to say anything special, in order that the examination may afterwards proceed uninterruptedly? I should like to amplify my evidence on some points—to make some further remarks, and to hand in some further papers.

W. H.
Christie, Esq.

14 May, 1862.

2. You would wish to do that before you are further examined? Yes. I have here a return of balances due on the stamp account on the 31st December, 1861. In the evidence I gave on a previous day, I estimated the amount due at from £2,000 to £4,000. I find that the correct amount is £4,359 6s. 9d., which includes all the debts then outstanding. I also find that during the year 1861, the net value of stamps supplied to country postmasters was £26,246 4s. 5d., and the amount received was £26,389 17s. 11d., so that instead of the debt increasing, there was an excess of cash receipts during the year, over the value of stamps issued, of £143 13s. 6d. (*The witness handed in the statement. Vide Appendix A.*)

3. *By Mr. Knox*: That includes the stamps in hand in Mr. Reeve's possession? Yes. I may add that the maximum issue to Mr. Reeve at any one time is £300, except on the departure of the English mail, when it is raised to £400. I would also explain that when country postmasters have neglected to pay 75 per cent. on the previous issue of postage stamps, or when I discover from the letters sent down by them that they are short of postage stamps, and are receiving money in lieu of stamps, I at once stop their salaries, appropriating the proceeds to pay their debt. As I stated before, no country postmaster, even at the large offices, receives more than £100 worth of stamps at any one time; and postmaster's bonds vary from £200 to £100 each.

4. *By the Chairman*: Are the bonds of the country postmasters equal in every case? No; under revised regulations, that come in force on the 1st July next, all postmasters who have more than £50 a year salary must give bonds, themselves in £200 and two sureties in £100 each.

5. Does the postmaster who receives a salary of £12 a year give security for £100? Yes; himself for £100 and two sureties for £50 each.

6. The highest surety given by the country postmaster who has the highest salary and the largest amount of work, will be £200? Yes, in his own person; and £200 more by his sureties, according to the new regulations. I gave the Board an estimate, in my last evidence, of the number of letters received at and despatched from the Corresponding Branch every month. I have thought it more satisfactory to make out an actual return of the amount of correspondence during the first two months of this year, together with other particulars that have reference to the business of the department up stairs, which

W. H. Christie, Esq. which is that more immediately under my superintendence. (*The witness handed in the same. Vide Appendix B.*) I do not think that any department of the Government, taking into account the correspondence and the number of officers employed, can shew the same amount of work. I would also beg to hand in the last discharge received by me from the Auditor General, in respect of advances from the Colonial Treasury for the public service, from the 1st January, 1859, to 31st December, 1860, amounting to £141,907 0s. 9d., which discharge shews that all such accounts up to that period have been fully adjusted. I believe the Auditor General has given no discharge to a later date than that referred to. (*The witness handed in the same.*) The whole staff of the central establishment are paid on the 1st of every month; the contractors' accounts go out on the 5th, quarterly; and the postmasters' salaries are paid at the same period. In regard to my recommendation that a new Post Office should be built, I consider that when it is completed at least four clerks can be dispensed with in the Letter Branch. I also recommended that a Cashier should be appointed, and I wish to add that I think the issue of postage stamps to the sale room of the General Post Office and to the country postmasters should form part of his duty. For the present, the sale of stamps in the Sydney Post Office might be conducted by the Letter Branch, but with a new Post Office such sale should be placed under the supervision of the Cashier.

14 May, 1862.

7. *By Mr. Knox*: Would there be sufficient work to employ a Cashier? Yes, if the issue of stamps to country postmasters and to the sale room of the General Post Office were combined with that office.

8. *By the Chairman*: You do not mean that the Cashier's duties should be combined with the Accountant's? No, I do not; for I think that to some extent the Accountant is a check upon the Cashier.

9. Do you mean that you would separate the duties of Secretary, Cashier, and Accountant, and have them performed by three different individuals? I would. I might place the Cashier under the Secretary, but I think there would be work enough for the three, particularly if the duties I suggest were thrown upon the Cashier. I may remark that, at present, a clerk in the Corresponding Branch is almost exclusively employed in connection with the cash. I recommended that Government officials should be appointed as postmasters to large towns, and I would especially call the attention of the Board to the circumstance that such an arrangement would facilitate the carrying out of the Money Order System. In Victoria, where this system is established, they will not allow any Money Orders to be given by postmasters who are not Government officials. My evidence was taken as to the present system of appointing subordinates in the Post Office department, and I stated that almost all the appointments vested in the Colonial Treasurer. I beg to explain that the inconveniences to which I alluded have no reference to my want of patronage, and but little to the fact that probably the head of the department—who is more immediately responsible—would be the best judge as to the class of men to be selected, but to the great disadvantages attendant on the system consequent on the authority of the head of the department—who can neither appoint nor dismiss—being necessarily weakened, and to the interminable delays that the system causes. For instance, if a railway guard is taken ill, as is the case at this moment, I have to ask for authority to appoint a temporary successor, and in the meantime must take some other party off his proper duties to do this guard's work, or must leave it unperformed. There is a vacancy at present in an important country Post Office that occurred a month ago, and is not yet filled up.

10. *By Mr. Smart*: Have you had the power, since you have been Postmaster General, to make these appointments? Yes.

11. Up to what period? Until after Mr. Weekes was appointed Colonial Treasurer—the papers shew the actual date.

12. Have you handed them in? Yes, they are before the Board. I had by law the appointment of country postmasters. I had it under the Postage Act, 15 Vic., No. 12.

13. Have you no power to appoint any of your officers at all? No, none, except messengers, mail boys, and a watchman.

14. Not even letter carriers? No.

15. Are they appointed without any reference to you? Yes, except that I have to report any vacancy, and if there is any officer in the department who wishes to fill it, or other applicant, I forward his application with such recommendation as I can give.

16. *By the Chairman*: Are you ever called upon to make recommendations for appointments in favour of those who are not in the office? I cannot recollect any instance.

17. Have you done so? With regard to the country postmasters, of course.

18. With regard to vacancies for clerks in the office? No, excepting for an extra clerk.

19. *By Mr. Smart*: When a vacancy has occurred, say of a second class clerk, have you recommended a junior to fill the office, or has a clerk been appointed without your being consulted? Without my being consulted, except as before explained.

20. Have you ever been called upon, since the present Minister succeeded to office, to appoint any officer? I have never, so far as my memory serves me, been so called on.

21. *By the Chairman*: That is hardly an answer to the question I put—I mean when a vacancy has occurred in the Post Office, either in the Secretary's, the Accountant's, or the Letter Branch, and it has been understood that the vacancy would be filled by some one not in the office, have you been called upon to make a recommendation for filling that situation, or without being called upon have you made such a recommendation? I can recollect no such case.

22. *By Mr. Knox*: Was there any reason assigned for taking away the power of appointment which you had exercised? Yes; as the papers on the subject will shew. The matter was brought before the Executive, and the Colonial Treasurer represented that all appointments

ments over £100 a year were always filled by the Government, and he did not see why the Post Office should be an exception, and as the letter carriers, stampers, mail guards, &c., received more than that salary, he recommended that the Postmaster General should have only the appointment of messengers and watchmen. I referred to the Police as a precedent, as I understood that the Inspector General had the appointment of constables, troopers, &c., but I was overruled. I thought I should have had the appointment of the country postmasters, whose salaries were less than £100 per annum, but those appointments also have since that period been made by the Treasurer. I forget if in my former evidence I stated that if the commission on the sale of stamps were done away with in the case of country postmasters and licensed vendors of postage stamps, I would propose that all persons should be allowed to sell them. I would have free trade in stamps; at present it is restricted to those who are licensed.

23. Do you think people would keep a stock of stamps without deriving any advantage from their sale? Yes, I believe many shop and store keepers would be glad to do so.

24. *By Mr. King*: For the sake of the custom? Yes.

25. If there were no commission allowed would it not come to that? Yes, but at present we do not allow the sellers of stamps to be too close to each other, and there is otherwise some little restriction.

26. *By Mr. Knox*: You never allow discount to any person but one who has a license to sell? No. I was asked to ascertain the present practice with reference to the Melbourne mails arriving late at the General Post Office. At five o'clock the officers of the Delivery Branch leave. If the mails by the Melbourne steamers arrive before that hour, the letters are sorted; if not, the office is closed, except in the case of the Grafton and Hunter River mails. I have to submit to the Board two more recommendations. The first is, that the Postmaster General, provided the vote for country postmasters is not exceeded, should be empowered to augment or diminish at any time the salaries of country postmasters. It often happens that a minor Post Office becomes suddenly an important one, and *vice versa*, and I think the head of the department ought to be able to revise the salaries in order to meet such changes. My second recommendation is, that the hour of the despatch of the mail trains should be fixed by the Postmaster General. Formerly there was a clause in the Railway Act which gave to that officer the power of regulating the hours of arrival and despatch of the trains; and although this was not exercised to any extent, more reference on the subject was necessarily made to the Post Office Department at that time than now, when the power has been taken away, which was done in another Act of which I was for some time ignorant, as no reference was made to me on the subject. Since that period a good deal of correspondence has taken place between the two departments, and, as might be expected, the hours that pay best on the Railway are not always those that best suit the mails. I may mention one fact as illustrating the inconvenience that arises from the present arrangement. Since the Western Railway has been prolonged as far as St. Mary's, the two o'clock mail train, by which the Western mails are sent, does not go so far and we are obliged to send these mails by coach from Parramatta.

27. *By the Chairman*: Could not the mails go by some other train? The present time table to Bathurst was arranged, after much consideration, on the recommendation of Mr. Rotton, M.P., and others; and the branch lines are of course subservient to the main line.

28. *By Mr. Watt*: What would be the next train that could take the mail? The train that leaves at 5 p.m.

29. Is there any objection to that? It would make a great deal of difference in the time of the arrival of the mail at Bathurst; it would upset all the arrangements on the line of road, and it would be dark when the Nepean was crossed and the ascent of the Blue Mountains commenced.

30. *By Mr. Knox*: You have a clause in your contracts by which the contractors have to make an allowance for any shortening of the distance they have to travel? Yes; there is a special clause as to the Railway —

31. There is such a clause in the Bathurst mail contract? Yes.

32. *By the Chairman*: Have you ever made any application to the Railway authorities to have the two o'clock mail go as far as St. Mary's? When I received the notification, I reported to the Colonial Treasurer that it did not go to St. Mary's, and that the public would lose the benefit.

33. *By Mr. Watt*: What reply did you receive? I had to make another report in the same letter as to the shortness of the notice I had received. I stated that I had had only twenty-four hours notice, and that I thought at least a week's notice should be given. In reference to the last point, the matter was referred to the Minister of Works, who said it could not be done, that he had given the utmost notice in his power, viz., what he had received himself; that was the answer I received, the other point was left untouched.

34. The question of the delay of the mail was not discussed? It was not. With reference to the large expenditure of the department, I have frequently had occasion to remark that this is chiefly attributable to the heavy payments made on account of the conveyance of mails. So long as the public and the press were satisfied that on general grounds such an expenditure was called for, and that it was right, irrespective of postal receipts, that newspapers should be carried free, and that postal facilities should be given to country districts where land had been purchased or Government runs taken up, this excess of expenditure over revenue, supposing the expenditure to be judicious, was a matter of no moment. As, however, at this time, there is a contrary impression abroad, and it is maintained that the revenue and expenditure of the department should be equalized, I submit that this can only be done by reducing the postal accommodation, or by charging the extra expenses incurred against the particular parties or the department, or the general public benefiting thereby. If the postal lines that do not pay their own expenses by their postal receipts were struck off, or if the expense incurred thereby were charged to some other fund, the saving to the

Post

W. H.
Christie, Esq.
14 May, 1862.

W. H.
Christie, Esq.
14 May, 1862.

Post Office Department would probably not be less than £25,000 per annum. If newspapers were not conveyed by the post, the expenditure for conveyance of mails would be lessened by some £10,000 per annum; or if this amount were recovered from some other source, the postal revenue would benefit to that extent. This principle was formerly conceded in the case of the Gold Fields when first discovered, and the expenses connected therewith were made chargeable on the Gold Fund.

35. *By Mr. Knox*: Do you consider the extension of these small lines makes a difference of £25,000? They are not small lines.

36. Some of them are very long ones? I think £25,000 a year would be required to meet the cost of the lines which do not pay their own expenses, without taking the newspapers into account.

37. *By the Chairman*: You mean such lines as those to Balranald and Wentworth? Yes; and those down the Bogan, the Darling, the Lachlan, and the Murrumbidgee Rivers—these are some of the long lines that make the expenditure so heavy. I think I have now gone over the various matters upon which I wished to add to my previous evidence, with the exception of the very disagreeable one connected with Mr. Hunt. I would wish to point out to the Board that with the third officer of the establishment acting in opposition to the other three senior officers it is impossible that the department can be conducted satisfactorily. Mr. Hunt was inimical to my predecessor, Mr. Raymond, and he has been so to me; he was hostile to the former Secretary, and he is to the present one; and he has been on the worst terms with the head of the Account Branch ever since that officer was appointed. Mr. Hunt's official correspondence with me has been 500 times more than that of all the officers of the central establishment put together. A reference to the papers I have given in will shew its nature, and will also shew which party has been to blame, and this, perhaps, is the only advantage that the correspondence possesses. I was asked during my former evidence how it was that the feeling of dissension was not confined to Mr. Hunt, and I wish to explain this, although I do not believe that the disaffection said to exist in the Letter Branch is nearly so wide spread as supposed. In all the articles in the newspapers that I identify with Mr. Hunt, in his evidence before the Retrenchment Committee, in all his minutes to me, his object seems to have been to ignore and screen the errors and omissions made in the Letter Branch, and to depreciate me and the officers of the other two branches, and thus to raise an antagonistic feeling. Whenever, therefore, I have found it my duty to complain of neglect and mistakes, or to reprimand parties in the Letter Branch, I have naturally appeared to unreflecting officers of that branch as harsh and unreasonable. I may also state, without any reference to particular individuals—in fact one, the late Mr. Stone, was one of the best officers I have had since I joined the department—that Mr. Hunt has always had two, sometimes three relations or connections in the Letter Branch, and however disposed they may have been to entertain a manly and fair feeling, there was a natural tendency to side with their relative and immediate head. I now lay on the table three sets of papers, respectively illustrating the intermeddling spirit, the unnecessary delays, and the inconsistency that characterize the Superintendent of the Letter Branch. These cases have occurred since the Board commenced their sittings. I presume that it is known to the Board that there was a Circular issued so far back as 20th November, 1855, which states that “the Governor General will dismiss any officer who may report to any person unconnected with the Government any instance of irregularity or neglect of duty on the part of the officers of any department of the Government before he shall have made the head of his own department cognizant of the same and received his instructions thereupon.” The general object of this Circular was to prevent communications being made to newspapers or to parties out of doors that would forestall, and consequently embarrass, the proceedings and decisions of the heads of departments. I proceed to give the history connected with the contemplated arrival of the mail steamer “Northam,” on the last occasion that she entered the harbour. On taking up *The Empire* of the 14th March I saw the following paragraph:—“The mail steamer ‘Northam’ reached Port Phillip Heads yesterday, at 7 a.m., when her mails for Melbourne were transhipped, and she sailed again at 2 p.m. She may therefore be expected here on Saturday evening. Application has been made to the Executive, on the part of the Post Office, for leave to open the boxes and deliver letters immediately after arrival, so as not to wait until Monday; and we understand this request has been complied with. The ‘Wonga Wonga’ left an hour before the ‘Northam,’ and will probably make a more rapid passage than the mail steamer.” As the head of the department I was much surprised at this announcement, and could not conceive the meaning of it. I went into the Ship Room and said to Mr. Hunt, “Do you understand that announcement?” He said, in the presence of one of the clerks, Mr. Johnson, “No, I do not.” I then went up stairs, and when the official papers for the day were laid before me I found this memorandum, dated on the preceding day, viz., the 13th, “In all probability the ‘Northam,’ with the English mails, will arrive on Sunday. I request the authority of the Minister for Finance may be obtained, in order to carry out a general delivery of letters on that day, should the vessel so arrive.”

38. From whom was that? From Mr. Hunt, addressed to me, and the memorandum in question at once gave me an insight into the meaning of the article in the *Empire* newspaper. I decided to write to the Colonial Treasurer, but felt it my duty to point out that there might be a difficulty in the matter, owing to former proceedings in the case of the Sunday delivery of an English mail in 1859. My minute is this—“Write to Colonial Treasurer that it has been officially suggested to me by the Superintendent of the Letter Branch, that in all probability the ‘Northam,’ with the English mails, will arrive on Sunday next, and requesting authority from the Honorable the Minister for
“Finance

"Finance for a general delivery of letters on that day. I feel it my duty to point out that when a letter delivery on Sunday occurred last, viz., in the case of the 'Salsette,' in October 1859, such delivery elicited a strong remonstrance from the Secretary of the Lord's Day Observance Society, and was specially alluded to in the official report of the Society's proceedings." As this letter went in, a memo. marked "Urgent" from the Colonial Treasurer crossed it. "P. M. General—What arrangements are contemplated respecting the sorting and delivery of the mail per 'Northam?'" I at once thought it better to go to Mr. Weekes and explain to him how the matter stood, and what had occurred with reference to the "Salsette." After hearing this, he gave an order as follows:—"The officials of the P. O., or so many as may be required by P. M. General, must remain on duty at the P. O. until midnight of Saturday, 15th March, 1862;" but made no final decision as to the Sunday delivery. The following day, that is the 15th March, the *Empire* stated—"The P. and O. Company's mail steamer 'Northam' may be expected to arrive with the January mails early this evening. It may be desirable to repeat, as we stated yesterday, that the Executive have decided to avoid the delay and inconvenience of waiting until Monday, and that the letters will be sorted and delivered with all possible expedition after the mails are received at the Post Office." This notice in fact meant the Sunday delivery. There are some further minutes on these papers as to the sorting of the "Northam" mail and detention of papers, that may call for the attention of the Board, but what I chiefly want to point out is, that it is impossible that any head of a department can get on if interfered with in this way, and that the public and that the officers of the department were needlessly, for two days, in a state of uncertainty as to the final decision of the Government. I give no opinion as to the propriety of a Sunday delivery, which is beside the present question, but wish to illustrate the mischief arising from a subordinate communicating with newspapers or parties out of doors, prior to matters being brought officially before the authorities.

W. H.
Christie, Esq.
14 May, 1862.

39. *By Mr. Smart*: It does not appear to me that you have shewn that any of your officers did communicate with the *Empire*? I cannot prove it; but this memorandum of Mr. Hunt was written to me on the 13th March; the notice in the paper came out on the 14th.

40. Did you apply to the *Empire* to ask whether the paragraph in question had been communicated by any one in your department? I did not, and I have certainly no positive proof, though, taken in connection with other matters, I have a strong opinion on the subject. I received another memo. from the Superintendent on the 15th. "In case the letters cannot be sorted this evening in time for a general delivery, I submit they should be sent out, and the windows opened for two hours either before or after Divine Service to-morrow." On which, not liking this, as I thought improper interference, I wrote—"This matter is in the hands of the Honorable the Minister for Finance, and the suggestion herein made has been already offered." That suggestion being, that if it were done at all it should be before Divine Service. Then Mr. Hunt says—"I am aware that I made a suggestion on Thursday last to have a general delivery on Sunday, but receiving no reply induced me to send this." I say, "I did not allude to the Superintendent's former suggestion." Mr. Hunt says, "I am happy to say there has been no necessity for a Sunday delivery of letters;" and then there is some remark about the detention of the paper.

41. According to your shewing, there was no necessity to detain the employes on Sunday—they were to be kept until 12 o'clock on Saturday night? That was the decision come to; but it could not be known till the steamer was sighted.

42. That decision came on the 14th? Yes; but the question of the Sunday delivery was left an open one, and the *Empire* of the 15th reiterated its statement.

43. Still the employes knew on Saturday they would not be required on Sunday? They knew on Friday the decision of the Government, so far as it went; but could not know the final decision till the "Northam" came in.

44. *By Mr. Watt*: I do not yet see how you identify these notices with any subordinate in your department? I can only say that Mr. Hunt made a certain suggestion on the 13th March, which I did not receive till the 14th, and that, on the latter date, the very thing appears in the *Empire* as having been recommended "to the Executive on the part of the Post Office."

45. Did you go to the Executive on the 13th? No, I did not receive this memorandum till the 14th, and I waited on Mr. Weekes on that day, and obtained his decision.

46. *By Mr. Smart*: The recommendation made to you by the Superintendent of the Letter Branch on the 13th was not in excess of his duties? Certainly not, if it were not communicated to any one else; but if it were, I consider that it was.

47. You have not been able to trace this notice in the newspaper to him? No; I infer it from the statement in the paragraph—"Application has been made to the Executive, on the part of the Post Office, for leave to open the boxes and deliver —"

48. That was on the morning of the 13th? The insertion was on the morning of the 14th.

49. Then, in fact, it was not then true, as application was not made until the 14th? It was not made by me.

50. Might it not have been an imaginary thing on the part of the editor of the paper? That is possible; but I do not think it is probable. I have nothing further to say with reference to that matter. The next subject to which I would refer has connection with the delays on the part of the Superintendent of the Letter Branch, in replying to references made to him as to applications for letters, &c. These are matters which require immediate decision, and I gave an order that all these references should be replied to within forty-eight hours. Mr. Abbott thought twenty-four hours sufficient. The following is a memorandum I received from Mr. Abbott, covering a number of such applications:—"I deem it necessary,

W. H. Christie, Esq. " in case of complaint being made as to delay in replying to the enclosed papers, to call the attention of the Postmaster General to the dates of reference to the Letter Branch, and the date on which they were returned to me." This is dated the 9th. The enclosed papers were referred, as I afterwards ascertained, as follows:—

14 May, 1862.

| | |
|----------------|----|
| April 1st..... | 4 |
| " 2nd..... | 1 |
| " 3rd..... | 4 |
| " 4th..... | 10 |
| " 5th..... | 10 |
| " 7th..... | 16 |
| " 8th..... | 1 |

On obtaining this report, I felt it to be my duty to make the following Minute:—
 " Supt Letter Branch.—My Minute of 18th February last seems altogether contravened in most of these cases, and your report, in some instances, seems to have been made seven and eight days instead of two days after reference." On which Mr. Hunt states—" And so it will be contravened in consequence of an inefficient staff; they were sent up by me before nine o'clock this morning, Sunday intervening, and Saturday being a half holiday. I consider under the circumstances they are only a few hours over the time allowed. None of the papers have been over three days, as they were received in the Letter Branch on Friday. I have likewise called the Board's attention to this circumlocution, in order that it may be avoided in future." On which Mr. Abbott says—" The majority of the papers are dated 1st, 2nd, 3rd, and 4th inst. Being sent up before 9 a.m. was of little advantage. As a rule, I think that papers referred to the Letter Branch in the morning should be reported on and returned in the evening of the same day. As to the circumlocution referred to I cannot see the application, except with regard to sending the papers through two officers of the Letter Branch, merely for the purpose of being initialled by them. As to the delay, I think from the 1st to the 9th, exclusive of Sunday, amounts to eight days, or, excluding the 9th, to seven days." I then say—" I see no valid reason for the papers having been detained in the Letter Branch. I consider the staff of the branch not inefficient if properly looked after. The delay and circumlocution seem to have occurred after the papers were referred to the Superintendent, and I do not think his statement is borne out as to the delay having in no case exceeded three days. I beg that my orders may be attended to in future, and all letters returned within forty-eight hours, and agree with the Secretary that if proper diligence were used they might be reported on and returned the same day." Mr. Hunt says—" No delay took place in my room, and I should again like to see the papers in question, because in my opinion the majority are dated the 5th, one the 4th, and one the 1st. Surely the inefficiency must be known, as Messrs. Danne and Mahoney, having been recently appointed, have been of very little use." I say—" Secretary, let the Superintendent, Letter Branch, examine the dates of the letters being sent down to him. I certainly was not aware that Messrs. Danne and Mahoney were concerned in the detention." There is another case which has also occurred since the meeting of the Board, and I think it right to bring it forward as shewing the inconsistency of Mr. Hunt. This is an application from Mr. Post, master of the Dutch ship "Maassluis"—" I have the honor to request that a parcel addressed to Messrs. Beit and Macdonald, and erroneously delivered by me to an officer of the General Post Office, may be returned to me, and the postage thereon remitted. The said parcel was shipped in Batavia, and bill of lading for it signed by me, which document is now in the hands of the above-named gentlemen; the said parcel therefore belongs to the other merchandise of which my cargo consists." On receiving this letter, I called upon the clerk in charge of the Ship Room to report, which he did as follows:—
 " I see no objection to delivering this free, as it evidently has been delivered in error." Mr. Hunt says—" He should pay book rate." To which my reply is—" As the mistake has been made I am disposed to think it fairer to make no charge at all. It cannot be considered a book parcel, the ends being closed. Let it be delivered free to the parties addressed." Mr. Hunt remarks on that—" Very well, I shall act so in all future similar cases." " Parcel received and will be delivered upon application." I say—" With reference to the remark of the Superintendent of the Letter Branch, dated 11th instant, each case must be brought forward separately; as the Postmaster General, or country postmasters only can decide as to surcharges." Mr. Hunt says—" But there was no charge on this parcel, as it was delivered free of postage." I say—" There was a large postage charged, though not paid." Mr. Hunt replies—" With all due deference, the Postage Act does not authorize letters and packets to be delivered free of postage—the 21st section refers to overcharged letters and packets." I reply—" The parcel of merchandise brought to the Post Office was neither a letter nor a packet. However, the matter is decided." Now not only is there given in this case a great deal of needless trouble, but a reference to other cases will shew the inconsistency of the opinions given by the Superintendent of the Letter Branch. Here is a case in point:—No further back than November, 1861, a letter was addressed to me as follows—" We return herewith a parcel of samples which we received this morning, through the Post Office, on payment of 9s. postage. We beg you will direct that the above amount of postage be returned to us, and you can make what use you like of the parcel returned herewith. We think some directions should be given to your Shipping Officer, to the effect that parcels of samples and consignees' letters should be left with the masters of vessels to deliver." I say upon that—" Mr. Hunt, report, and get Mr. McMahon to report, but unless further grounds are given I do not see that I can return the 9s." Mr. Hunt says—" The amount should be returned; we have done so on former occasions." Mr. McMahon says—" This parcel must have been enclosed in the
 " loose

" loose letter bag detained on board the ' Star of Peace,' and consequently never came through my hands." I then say—" Inform Messrs. Gilchrist and Co that in this instance I will refund the money, but the fault entirely rests with the captain, who ought not to have posted the letter." Now it is quite clear that if the samples were to be given free in one case, they should be in the other, and yet in this case Mr. Hunt says nothing whatever as to the necessity of paying book rate postage.

W. H. Christie, Esq.
14 May, 1862.

APPENDIX.

A.

| Balances due on Stamp Account on 31 December, 1861 :— | | £ | s. | d. |
|---|---------|--------|----|----|
| Country Postmasters | .. .. . | 3,748 | 5 | 1 |
| Office Sale-room | .. .. . | 584 | 5 | 0 |
| Public Offices | .. .. . | 26 | 16 | 8 |
| Total | .. .. . | £4,359 | 6 | 9 |

| | | | | |
|--|----|--------|----|----|
| Net value of Stamps supplied Country Postmasters in 1861 | .. | 26,246 | 4 | 5 |
| Received from Country Postmasters. on Stamp Account, in 1861.. | .. | 26,389 | 17 | 11 |
| Being an excess of Receipt over Issue, of £143 13s. 6d. | | | | |

B.

| | | |
|---|---------|---------------|
| Number of documents received and registered at the General Post Office, Sydney, during the months of January and February, 1862 | .. .. . | 1,809 |
| Number of Minutes despatched under blank cover during the same period | .. .. . | 680 |
| Number of Letters despatched during the same period (M.S.) | .. .. . | 641 |
| Number of printed Letters despatched in reply to applications, &c., &c., | .. .. . |  |
| for Letters | .. .. . | 650 |
| Bonds | .. .. . | 44 |
| Other Documents | .. .. . | 278 |
| Tables of Arrival and Despatch | .. .. . | 784 |
| | | 1,756 |
| Number of Cheques drawn and disposed of during January and February, 1862.. | .. .. . | 684 |
| Money Remittances received during same period, for which a like number of receipts have been made out.. | .. .. . | 728 |
| Number of Requisitions received for Forms, Stationery, and Stores for Country Postmasters | .. .. . | 92 |
| Number of Post Offices on 28 February, 1862 | .. .. . | 346 |
| Number of persons employed on same date | .. .. . | 430 |
| Number of Mail Contracts do. | .. .. . | 193 |
| Extent of Postal Lines do. | .. .. . | 10,586 miles. |

THURSDAY, 15 MAY, 1862.

Present :—

MR. MONTEFIORE IN THE CHAIR.

| | | |
|-----------|--|------------|
| MR. KING, | \| | MR. SMART, |
| MR. KNOX, | \| | MR. WATT. |

William Harvie Christie, Esquire, Postmaster General, called in and further examined :—

1. *By the Chairman* : Will you go on where you left off yesterday? Before entering on the question of improvements in the office I would like to hand in my report for 1859, which will give further information as to my attempts to establish the Money Order System. (*Handed in.*) It will also shew that I reported as to the railway, that I had not the power that it seems to me I ought to have; and it gives in full my plan for sorting the inland mails on their voyage to Sydney.
2. *By Mr. Smart* : You say " the power that you ought to have "—do you think you ought to have the direction of the Railway Department? No, but I think I ought to have the power to fix the departure of mail trains; I had that power according to the old clause.
3. That was at the time the railway was in the hands of a private Company? Yes, though I do not know that that had anything to do with it.
4. Was it not one of the conditions on which the Company's privileges were granted, that they should run trains for the convenience of the postal department? I do not know how that may have been. However, on one occasion, thinking I had that power, I remonstrated, and stated I had the power, and was then, for the first time, informed that the clause had been repealed.
5. I do not think in England the Postmaster General has the power you say you ought to have here? Perhaps not; but the railways there do not belong to the Government. I propose now to go into the question of the various improvements that have taken place, and Mr. Hunt's suggestions; and, as I have not had access to the evidence, I have taken an article from the *Empire*, signed " Investigator," which I think bears internal evidence of having been furnished by Mr. Hunt. I will go through each of these matters *seriatim*, to shew how much truth there is in the assumptions it contains. The first allusion is made to the unpleasant dissensions, the existence of which I am sorry to say I cannot contradict.

W. H. Christie, Esq.
15 May, 1862.

It

W. H.
Christie, Esq.
15 May, 1862.

It then says that Mr. Hunt, since his return from England, has "urgently recommended various important improvements," and that "these improvements were invariably opposed " by the Postmaster General, and those which have been carried into effect are the result of " forcible appeals to the Ministers who have been successively responsible for the supervision " and control of the Post Office Department." And it then states that Mr. Cowper is the Minister who chiefly has carried these out. As I go through these improvements I think it will be shewn that in no one instance has Mr. Hunt deserved the credit which has been claimed for him for their introduction, nor am I aware of the forcible appeals alluded to.

6. *By the Chairman*: Is it likely to shew anything that will bear specially upon the objects of the Board's inquiry? Very much so; I think it will shew that in some instances I have introduced and Mr. Hunt has opposed, and that for years past I have allowed him to get the credit of improvements with which he has had nothing whatever to do.

7. *By Mr. Smart*: Do you think it worth while to go into an elaborate contradiction of newspaper articles which the Board has not taken up? I have not seen the evidence that has been given before the Board, but I conclude that this contains the gist of what has been put forth on Mr. Hunt's side of the question, and therefore I am anxious to take the opportunity of shewing that the statements here made are diametrically opposed to the fact, a thing I have never yet been able to shew, because from my position, I have been unable to enter into a newspaper controversy.

8. Can you identify Mr. Hunt with the article you allude to? Of course I cannot prove that Mr. Hunt is directly concerned in it, but I think it bears internal evidence that the information has come from him. However, I will content myself with simply replying to the allegations it contains, without attributing the authorship to any one in particular.

9. I think, for my part, that it would be better that you should bring before the Board any suggestions that you have to make, apart from reference to the correspondence which you now allude to? Well, I will do that. With regard to the establishment of the Post Office at Moore's Wharf, which Mr. Hunt has hitherto had the credit of, and which I have been believed to oppose, I may state that Mr. Hunt brought forward, after his arrival from England, the idea of what he called floating post offices, but there was nothing very definite in his proposition, and I understood from him that it would entail some extra expense, which the Estimates having been passed, I could not undertake. He then gave his evidence before the Retrenchment Committee, in which he recommended that two floating offices, as he called them, should be established, and that late letters *viâ* Melbourne and Southampton should be there posted. No provision whatever was suggested by him for any extra postage to be paid on the letters, and as Mr. Hunt required extra assistance, I did not entertain the proposal. Subsequently the Chairman of this Board brought before me what I thought a tangible proposition, and that was that there should be an office at Moore's Wharf, for the reception of late letters *viâ* Marseilles, upon payment of 1s. as late fee being made. I immediately referred the matter to the Superintendent of the Letter Branch, who referred me to his evidence before the Retrenchment Committee, which I thought did not embrace the subject. I referred then to the Ship Branch, and Mr. Brooks, the head of the Foreign Branch, then recommended that it should be as Mr. Montefiore had suggested, for letters *viâ* Marseilles only to be received at Moore's Wharf, and that 1s. should be charged. I wrote to Mr. Montefiore that I was obliged for the suggestion, and I at once took it into consideration, and established the late office at Moore's Wharf, adopting, however, a charge of 6d., instead of 1s., and making it by Marseilles, which I need not say is not at all Mr. Hunt's proposition. I may at this period state that although I considered it would be sufficient for a junior clerk to attend at Moore's Wharf, I was very glad to get Mr. Hunt to do anything, and as it was a hobby of his, I let him go down there, though it is not a duty the Superintendent should properly perform. I hand in the papers that verify the above statements. I would now bring before the Board the papers connected with the establishment of iron receivers. I may state that in the year 1854 my attention was drawn to the fact that there were receivers in Belgium and France, and I got Mr. Levinge, who is a very good artist, to copy a print which I had of the Paris receivers, I think it was, which he copied for me in May, 1854; and he then went to P. N. Russell and Co., first of all—not to the parties who afterwards had the contract—and they stated they could be supplied for £12 or £15 each. I then waited on the then Colonial Secretary, and told him I thought it would be an admirable plan to introduce into Sydney, and he naturally enough said it would be time enough to introduce it when it was adopted in London. This I mentioned to Mr. Abbott. In June or July, 1855, Mr. Stone and Mr. Abbott saw a print of the plan which was adopted by the London Post Office—which it will be seen is not at all the plan adopted for the Sydney letter boxes—and brought it to me. I again sent for Mr. Levinge, who produced a design of his own, which is shewn here (*alluding to papers before him*), and I decided that I would bring the matter before the Government, with a recommendation that it should be carried out. On the 2nd of August, 1855, Mr. Hunt, having returned from England some few days before, sent me in his own suggestions, and amongst the rest he says:—"Increased facilities should be afforded to the public for posting their letters, by " causing the erection of iron receivers upon the wharves, market-places, and public " thoroughfares, and the Exchange. I would have brought one out, but could not procure " it from the contractor. Only two were erected in London, one in Fleet, the other in " Farringdon-street. I suggest, therefore, that the Postmaster General should import six " at his earliest convenience." Now I did not say at this time all I might have said, but I wrote this:—"I have long had this matter under consideration, and having been furnished " two years ago with plans of the iron receivers used in Paris, waited on the Colonial " Secretary on the subject, who thought their introduction in New South Wales would be " premature. But within the last ten days, and before the receipt of this, steps were taken

" in

"in this matter." Mr. Levinge was again called upon, and he again went to the contractor, and in October, 1855, I was allowed to send in my advertisement calling for tenders, which were accepted, and the receivers were erected. But to shew that there can be no doubt upon the question, Mr. Levinge has handed to me the MS. of a letter he prepared for publication in the *Empire*, in answer to some remarks claiming for Mr. Hunt the credit of having caused the establishment of these receivers, which letter he brought to me at the time, and I advised him not to publish it. This is the letter:—

W. H.
Christie, Esq.
15 May, 1862.

"POSTAL IMPROVEMENTS.

"To the Editor of the *Empire*."

"Sir,—My attention has been drawn to a paragraph in the *Empire* of the 20th instant, headed 'Local Improvements in Postal Matters,' in which the following passage occurs:—'It will be within recollection that early in the beginning of last year the first iron letter receiver was erected in London, and that, by its novelty and adaptation to the public requirement for increased postal facilities, it entirely enlisted public approbation. Since that time iron letter receivers have been erected in all the principal thoroughfares of London. Mr. Hunt, one of the gentlemen connected with the Sydney Post Office happened to be in London at that time, and witnessed the erection of the first iron letter receiver. Struck by the simplicity and ingenuity of the invention, he resolved to introduce the iron letter receiver into this Colony on his return. Measures were taken shortly after Mr. Hunt's return to give his ideas a practical form, and we notice as the result that the first of the iron letter receivers has been erected at the Circular Quay, within a short distance of the Custom House.'"

"There are some errors in this statement, which I trust you will excuse me for correcting, having personally superintended the construction of the iron receivers now in course of erection throughout the City, and being probably better acquainted with the circumstances which led to the introduction of these receivers by our Post Office authorities than the writer of the paragraph in question.

"I am not prepared to say at this moment when the first iron letter receiver was erected in London, but I can confidently state that letter receivers of this description have been in use in Belgium for some years, and that in the early part of the year 1850 they were introduced into France. A drawing of the one erected in the Rue-de-la-Paix, Paris, appears in the *Illustrated London News*, of 9th March, 1850. It is elegant in appearance, and somewhat different from those in London, the latter being square and entirely devoid of embellishment, the former circular and possessing considerable artistic merit. Those introduced into Sydney are upon the French model.

"With respect to their introduction, in justice to those concerned I feel bound to mention that the subject was brought under the notice of Major Christie, our Postmaster General, upwards of two years since, and at his request I made a drawing and specification of one. The plan was then submitted to Messrs. Russell, the iron founders, who offered to cast them at £15 each. The sum mentioned by them was considered rather too high, and there the matter rested for some time.

"Attention was again drawn to the necessity of introducing these letter receivers in August, 1855, in consequence of some of the citizens of Sydney having petitioned the Postmaster General for additional receiving houses, and the petitioners were then informed that the subject of erecting iron boxes was then under consideration, and that no definite answer could be given to the petition. The matter was again placed in my hands by the Postmaster General, and I lost no time, as soon as the sanction of the Government was obtained, in adopting measures to have the present ornamental, and I trust, useful letter receivers, erected.

"As Mr. Hunt did not return to the Colony until September last, after an absence of eighteen months, and long after the designs had been drawn and determined upon, you will, I trust, excuse the liberty I have taken in shewing that your reporter or informant is mistaken in some of the facts he has adduced.

"May 22, 1856."

"I remain, Sir, yours obediently,

"THOS. W. LEVINGE."

The recommendation I made before the Commissioners appointed to inquire into the Government Departments, on the 17th September, 1855, the Board may not think of much consequence, because it is certainly given subsequent to the receipt of Mr. Hunt's letter; but what I said before Captain Ward's Board was this:—"There is another economical arrangement which I proposed some years ago, and which I am satisfied now would be a good one, as it has been recently adopted in London. It is the placing of iron receivers for letters. These would be placed like lamp-posts on the side of the streets, or in thoroughfares, and would render the receiving houses unnecessary. I am getting tenders for these receivers, and I think they will vary from £10 to £15. If this plan were adopted, the letter carriers would call at these iron receivers, instead of at the receiving offices, for letters, and the salaries of the postmasters of the receiving offices would be saved. Qn. Where do you propose to place these? Ans. I think if there were ten or twelve about the city of Sydney and the suburbs, that number would be sufficient at the present time. These receivers are iron boxes, secured by a lock, of which I hand in two plans, one of the Paris, and the other of the London receiver. Qn. You would attach them to some fixture in the street? Ans. I would place them in the streets, and get rid of the receiving offices. Qn. What economy would you effect in that way? Ans. I should save the salaries of the receiving officers." I beg to hand these papers in, as proving that Mr. Hunt, directly or indirectly, had nothing whatever to do with the establishment of iron pillar boxes in Sydney. (*Papers handed in.*) I then come to the newspaper pillar boxes,

W. H.
Christie, Esq.
15 May, 1862.

boxes, for which the newspapers, in Mr. Hunt's behalf, have claimed, not only that he introduced them, but that I opposed them strenuously. I am afraid this will be rather a long affair. The first notice I can find of it is a proposition from the Gas Company, in 1859, who, having some lamp-posts with very large columns, thought they might be applicable for newspaper receivers, and I thought this would obviate the difficulty about using the pillar letter boxes for receiving newspapers, which Mr. Hunt strongly objected to, because the letters would "pig," as we call it, in the boxes. On getting this letter from the Gas Company I wrote to the Superintendent of the Letter Branch:—"Mr. Hunt, the column of No. 1 is applicable for a pillar box, and is so large that we might divide the opening into letter and newspaper receivers if thought expedient. Report. If adopted at all they will be placed in well-known central sites. There are six of them at the Gas Works—16/3/59." On which Mr. Hunt reports:—"Pattern No. 1 is a very great improvement on those in use, and I agree with the Postmaster General that they ought to be erected in the most public thoroughfares, but I would suggest that they may be kept exclusively for the receipt of newspapers—16 March, 1859." I say:—"The suggestion is worth consideration. How would you empty them? The lamps are a great protection to the receivers, and the letters are of more consequence than the papers. That appears to me the only reason why these should have letters—17." Mr. Hunt replies:—"They must be emptied every day—7 a.m. and 2 p.m. An additional horse, cart, and driver, will be required, as I can do no more with the present horses and carts—17." Upon this I make a further minute:—"I have seen the Secretary of the Gas Company, who is to let me know the terms. I have written to Mr. Bubb to go and look at the pillars and report to me the cost of fitting them up. Let Secretary, in conjunction with Mr. Levinge, give me their views of the matter. How they are to be emptied will be a matter of consideration also—21." However, finding they would not accommodate both letters and newspapers, that it was of more consequence for the letters to have the light than the newspapers, and that there would be a difficulty about whom the gas lamps would belong to, that plan was given up; but it will be seen that I was the mover in it, and that to some extent Mr. Hunt rather opposed it. After this the newspapers again advocated that newspapers should be posted in the letter pillar boxes, and it was said it was done in Melbourne. On hearing that, I determined to write to the authorities at Melbourne on the subject, and gave the following directions with that object:—"Write to Secretary, Melbourne Office, informing that we have hitherto restricted the receiving boxes to letters, for the following reasons:—1st. That it is said the same restriction takes place in London. 2nd. That it is said that letters will constantly pig if newspapers are put in the same box. 3rd. As the newspaper mail closes before the letter mail, the hour for emptying the receivers would be different. 4th. That from the increased weight and frequency of opening, great additional expense would be caused if newspapers could be posted in the iron receivers. I am informed, however, that newspapers are posted in the pillar boxes at Melbourne, and I should be glad to know under what restrictions, and whether practically much inconvenience has been caused—13/10/60." To the letter written in consequence of this I got an answer dated 27th October, 1860, in which it is stated that though the boxes in question were intended only for letters, newspapers have been posted in them, and have been allowed to pass, and the Secretary concludes by saying,—"Generally no inconvenience has been experienced from the practice alluded to, but on the despatch of English mails additional assistance for clearing the boxes has to be provided." Mr. Abbott, the Secretary, upon this gives his opinion that it ought to be done here as it is done in Melbourne, and I call on the Superintendent of the Letter Branch:—"Superintendent, I have always been unwilling to press this matter too much, as such difficulties appeared to you and others to exist in the carrying out of the measure; as, however, the thing is working fairly at Melbourne, I think I shall commence the same from the 1st January next. Have you any strong objections to urge?—13/11/60:"—which proves what I stated, that, as to "pigging," that was an objection made by Mr. Hunt. Mr. Hunt then says—"If it is intended to afford this additional accommodation to the public, I hope sufficient provision may be made for their conveyance to this Office by mail cart. A horse and extra mail boy will likewise be required, because it is with difficulty the boys arrive in time for the respective deliveries. I shall ascertain how many Summaries (*Herald's*) each receiver will hold, in case they should be the means of shutting out what the iron pillar boxes were originally intended for. The practice in Melbourne appears not to give notice, neither ought one to be issued here until proper receptacles are erected for their reception.—R. A. H.—14 Nov., 1860." On getting this, which is an objection to the plan, I see I note in pencil to Mr. Kebble, the Accountant—"Bring in the Estimates for 1861 at 10 a.m., to-morrow—15/11/60." In bringing forward the Estimates of every year I always call on each head of a branch to state what he wants, and, among others, I called on Mr. Hunt, and this is his estimate (*referring to a paper*) in which there is no provision made for newspaper receivers, but when this draft of his, accompanied by the original draft of the annual Estimates for the department, came before me, I added this—"Newspaper Receiving Boxes, £120." This is in my own handwriting, and when I sent off the Estimates of expenditure to the Colonial Treasurer, on the 27th June, 1860, I say—"In addition to any receiving houses that may be necessary, I propose that four newspaper pillar boxes should at once be erected in different parts of the City, and estimate the expense of each at £30." I think that makes it apparent that through all the steps Mr. Hunt rather opposed and I introduced, and that he certainly had little to do with the introduction of newspaper boxes. I will leave the papers. (*Papers handed in*.) Another matter claimed by Mr. Hunt as his recommendation, and which it is said has been opposed by me, is that carriages should be ordered from England, and that there should be spare axles, and that these vehicles should be horsed by innkeepers. Now
innkeepers

innkeepers who can horse carriages, I need not say, are not to be met on the roads here at every ten or twenty miles; but, to shew that this matter has not been overlooked by me, I bring forward a letter of mine of 14th January, 1854, about four years before anything was said about this by Mr. Hunt. I am satisfied this proposal of mine would meet the circumstances better than any other, but I never thought it would be a saving, but rather an increased expense, and I will shortly shew by letters from contractors, that the additional expense would be very great. I will just read the last paragraph of my letter:—"Should the Government, however, decide, as I sincerely trust may be the case, that without waiting for railroad communication, the time has arrived when it is absolutely necessary for the postal service of this Colony to be placed, regardless of expense, on a thoroughly efficient footing. The plan I would take leave to recommend for the consideration of His Excellency, as more practical and economical than that suggested by the memorialists, would be as follows:—1. That two-horse carriages of a suitable construction be ordered from Home, or built in the Colony for the service of the Government. 2ndly. That these carriages should have capacious boots, and seats for a driver and guard only, who should both be armed, and both be in the service of the Government. 3rdly. That these carriages should be horsed by contract." Now I certainly consider that that embodies Mr. Hunt's recommendations, and is more practicable. I may state here that, in obedience to the wish of the Chairman of the Board, a circular has been addressed to all the principal mail contractors, begging to know from them what would be the additional expense if the mail coaches were limited to two passengers and the driver, and to travel at the rate of six miles an hour, and answers have been received. Messrs. Crane and Roberts say:—"We have carefully gone over the expense that would be incurred, and have gone minutely into the details of the proposed arrangement, and beg to state in reply that the expense would be more than *treble* than at present. You will please bear in mind that the faster the mails are carried the more expensive it becomes; the increased rate of speed of course operating greatly against the horses."

W. H.
Christie, Esq.
15 May, 1862.

10. *By the Chairman:* Does that mean on each contract that Crane and Roberts perform? Only on the main roads.

11. Let me ask you to read the letter in which you ask for the information? This is a copy of the circular sent:—"Gentlemen,—I have to request that you will at once furnish me with a statement as to the extra expense, if any, in addition to your present contract, that will be incurred, should the Government decide upon the mails being conveyed on the main roads, at the rate of six miles an hour throughout, in carriages limited to carry two passengers and the driver." Sheahan and Garry say, "We will meet the arrangements required by you for the sum of £700 per annum additional."

12. What is the amount of their contract? £2,285 3s. 2d.

13. Do you not think that if such a contract were put up to tender again, it could be done for something considerably less than what Crane and Roberts say they would require? I do not know. At all events we are bound to them for the term of their contract, which expires on the 31st December, 1863. Messrs. E. and A. Duckett, contractors on the Western Road, say,—“We have the honor to state, in answer to your communication of the 22nd April, that the alteration of plan, &c., necessary for the conveyance of mails and passengers, in compliance with the terms expressed in such communication, cannot be effected for a less sum than £600 per annum.”

14. What is their present contract? On the main road, their contract is £1,000 per annum.

15. £600 additional for all their contracts? No, for that on the main road. Mr. John Gill, contractor, on the Northern Road, sends a telegram to this effect:—"To carry out the proposed change I would require twice the amount of present contract, and to carry it out effectually many delays would require remedy." I will hand in these papers. (*Papers handed in.*) I will also hand in a letter of mine of the 10th July, 1852, transmitting a draft of an advertisement for tenders, in which the number of passengers was limited to five near the town, and three away from the town; it also gave a three years contract. We did take some contracts on these conditions, and the system of giving a three years contract is still in existence; but generally speaking, the condition limiting the number of passengers has lapsed. (*Letter handed in.*) In a subsequent letter, dated 14th January, 1854 (which I have before referred to), I recommended that the mode of conveyance should be by two-horse carriages without passengers. The same letter throws light on the efforts made by me before to establish mail conveyance, with a limit of passengers. In this letter there is the following paragraph:—"During the past year, for the first time; tenders were called for for conveyances authorized by law to carry only a limited number of passengers, and although to a great extent the principle was carried out, it was found indispensable to modify it, from the vast difference, in point of expense, which may be conceived, when I state that the difference in price from and to Sydney and Parramatta, for conveyances licensed for sixteen passengers, and for conveyances licensed for five, was no less than £220, and that the difference between Sydney and Campbelltown was £350." (*Letter handed in.*) The next point I have to remark upon is as to St. Mark's Post Office. In the beginning of this year there was a change made, by which the arrival of the mail at St. Mark's and Watson's Bay, as per time table, was made later. This was in consequence of the departure of the railway train with the morning mails, to Windsor and Campbelltown, being altered from 10 a.m. to 10 15, upon which it was suggested in the Letter Branch that the suburban mails had formerly been late on account of the Western mails not coming in till 8 45, and that it would be convenient if the two sets of mails, viz., the morning and the suburban, were sorted together. This was done, and the mail to St. Mark's was consequently later. However, when Mr. Smart brought the matter before me, I found that there

was

W. H. Christie, Esq. was no imperative reason why it should be so, and I at once ordered a new time table to be made out, and set the matter right. (*Time table handed in.*) I only give that in because it has been stated elsewhere that the Board gave me an order to do it, and that it was on that order it was done. I have the papers here as to the Postal Inspector's appointment. I do not know whether the present is the time to go into it, but I may state that I had nothing whatever to do with it in any way.

16 May, 1862.

16. You mean the alteration in the appointment? Yes, the change from Mr. Levinge to Mr. Dillon. This (*referring to a paper*) is the journal of the late Postal Inspector, Mr. Levinge, and on this I had occasion, in the course of my duty, to make remarks, and to call for various explanations. On the 20th December, 1861, I was obliged to forward this journal to the Colonial Treasurer, with my remarks thereon, and to state that I was not satisfied at all about the matter. I thought he ought to have been not more than two months away, instead of some four or five, that he was. The Treasurer entered into this, and called for reports as to his sickness, and some medical certificates were sent in, and at last the final minute was made by Mr. Weekes, as follows:—"Mr. Levinge's explanation is "of a very unsatisfactory character, and I think the interests of the public service will be "promoted by the office of Postal Inspector being held by some gentleman better able to "carry out its duties. I shall be glad if the Postmaster General will recommend some "other officer of the department, properly qualified, with whom Mr. Levinge may be allowed "to exchange." Mr. Levinge, without any reference to me, proposed Mr. Dillon, who being perhaps better informed about these things than any other man in the Colony, not excepting Mr. Abbott, I was glad it so turned out, and accordingly I recommended the exchange. That is the history of Mr. Dillon's appointment as Postal Inspector. I beg to hand in the papers in the case. (*Papers handed in.*) I may state, in explanation of Mr. Dillon's not leaving town at once on a tour of duty, that at the beginning of the year we almost always take three months before we can get ready the new time tables and arrange for all the new Post Offices. We usually take that time; and I am sorry to say that Mr. Levinge, whether from indisposition or otherwise, did not assist very much towards these time tables, in consequence of which there was some little confusion this year, and I was obliged to keep Mr. Dillon for nearly two months constructing the time tables, and in fact I would rather have kept him another month, but that he was urgently required in the direction of Mullenderree and Moruya.

17. *By Mr. Watt:* Could no one else prepare the time tables? Mr. Abbott and I used to do it, but it was a great addition to the current work of the office. In fact the time tables are the mathematics of the Post Office. It is impossible to conceive the difficulty of dovetailing those time tables one into the other until you sit down to attempt it.

18. Do you not think it could be done by a clerk in the office on a report made by the Inspector from the spot? No, I do not think anything would be gained by that. We know exactly how all these branch lines join in, without the necessity of a report from the spot.

19. Then a Postal Inspector is unnecessary? No; if a postal contract goes wrong, that is when the department mostly wants a Postal Inspector, who may be despatched at once to make the necessary arrangements;—in a case, for instance, where a contractor is failing, or there has been any embezzlement of money at a Post Office. I have sent him now towards Moruya to inquire about a number of abstractions of money from letters, and also about the loss of a packet of registered letters, and on this occasion I sent a detective at the same time.

20. You do not view the Postal Inspector as an inspector of roads for the purposes of the Post Office? He is obliged to report on all contracts that may require it. Generally speaking, I keep him for the first quarter of the year to construct time tables; after that he reports on such matters as may require attention with respect to the carrying out of contracts, or such cases as the one I have just mentioned, and he also reports upon petitions for new lines, but I could never send him out all the way to the Darling; for instance, exclusively for such a purpose. I may say, with reference to the papers relating to the letter boxes at the General Post Office, which I now hand in, that Mr. Levinge is very anxious that I should put before the Board that he was almost entirely the author of these, which have proved of great service at the Central Post Office. To Mr. Levinge entirely the merit of these is due; he introduced them, and with some modifications from the Secretary and myself, they have been carried out on his design. I believe he thinks some one else has tried to get the credit, and he has expressed a wish that I should lay the papers on the table. There was an allusion made to alphabetical sorting which I should be extremely sorry to see done away with. When I first came to the Post Office nothing struck me so much as the fact that there were only a very few officers therein who could sort letters by the road system then in use; in fact, my impression is that only three could do it—Mr. Abbott, Mr. Stone, and another clerk; and in case of the absence or sickness of any of these, it was deplorable to see the work not going on. Therefore when Mr. Abbott was at the head of the Letter Branch, at my instance, he and Mr. Dillon, who had been in the London Post Office, and Mr. Stone, among them, got up the alphabetical system of sorting, which I am certain any one who considers the subject must see is the right system, though unluckily, from the confined space I have at my command, it cannot be carried out fully. There is only one advantage in the road system over the other, and that is, that if any mistake is made the letter is upon the right line of road. But to shew the great stretch of memory and of local knowledge required under it, I may mention that letters for the following Post Offices, the very names of which are perhaps unknown to the Board, are enclosed in the Cooma post-bag:—Adaminiby, Cathcart's, Russell's, Buckley's Crossing Place, Jindabine, Delegate, Nimitybelle, and Jejenzrick, which last is not a regular office.

21. *By the Chairman* : Are all these offices in thinly populated districts of positive advantage except to individuals? They are much sought for, and the Government decided that they were to be established.

W. H.
Christie, Esq.

15 May, 1862.

22. It is the Government who decide? Yes, invariably.

23. Is each new Post Office appointed by the Government? Yes.

24. To whom is the application made? The way a new Post Office is established is generally this:—A memorial comes to me, perhaps through a Member of Parliament, upon which I generally refer to one or two of the postmasters nearest to the place where the new line is sought to be established, for information as to the work there will be, and whether a new Post Office is required; sometimes I get a report from the Bench of Magistrates; and, having obtained all the information I can, I send in the papers to the Government, and when I really believe it is required I recommend it, or I leave it open. I think one Post Office only has been established without reference to me.

25. Does it not seem to you that a great many Post Offices could be dispensed with? They are all very useful to the parties interested.

26. That is not the question—do you not think there are some Post Offices that might be dispensed with without the public suffering inconvenience? Certainly not. The public in the neighbourhood must benefit. The expense of a Post Office is a mere nothing; it is the postal lines that run up the cost.

27. Do you think that every Post Office now in existence in the Colony ought to be there as a Post Office, incurring the expense of a postal line? I think that the Post Offices with full powers might be perhaps weeded; but in each case such a claim has been made out that the Government has yielded to it, and in each case the residents are very much interested, as, if it were not for the establishment of these Post Offices they would probably have to ride 30 miles to register a letter. I think the 350 Post Offices, or whatever may be the exact number, are a great public benefit.

28. You do not think any ought to be dispensed with? No, I am not aware of any, with one exception—that I have brought before the Treasurer.

29. Do you think any new ones should be established, or that we have got the exact number that there ought to be in the Colony? I gave in the return—351 I think is the number.

30. Is that the exact number required? I cannot say. I might get a requisition for another to-morrow.

31. You say the public derive advantage from all that there are? Decidedly.

32. Do you think there are any other points where it would be for the public advantage that there should be Post Offices? I am not aware at present. I may at once mention that at the terminus of every postal line there ought to be a Post Office; that is at once evident; and it is the postal lines that are the great elements of expense. I can only say that for every Post Office that has been established the papers can be seen—the petitions, the recommendations, and the acquiescence of the Government.

33. *By Mr. Smart* : I presume there can be no Post Office without a postal line leading to it? It is the new line that entails the Post Office, not the Post Office the new line.

34. The Post Office must be at the end of the line, for delivering the letters? Yes, but perhaps at the end of the line there may be only two or three letters to deliver; they are dropped all along the line; but still there must be a place as a terminal Post Office. Except that there must be a supervision over the lines, and some recognized party to report the hour of arrival of the mailman, a Post Office in some cases might not appear *primâ facie* necessary. I would state generally, with reference to improvements in the Post Office, that I owe a great deal to the suggestions of Mr. Abbott and the late Mr. Stone, and Mr. Dillon having been in the London Post Office, made out all the forms of time bills, letter bills, &c., now in use in the Letter Branch. The mechanical and artistic matters I owe to Mr. Levinge. The general arrangements of the Office in the Ship-room, Sorting-room, Delivery-room, and so on, were made by myself, after a tour to Melbourne and Van Diemen's Land. I desire to clear myself also now from any suspicion of favouritism in the appointments, which has been alleged against me. I may state that when I took charge I found Mr. Abbott in the most difficult position in the Letter Branch, and therefore I do not consider myself immediately responsible for his being made Acting Superintendent of the Letter Branch, and afterwards, Mr. Hunt not claiming it, Secretary. With that exception, the only appointment, to the best of my belief, that I have made, in which I have not observed the principle of seniority, was that of Mr. Dillon to the Corresponding Branch. At that time it happened that Mr. Abbott had only very young clerks in his room; and in a correspondence I need not read here, he expressed his desire that any clerk who succeeded Mr. Levinge should do duty in the room, and he gave his opinion that Mr. Dillon was by far the best qualified. Mr. Reeve applied for the appointment, but did not offer to go into the Corresponding Branch, and even if he had, Mr. Abbott did not think him at all equal to Mr. Dillon, being inert and slow, and I thought the same. But having recommended Mr. Dillon, I felt that something was due to Mr. Reeve, as the senior clerk passed over, and in sending in the Estimates in 1858 I tried to provide for any apparent injustice—I tried to get him an additional salary. I stated that "in doing so"—that is, in appointing Mr. Dillon—"I have passed over a deserving senior whom I do not consider capable of taking charge of the Corresponding Branch, but that in the Estimates of 1859 I have made a recommendation in favour of that officer, which will, I sincerely trust, be sanctioned." With regard to Mr. Buchanan, the other clerk passed over, he was unfit for the Corresponding Branch; he had great difficulty in passing his examination as a classed clerk, and it was only on my assurance that he would most likely be always in the Letter Branch that he got his certificate. As far as I can recollect, that is the only instance in which I have not had reference to seniority. With regard to any appointment of my own friends, I may say I never appointed

W. H.
Christie, Esq.
15 May, 1862.

any particular friend of mine, and the only officers I did appoint, who brought me letters, were such good clerks, that they were taken away to other departments, or went into business. I understand that Mr. Dillon has avowed himself the author of certain letters which appeared in the newspapers, and I certainly must say this, that although I never wrote or caused to be written a line in a newspaper myself, as to the Post Office Department, except in a case that was made almost a private matter as to the late Mr. Ussher, I can hardly wonder at any officer of the department taking the part of the Post Office, after the attacks that had been made upon it; and more especially in the case of Mr. Dillon, because his promotion was stopped entirely owing to the evidence given by Mr. Hunt before the Retrenchment Committee, so that he naturally felt rather sore on the subject.

35. Do you think it advisable to make changes on postal lines without the Postal Inspector visiting the locality where the change is made? I do not think it is necessary, nor could such visits always be made. The general way it is done is this,—that either the residents themselves or a contractor petition for a change, or that the line is prolonged, and it may thus be necessary to make some alteration in the time tables.

36. How can you know whether it is to the advantage of the district or not. Have you not had an example in the case of Tuena, where though a change was apparently to the advantage of one portion of the district, it proved the reverse to another portion? In that case I saw where the shoe would pinch, but I consented to the change, because I considered that Mr. Cowper who, as Member for the district, pressed the matter strongly, might be supposed to represent the majority of the inhabitants.

37. Would it not be very advisable that any proposed change should be in some local paper, if there happened to be one, for, say a month, before the change took effect? Yes, that might be done where there was a local newspaper.

38. And where there was not, could not a notice be affixed at the Post Offices interested? Yes. Generally speaking we have been very fortunate in our time tables, but I am bound to say that Mr. Levinge rather botched them this year.

39. Do you think it advisable to establish new lines without the Postal Inspector visiting the localities where they are proposed? I do not think it is necessary; and with the other duties he has to perform, it would not be possible for the Postal Inspector to visit all the places where new lines are wanted.

40. What do you consider the duties of the Postal Inspector? He has to frame and adjust the time tables properly, and all the time bills and late arrivals have to be handed over to him to report on. He ought to travel for about six months in the year, and send in reports on the state of the postal contracts and Country Post Offices, and on any new postal lines. I think an active man might almost visit the whole of the postal lines by travelling six months in the year. I used myself at one time to get £100 a year for inspecting Post Offices, and I always travelled 1,000 miles, and I thought I saved five times my £100, besides setting matters right.

41. Who prepared the time tables before there was a Postal Inspector? It was done by Mr. Abbott and myself chiefly, sometimes with Mr. Dillon's assistance; but it engrossed an enormous quantity of time.

42. Do you not think it might be better done in the office, without leaving it to the Postal Inspector, so as to allow him to visit more of the Post Offices than he can do now? No, I think not so well. You cannot keep a man on horseback travelling about for 365 days in the year. I think if he occupies his time half in travelling and half in the office, on the matters that engage his attention there, it is the best arrangement.

43. Could he visit every Post Office in the Colony in six months? I think he might. At all events, by travelling six months in each year, he could visit each of them at least once in two years.

44. Do you not think it advisable that every Post Office and postal contract should be examined into annually, if possible? Yes, no doubt it would be an advantage.

45. When the appointment of Postal Inspector was originally contemplated, do you not imagine it was for the purpose of examining into the Post Offices and postal contracts, and finding out the requirements of the different districts? When I recommended it, my idea was that it would relieve the Corresponding Branch of this business of preparing time tables, and that I should have some one to refer to in matters of fines, or to send to make inquiries if there were any abstractions of money or anything of that sort. There are constantly matters of the kind coming in which require immediate attention; but if the Postal Inspector were always away visiting Post Offices on the outskirts of the Colony, I should have no one to send to investigate them. There is now a case which has occurred in the south country, where two contractors have absconded, and have thrown all their contracts into confusion. When there is a sudden rush of people, too, to a new gold field, as was recently the case at Forbes, on the Lachlan, and a new Post Office is required, that is a matter that requires a great deal of consideration; but if the Postal Inspector was away to the north, for instance, we could not obtain his services to report upon the matter.

46. Did you not, by the English mail just arrived, receive some money orders? Two, I think.

47. I thought there were about twenty? I only saw two.

48. They were paid, were they not? No. It was at first thought it was a mistake; the name seemed to be like Sydney. I think it is likely they may have made a mistake at Home. The whole of these orders are made in favor of a letter carrier in the department, and I have requested the Melbourne Post Office to pay them.

49. How far back is it since you proposed the introduction of the Money Order System? Officially and in detail on the 29th February, 1860. The two Boards—Mr. Thacker's in 1851, and Captain Ward's in 1855—were both against its immediate introduction, and both

gave

gave their reasons. With regard to any appearance of inconsistency on my part in respect to it, I need not say that the increase of population makes a change, but the question was brought before me chiefly as a matter of economy. Now I never thought it would be a matter of economy, and therefore when it was put upon that ground I did not recommend it; but when I found there was a pressure for it, I brought the matter before the Government and recommended it. I have always understood that they lost at Home by it for the first ten years, and they might here.

W. H.
Christie, Esq.
15 May, 1862.

50. Did Mr. Hunt originally suggest the introduction of the Money Order System? Not that I can recollect; I do not think he had anything whatever to do with that. Indeed as it has been brought forward so often, and is a system so well known for years in England, I do not think any one here can be said to have the merit of suggesting it. I dare say before the Retrenchment Committee Mr. Hunt may have recommended it. At one time there was an offer made to all the banks to manage the Money Order System with reference to the United Kingdom and this Colony, and they all refused to do it.

51. I think when you were here last you spoke of appointing sorters between Melbourne and Sydney? That is also in the Report of 1859, which I have handed in.

52. Supposing there were sorters appointed between Melbourne and Sydney, would they be able to complete the sorting so effectually as to prevent your having any great amount of sorting in the General Post Office? I do not think they would.

53. How much time would they be likely to save? Not much more than two hours.

54. Do you think the saving of time would be worth the expense? No; I have always made that proviso, "if expense is no object." They would not save more than two hours I think.

55. After having perused the answers you have received from the different contractors on the subject which you have laid on the table, can you form any opinion what would be likely to be the additional cost of running the mails at the rate of from five to six miles an hour along the main roads, carrying only two passengers—the total additional cost? I think about £10,000 a year.

56. In your remarks yesterday you made some observations about the delivery of letters on Sunday—they are never delivered on Sunday now, are they? Never.

57. Neither to the public nor to the holders of private boxes? No.

58. Do any of the clerks attend in the Letter Branch on Sunday? Only when there is an English mail.

59. When the English mail does come in on Sunday? They always sort the letters on Sunday ready for Monday morning's delivery. When I first became Postmaster General one of the clerks and a certain number of letter carriers had to attend on Sunday to sort and deliver all letters that came in by the ship mails, but the merchants in Sydney petitioned that that might be done away with, and that there might be no delivery on Sunday; and since then, so far as I know, there never has been a Sunday delivery, except in the case of the "Salsette," when I happened to be on leave, and that gave rise to much discussion.

60. Whether the letters are delivered on Sunday or not, the clerks are not the less at work? No; if the English mail comes in on Sunday.

61. You have sent in a very full explanation with respect to the detention of the letters addressed to Miss Armstrong, at Appin—can you give any explanation with respect to a number of missing newspapers; it is stated that out of so many as 400 copies of the *Empire* posted, only 132 reached their destination? It was never reported to me, so far as I recollect.

62. You know nothing about it? I do not, except that I have incidentally heard that there was some mistake made about a number of newspapers, which was not brought under my notice. There may have been a bag left behind or mis-sent.

63. We have been informed that the matter was reported to Mr. Hunt? I do not recollect its being reported to me, which it was his duty to have done.

64. Are you aware of any complaint having been made to you that has not been duly attended to? Never. For years past I have made it a practice never to leave any paper on my table twenty-four hours unattended to. And with regard to the *Empire*, as they have attacked me very much, I should take much more trouble in their case, if necessary, than I ordinarily do.

65. Every complaint made to you has met with due attention? Invariably.

66. Have the parties received answers as rapidly as they could be forwarded? Yes. I do not think that it can be said of any department, that such matters are attended to with more expedition therein than they are in the Post Office.

67. Do you think the accounts of the Post Office could be in any way simplified? I dare say if there were no reference to the Auditor General they might be; but the Auditor General arranges these forms, and they must be complied with. The staff is only what it was when I took charge, and there are double the number of contracts and Post Offices now—in fact nearly treble.

68. *By Mr. Knox*: If it were an independent department it would still be necessary to shape the accounts according to the Auditor General's wish? It would as matters stand here, but I am not aware whether the accounts of the Post Office in England undergo audit elsewhere.

69. *By the Chairman*: Who assigns the occupation of the different clerks? It is chiefly done by the heads of the branches, but of course I am cognizant of the arrangements.

70. When a new clerk joins the department, who assigns his occupation? I do, generally. If a clerk is absent in the Letter Branch, of course the new clerk would naturally go into that branch; but if a clerk in the Corresponding Branch were absent, and an officer came

W. H.
Christie, Esq.

15 May, 1862.

came in who could not write a good hand, or was not otherwise fitted for that branch, I should send him where I might think he would be useful.

71. Is there any examination of clerks before they enter? No; there used to be at one time, but that has been done away with.

72. How then do you know what a clerk is competent for when he first comes in? He must be tried.

73. When their occupation has been assigned, do the clerks progress in promotion and salary according to seniority, or according to their capacity as exhibited in carrying on the work of the office? Without some clear reason to the contrary I attach great importance to seniority.

74. How has it generally been done? By seniority generally.

75. Which has been the primary consideration, capacity or seniority? Certainly seniority, except in remarkable cases of disqualification.

76. When a new Post Office is established, upon what data do you form an opinion whether it is necessary or not? There is generally a petition from the inhabitants for a Post Office, which is in most cases backed by the Bench of Magistrates, or by the Member who represents the district. I immediately refer to the nearest postmaster, perhaps to the two nearest, and get their reports, and any information I can get out of doors I obtain. I then send in the papers with my own opinion on the subject, and the Government decides.

77. Who regulates the hours of attendance of the postmasters up the country? It is done in every case by the rules and regulations. I think the only exception is Newcastle, where I made the exception on account of the steamers arriving early. The Post Office there opens at seven o'clock and closes at three.

78. Are there not a great many cases where the Post Office closes at six—is not that the rule? That is the rule.

79. Are not many of these places where the mail does not arrive till seven, eight, nine, or ten o'clock? When the mail arrives at a later hour than six p.m., the office must be kept open half an hour after such arrival, but not later than eight p.m.

80. As the postmaster in these cases is obliged to keep the office open to receive the mails, do you see any objection to his being allowed—for we understand it is now against rule to do it—to deliver letters to any one who may be there waiting for them? He really is allowed to do it now; no one forbids him. As there must be some limit of time beyond which the postmaster cannot be compelled to keep his office open, six o'clock has been fixed upon as the usual hour of closing, except in the case already specified, but in the case of mails arriving later than 8 p.m., I think in nineteen cases out of twenty the postmasters do deliver letters to those persons who may be there when the bags are opened.

81. Are they instructed to do so? No.

82. Might they not be so instructed, receiving something in compensation for the extra trouble? They might.

83. Do you not think that, in the absence of such instructions, there may be instances where that accommodation is not afforded, and the public might in consequence lose a post? That might be so; but one must draw the line somewhere, and it is difficult to do so to please all parties. Postmasters who perhaps only receive a salary of £12 a year can hardly be expected to put themselves to much inconvenience. However, I have no hesitation in saying that if a postmaster systematically refused to accommodate the public when he might fairly do so, the residents would soon write to complain of him, and if the complaint were well founded I should feel it my duty to make a change.

84. Has every postmaster in the Colony the discretion to deliver letters to persons who may be in waiting when a mail comes in, even though it be after hours? It may not be given formally, but it is understood all over the Colony that every additional accommodation may be given, but that a postmaster is not to be partial; if he does it to one he must do it to all.

85. Do I understand you to mean that in the event of a mail arriving, say, at ten o'clock at night, if there were parties in waiting who were anxious to have their letters, the postmaster would have it in his discretion to deliver the letters? Most decidedly, if he did it to all alike.

86. *By Mr. Smart:* To all who might be in attendance? Yes.

87. *By the Chairman:* Do you think it advisable to have postmasters up the country at a salary of £12 a year only? That is an advance on what it used to be, and it is all that can be spared out of the vote for country postmasters.

88. Do you think it would be advisable to appoint postmasters at higher salaries in those that are direct offices? There are many Post Offices where I should like to have an increase certainly.

89. Have you ever recommended that increase? Yes; I used every year to adjust the salaries as well as I could, but last year my recommendations were not attended to. The papers are before the Board.

90. In the office generally you exercise unlimited control—do you not? Yes.

91. Is it in your power at any time to suspend or remove any clerk? I could at one time suspend; in fact I thought I could even delegate to the Superintendent of the Letter Branch the power to suspend any letter carrier who misbehaved, but it was decided in a case that came before the Minister that I could not suspend—that the power of suspension rested with the Minister, and of dismissal with the Executive.

92. Do you think the Post Office on Moore's Wharf, when an English mail is leaving, is the best arrangement of the kind that could be made for the accommodation of the public? I dare say the Post Office at Moore's Wharf may have been of use, but if Mr. Hunt had not objected very strongly, I would have preferred keeping the whole matter in the office, and having a boy and horse ready to gallop off at the last moment with the late letters.

93. Mr. Hunt, I suppose, is not obliged to go himself to Moore's Wharf? No, he volunteered to do it.
94. Is there any other of the clerks who is competent and has time to do it? Mr. Hunt says not—not in the Letter Branch; he stated that he could not spare a clerk.
95. Might not a supplementary mail, *viâ* Southampton, be kept open in the same way, and on the same conditions, as is now the case with respect to that *viâ* Marseilles, at Moore's Wharf? No, I do not think so; every clerk in the office is kept as busy as he can be, as it is.
96. What time do the mails that close at eleven o'clock leave the office? About half-past one.
97. Would it not be possible to keep the mail *viâ* Southampton open, after closing the mails for all foreign and intermediate ports—say between twelve and one—that is to say, cutting off the intermediate time between eleven and twelve, and opening a supplementary mail for both Southampton and Marseilles between twelve and one? It would be possible if I had another clerk, but it is all I can do now to get the mails off in time.
98. You must bear in mind that you would then be keeping in the office the clerk who now goes to Moore's Wharf? Only Mr. Hunt.
99. And one clerk? I believe he takes a stamper with him.
100. Do you not think then you could do it? I am not sure that I could. I have had the mails late going on board as it is.
101. Have you ever endeavoured to carry on the work of the Post Office without all these lengthy minutes, such as have been laid before us? I have no lengthy minutes except with Mr. Hunt, and he has always indulged in those. There is one advantage from them, that there is a record of these matters of difference. But I have often said that I disliked the system; for instance, on this letter of the 2nd of August I say, "Let Mr. Hunt see my memorandum on his suggestions, which I should much prefer to have orally in future." I have often expressed my disgust at the time taken up by these minutes.
102. Some remark has been made to us about the protection of the clerks with respect to the forwarding of registered letters; it seems that though a registered letter may be duly entered and put in the mail bag, if, on its arrival at its destination, the postmaster there should declare that it was not in the bag, the clerk in Sydney is held liable—can you suggest any means for the protection both of the one party and the other? It is a very difficult thing to do; I cannot see how it is to be done. There was a very unfortunate case, in which a letter containing £100 was taken, in which I was really glad to make a compromise—the clerk paid half and the contractor paid half. My opinion now is that the bag was opened on the road and the letter taken out.
103. Can you suggest no means for the protection of the establishment? I do not see how it can be done.
104. *By Mr. Smart*: Could not two clerks act one with the other in putting up registered letters, so that there might be evidence of their having been sealed up in the bag? That would divide the liability but not reduce it; and even then it would only be the evidence of the two clerks against the evidence of the postmaster and his clerk, or some person whom he might call to see him take the registered letters out of the bag. He is obliged to call some person as evidence, and if there is a letter missing they both send down a certificate to that effect.
105. *By the Chairman*: It is quite clear that some means should be adopted—what means have the public of making your clerk liable, if it can be proved that that clerk put the letter in the bag, and that the bag was tied up and sealed with the letter in it? I only know of one case of the kind; but I am sorry to say that, at the present time, abstractions from registered letters between this Colony and England are taking place to an unusual extent.
106. A Money Order System, I apprehend, would do away with the difficulty? Certainly. But unless you can imagine a mail-bag made of chain armour, I do not see how it is possible to prevent the possibility of letters being abstracted.
107. Is the Accountant's time fully occupied? As far as I am aware, it is.
108. How do you make yourself aware? I see that every thing is conducted properly.
109. Do you go into his office in the course of the day? Yes, occasionally.
110. When you go does he seem to be occupied? Yes. He has not as much to do, perhaps, as the Secretary, but he seems to be at work.
111. Do you think he has work to do which occupies the time he ought to be in the office? I do, certainly. I have only three clerks there, and notwithstanding the increase of work, it has always been done; but I am aware now, for the first time, that there are arrears in one branch of the Accountant's office—in the country postmasters' accounts—which Mr. Nelson has not yet made up for last year.
112. Whose fault is that? It is primarily Mr. Nelson's fault.
113. Is it likely Mr. Kebble would assist him? Mr. Kebble should see the work done, and as there do exist these arrears, I am bound to believe Mr. Kebble has had his work to do; and I know he has three times as much to do as he had when I came into office. I had one clerk more in that branch in 1859, but in 1860 I thought he had not enough work to do, and I struck him off. I may state, with reference to these country postmasters' accounts, that some few months back, owing to an irregularity at Bowenfels Post Office, the Secretary gave his opinion that it was hardly worth while checking these postage accounts; and Mr. Kebble at this time recommended that the great mass of these accounts should be got rid of, with which view he put a scheme forward—first, of having major accounts and minor accounts; and he afterwards proposed that they should be altogether done away with. I did not like that, however; I thought it unbusinesslike not to continue some kind of check. It appeared to me also that the object was to get rid of Mr. Nelson somewhat

W. H.
Christie, Esq.
15 May, 1862.

W. H.
Christie, Esq.
15 May, 1862.

what summarily, and as he was a very old public servant, I did not think it right. Afterwards, in the House, allusion was again made to the circumstance that a clerk at £375 a year was employed checking accounts which only amounted to £400. I then went to the Auditor General, and told him my difficulty. I said I saw there was an anomaly, but I did not like to do away with the check altogether; and he then suggested to me, that every month I should name ten Post Offices myself, that these only should be checked, and that, in this way, the postmasters would not know whose accounts were going to be checked. We agreed that as the amount was so small, it would be a sufficient check. I ordered this to be done, and upon that I reduced another clerk in the Accountant's Branch.

114. The clerks now in the Accountant's Branch are Mr. Kebble, Mr. Nightingale, and Mr. Nelson? Yes.

115. Is Mr. Nightingale always employed? He makes up the ledger; it is very well done, but I cannot say I know fully all the details of his work.

116. Is there work enough in the office to employ Mr. Kebble and Mr. Nightingale continuously? Yes, I think there is. Of course the amount of work varies in some degree, sometimes more, and sometimes less.

117. Do you think either the one or the other idle away their time in office hours? As I said before, I do not think there is the same amount of work in the Account Branch that there is in the Secretary's Branch; but I do not think I could reduce the number.

118. Do you think either of them idles away any portion of his time? I am not in a position to say.

119. *By Mr. Smart*: Then if you are not in a position to say, you cannot say whether one person would not be sufficient to do the whole of the work, or not? I do not think two could do the work; but whether these three are at all times so fully employed as not to have time, for instance, to read a newspaper, is what I am not in a position to say. I am obliged in these matters to trust to some extent to the honor and discretion of the Accountant, who holds an office of importance.

120. If you cannot tell whether they idle their time or not, surely you cannot say how many can or cannot do the work? I do not think the Account Branch could be managed with less than three clerks; and I have had no instance of this idling, though if I were asked the question I must say I do not consider them quite as active as some other parties.

121. *By the Chairman*: Could you say from positive knowledge that Mr. Kebble could not get through his work in three hours a day? I should certainly say not, though no doubt his work must vary, the same as any other person's.

122. You think he requires to be at work more than three hours a day? Yes, I think he does, most decidedly.

123. And Mr. Nightingale also? Yes. I can only say they have done their work satisfactorily.

124. Have you any means of ascertaining, from your own personal observation, whether the work in the Account Branch could not be done by one person instead of two, supposing he worked attentively and diligently from the time he went into the office till he left? I can only say I have had no complaints.

125. *By Mr. Smart*: Who is to complain to you of their neglect, if it occurs,—not themselves surely? No. I may state that with half the work or a third of the work, I found when I took charge, that number of clerks in the Account Branch.

126. You cannot say that if there were twice the work that there is now, these three clerks could not do it thoroughly themselves? I can only say there are some slight arrears now, and that they profess to be very busy. I cannot get more work out of them, for I know that there is great difficulty started for want of time whenever I want an extra return made up there; but the work is done well. Though it is an invidious thing for me to say, I do not know that these are the most active clerks in my establishment; but I do not think there is any neglect of duty on their parts.

127. *By the Chairman*: Do I understand you to say or to mean that you cannot inform me whether one clever and industrious clerk would or would not be sufficient to do the work now done by Mr. Kebble and Mr. Nightingale? I do not think he would. But I would not be at all sorry if a re-arrangement with respect to the duties of Cashier would add something to the work of the Account Branch. I think three good clerks might perhaps do more than they do now. I think Mr. Nightingale might be made Cashier, and issue stamps, and might still keep the ledger.

128. Mr. Nelson is the other clerk in the Account Branch? Yes.

129. You have said his work is in arrears? Yes, somewhat.

130. Do we understand from that, that you refer to a minute that you made on some application of his, reminding him that there were arrears in his particular branch, and that he had laid himself open to animadversion for non-attendance, and recommending him to pocket his salary and go home and enjoy himself with his wife and child? No; if any minute of that kind exists, I think this will account for it. After I decided on getting rid of a clerk in the Account Branch, it became necessary, of course, that the work he had been in the habit of doing should be done by some one else, and I directed that Mr. Nelson for the future should only have the checking of ten of these postage accounts, instead of what he had before, and that he should also do Mr. Miller's work, Mr. Miller being removed. Mr. Nelson is very excitable; he has often had epileptic fits, and been taken from the office, and on this occasion he got so very excited, and sent me so many memoranda, and so on, that in fact they thought in the office that he was becoming insane; and he used some expressions that really made me think he would become insane or commit suicide. On this occasion, in order to calm him, I do recollect writing a memorandum, in addition to my official communication, in which, so far as my memory serves me, I said in effect that I did not know what he had to complain about, that his salary was the same, his hours of attendance the same, and

and that my opinion was that all he had to do was to receive his salary, do as he was ordered, and then go home to his wife and child and enjoy himself. If that memorandum, or a copy thereof, has been brought before the Board as a matter to prejudice me, it is an unworthy and an ungrateful act. It was only as to the particular kind of work that he was to do that there was any difficulty. If that is what is alluded to I perfectly recollect some such memorandum.

W. H.
Christie, Esq.
15 May, 1862.

131. *By Mr. King*: It was written to pacify him when in a state of excitement? Yes, entirely; and I now hand in all the papers in connection with Mr. Nelson's matters.
132. *By the Chairman*: Was it the arrears that now exist that you referred to then? Not precisely. It was intended, in fact, that the Account Branch should get up all arrears on country postage accounts up to 31st December, 1861, by the end of January, so as to commence the new system at the latter period, but the postage accounts of the country postmasters for last year are not yet fully made up, as I believe, and those are still the arrears from the beginning of this year under the new system.
133. Are you aware that Mr. Keble has been borrowing money from Mr. Nelson? I was not aware of it till just prior to the appointment of the Board. In fact I think at the period to which I have already alluded Mr. Nelson made use of some expression to me about it; and though it was not a matter I was immediately called upon to notice, I did ask Mr. Keble whether there had been any money transactions between them, and he told me there had been a disputed account which had been settled in due course of law in his favour.
134. It is stated that Mr. Keble had been borrowing money from his subordinate officer—do you think such conduct permissible in a public office? If two clerks in a public office are friendly, I can easily conceive their borrowing money from each other, just like two officers in a regiment might do. It is a thing that I never encouraged either by precept or example.
135. Do you not think it is likely to subvert discipline? Yes; it is undoubtedly wrong, especially in the case of a superior from an inferior.
136. Are all the clerks tolerably regular in their attendance at the Post Office? On the whole they are.
137. Have you ever had occasion to make complaints? I generally have the complaints made to me. The attendance books are in the charge of the heads of the branches, and it is their duty to send a memorandum to me if any of the clerks have been remiss, and I then take notice of it.
138. Are you aware whether any postmasters in the country have been prisoners of the Crown? I have ascertained very lately that one of those appointed by me had been so, but I did not know it when I appointed him. I only know of one other instance, in which the appointment was made before I joined the department. I have looked at the recommendations of the one appointed by me, and I find he was recommended very strongly by his predecessor, then a Clerk of Petty Sessions, and now, I believe, a Commissioner of Crown Lands in the district of Queensland, and by the Bench of Magistrates.
139. Some complaints have been made about the changing of the Brisbane Water Post Office from one side of the river to the other—do you know anything of that? I do not recollect the case; but I am sure the change would not be made unless it was recommended in some way. If a postmaster is changed, of course, as matters stand with these country Post Offices, the site of the Post Office must be changed too.
140. Have you had any complaint respecting the postmaster at Port Macquarie refusing to make up mails when there was an opportunity of forwarding them? A gentleman who corresponds a good deal with the department, and I believe with other Government departments, did make some complaint, but at the time I thought the postmaster was right; he gave an explanation which I thought was very clear.
141. Do you remember what that explanation was? His statement was that it was not usual to make a mail up for a passing steamer, as the steamers did not make a rule of calling for the mail at that time, and that in the case more immediately in point it would have been dangerous to have sent off the mail to the steamer.
142. Did you take any trouble to see whether the account you received from the postmaster was a correct one? I sent a copy of the explanation to the gentleman who made the complaint, and he sent a rejoinder, which was also reported on.
143. Are there not two Post Offices at Hartley within a mile or two of each other? Yes, at Hartley and Little Hartley. When the first reference was made to me on the subject, it was by Mr. Martin, who seemed annoyed at my not yielding the point at once; but I saw afterwards that there was a population around Little Hartley sufficient to justify the establishment of a Post Office, and the Government at last gave it.
144. Would it not save some expense and trouble if there were only one Post Office situated somewhere between the two places? I do not think a proper site could be obtained for an office so situated. At the town of Hartley, where they have a Bench of Magistrates, I think they would complain very much if they were to lose their Post Office. I think that a very fair case for two Post Offices.
145. Even so near one another as that? Yes.
146. Have you given any further consideration to the opinions you have expressed touching the postage on newspapers? It has struck me that a halfpenny tax would meet the case, if there is to be a tax at all; and if there is to be no charge on newspapers, so much ought to be set off from the Post Office expenditure, as being given for a particular purpose: perhaps it should be paid from some other fund. I do not think the Post Office should take gratuitously five-sixths of the mails without getting a farthing for it.
147. You mean to say that a halfpenny should be charged on every newspaper that goes through the post? I think so.

W. H. Christie, Esq. 148. Can you form any opinion whether the newspapers or the letters are the greater number along the distant lines—whether, in fact, the forwarding of newspapers is the accessory to the conveyance of the letters, or the letters the accessory to the newspapers? 15 May, 1862. That depends in a great measure upon the local newspapers.

149. Are there many local newspapers conveyed by post? A great many. With regard to the request made to me by the Chairman that I should suggest a system by which the postage accounts of country postmasters and the letter bills should be got rid of, I called on the Superintendent of the Letter Branch and on the Accountant to report. The former suggests a system of weekly accounts with the postmasters, which would of course increase the number of documents; the latter suggests that accounts should be kept in the General Post Office with direct offices only, which would, as it seems to me, merely shift the duty of making up the accounts for the forward offices to the direct offices. The Accountant further recommends that the postage accounts, being so trifling, might be made up monthly in place of quarterly, in which I concur. I would say generally that I think there must be a record of these matters, and that the present letter bills put it in the most effective shape. There must be an account against the postmasters, and there must be naturally his against such account; and I do not think the matter, involving as it does a payment from the party receiving the letter, can be put in a better shape than by the letter bills as now in force.

THURSDAY, 29 MAY, 1862.

Present:—

MR. MONTEFIORE IN THE CHAIR.

| | | |
|-----------|--|------------|
| MR. KING, | \| | MR. SMART, |
| MR. KNOX, | \| | MR. WATT. |

Henry Lane, Esq., Under Secretary for Finance and Trade, called in and examined:—

- H. Lane, Esq. 1. *By the Chairman*: It is part of your duty to check the stock of stamps held by the Government Printer? I was verbally instructed by Mr. Donaldson, then Treasurer, to do so. 29 May, 1862. 2. Have you done so? I have.
3. How often? Perhaps quarterly—three or four times a year.
4. Have you done so at least as often as three or four times a year? At least three times a year.
5. You could be confident that you have done so at least three times a year? Yes.
6. How do you take stock? The stamps are deposited in a safe. There is a separate pigeon hole for each denomination. The sheets of stamps of all denominations are arranged in parcels of 50 each. I examine all the denominations in succession; for instance, the twopenny denomination—it consists, say, of twelve or fifteen bundles of fifties, and a broken bundle; I take the broken bundle first, and carefully count the sheets; I then take indiscriminately from the pile of whole bundles, one, and count the sheets; then, from another part of the tier of bundles, I take another parcel and count it, and I consider this to be a satisfactory way of estimating the number of the whole.
7. Does that refer to the number of sheets of paper for printing, or to the number of stamps printed? The stamps *printed*; I refer to them only, at present.
8. Do you count the sheets regularly? In the way that I have just explained.
9. Do you count the number of sheets in each bundle? Not in *each* bundle. Say there are twelve or fifteen bundles of 50 each of one denomination, I select a bundle from the centre of the pile, and count the sheets of that; I then select another parcel, perhaps from the bottom, and I count that. I take on an average two bundles, count the sheets, and thus ascertain the correctness of the books kept by the printer, and the stock that he states he has on hand. I apply that test to the *whole* bundles of each denomination; but all *broken* parcels I count individually.
10. *By Mr. Knox*: When did you last audit them? I had been absent on leave for some time; but immediately on my return I checked the stock on hand. That was on the 20th of January last.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POST OFFICE.

(SEVENTH ANNUAL REPORT, BEING FOR 1861.)

Ordered by the Legislative Assembly to be Printed, 9 December, 1862.

THE POSTMASTER GENERAL to THE UNDER SECRETARY FOR FINANCE AND TRADE,
TREASURY, transmitting the Seventh Annual Report on the Post Office Department,
being that for 1861.

General Post Office,
Sydney, 4 December, 1862.

SIR,

In accordance with former instructions, I have the honor to transmit, for the information of the Honorable the Colonial Treasurer, the Seventh Annual Report on the Post Office Department, being that for the year 1861; and may add, that it would have been transmitted earlier, had not the time of the clerical staff of the office been taken up in the early part of the year by the preparation of Returns required by the late Post Office Board of Inquiry.

No. 1.—PRESENT EXTENT AND INCREASE DURING PAST YEAR OF POST OFFICE SERVICE.

At the end of the year 1860 the extent of the postal lines was 8,231 miles. On the 31st December, 1861, it amounted to 9,569 miles, shewing an increase of 1,338 miles of postal route. The extent of new post route organized was 1,548 miles, a change of route adding four miles, and the postal lines discontinued amounting to 210 miles. A further increase in the communication on existing postal lines, to the extent of 1,143 miles, has also been arranged during the year.

The Returns of the new, the added, and the discontinued postal lines, will be found ^{Appendix A, B, C, and D.} in the Appendix.

The miles travelled in 1860 were 1,461,518. In 1861 they amounted to 1,982,498, shewing the extent of miles of additional mail travel to be 520,980.

At the end of 1860 there were 289 post offices. On the 31st December, 1861, there were 337, giving an increase of forty-eight post offices in the year. Fifty were established, four re-established, and six discontinued. The particulars are given in the Appendix. ^{Appendix E and F.}

Sixty-seven new postmasters have been appointed during the year. The vacancies were caused by fifty-three resignations, six deaths, and eight virtual dismissals.

An additional letter-carrier has been appointed for the town of Windsor, and there is an increase in the number of licensed vendors of postage stamps of fifteen. ^{Appendix G.}

In the corresponding branch, exclusive of printed time bills, returns, &c., 11,984 communications, referring to the business of the office, were received and registered during 1861; to which 3,571 letters and 3,781 blank covers were transmitted in reply.

During 1861 the Cashier has received 4,305 remittances, and has paid away 3,162 cheques, whilst 153 new accounts have been opened with contractors and others in the Accountant's ledger.

No. 2.—COLONIAL MAIL SERVICE.

The amount voted for the conveyance of mails during 1861 was £68,400; the disbursements were £55,906 16s. 10d., and may be classified as follows :—

| | £ | s. | d. |
|---|---------------|----|----|
| For mail conveyance by stage and horse | 52,681 | 12 | 4 |
| For mail conveyance by rail | 695 | 15 | 0 |
| For mail conveyance by steam and sailing vessels..... | 2,030 | 4 | 6 |
| For mail conveyance to and from railway station, and portorage..... | 327 | 15 | 0 |
| For transmission of supplementary mails to Melbourne | 50 | 0 | 0 |
| For cost of boat for river at Wallgett | 21 | 10 | 0 |
| For gratuities for sorting Hunter River mails | 100 | 0 | 0 |
| | £55,906 16 10 | | |

The disbursements under the above heads during 1860 amounted to £47,684 17s. 8d.

Appendix H.

There were 177 distinct mail contracts during the year; six transfers of contracts took place, and four contracts were cancelled.

The fines levied on mail contractors amount to £596 5s. 6d.

The cost of Colonial Mails conveyed by land, compared with that of preceding years, is shown in the following Tabular Statement :—

| YEAR. | Extent of Postal Lines by Rail. | | Average Cost per Mile. | | Extent of Postal Lines by Coach. | | Average Cost per Mile. | | Extent of Postal Lines by Horse. | | Average Cost per Mile. | | Total Extent of Postal Lines. | | Total Cost of Conveyance. | | Average Cost per Mile. | |
|-------------|---------------------------------|---------|------------------------|---------|----------------------------------|---------|------------------------|--------------|----------------------------------|---------|------------------------|---------|-------------------------------|---------|---------------------------|---------|------------------------|--|
| | Miles. | £ s. d. | Miles. | £ s. d. | Miles. | £ s. d. | Miles. | £ s. d. | Miles. | £ s. d. | Miles. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | £ s. d. | | |
| 1860..... | 60½ | 11 10 0 | 1,757½ | 12 16 0 | 6,413 | 3 7 6 | 8,231 | 44,792 12 10 | 5 8 1 | | | | | | | | | |
| 1861..... | 68½ | 11 10 0 | 1,830½ | 14 13 4 | 7,670 | 3 7 2 | 9,569 | 52,619 15 0 | 5 9 11 | | | | | | | | | |
| Increase .. | 8 | .... | 73 | 1 17 4 | 1,257 | .... | 1,338 | 7,827 2 2 | 0 1 10 | | | | | | | | | |
| Decrease .. | .. | .... | .... | .... | .... | 0 0 4 | .... | ..... | .... |  |  |  |  |  |  |  |  |  |

The extension of railway line is from Parramatta to Blacktown.

The above return does not take account of either fines levied or special contracts.

No. 3.—REVENUE.

The following is a Return of the Revenue of the Post Office Department, for the years 1860 and 1861 :—

| YEAR. | Sale of Stamps. | | | Fees for Private Boxes. | | | Postage on Unpaid Letters. | | | Total. | | |
|----------------|-----------------|-------|-------|-------------------------|-------|-------|----------------------------|-------|-------|--------|-------|-------|
| | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. |
| 1860..... | 44,302 | 19 | 10 | 266 | 14 | 0 | 1,042 | 16 | 5 | 45,612 | 10 | 3 |
| 1861..... | 46,751 | 19 | 5 | 238 | 17 | 6 | 1,177 | 1 | 7 | 48,167 | 18 | 6 |
| Increase | 2,448 | 19 | 7 | ..... | ..... | ..... | 134 | 5 | 2 | 2,555 | 8 | 3 |
| Decrease ..... | ..... | ..... | ..... | 27 | 16 | 6 | ..... | ..... | ..... | ..... | ..... | ..... |

The increase in the whole revenue during the past year, as also in the sale of stamps, has been 5½ per cent. The fees for private boxes have decreased 10½ per cent., whilst the receipts from unpaid postage show an increase of 13 per cent.

The

REPORT FROM THE POSTMASTER GENERAL—1861.

3

No. 4.—EXPENDITURE.

The following Return shows the Total Expenditure of the Department, for the years 1860 and 1861, under the heads of Salaries, Contingencies, and Conveyance of Mails:—

| YEAR. | Salaries. | | | Contingencies. | | | Conveyance of Mails. | | | Totals. | | |
|----------------|-----------|-------|-------|----------------|-------|-------|----------------------|-------|-------|---------|-------|-------|
| | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. |
| 1860 | 23,244 | 3 | 10 | 1,061 | 17 | 0 | 47,084 | 17 | 8 | 71,390 | 18 | 6 |
| 1861 | 23,821 | 11 | 4 | 1,456 | 15 | 10 | 55,906 | 16 | 10 | 81,185 | 4 | 0 |
| Increase | 577 | 7 | 6 | 394 | 18 | 10 | 8,821 | 19 | 2 | 9,794 | 5 | 6 |
| Decrease ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

The increase in the whole expenditure is at the rate of $13\frac{3}{4}$ per cent.

The augmentation under the head of "salaries" is $2\frac{1}{2}$ per cent., and is caused by the increased number of postmasters, and the appointment of the Windsor letter-carrier.

Under the head of "contingencies," the increase is at the rate of 37 per cent., which is caused by the temporary appointment of two extra clerks, and a temporary railway guard on the Northern and on the Southern Railroad. The large increase under the head of "conveyance of mails" is at the rate of $18\frac{1}{2}$ per cent., and is caused by the somewhat increased rate of the tenders, and by the extended postal facilities afforded by the Government during the year. The subsidy towards the English Mail Contract is not paid for through the department, and is not, therefore, included in this expenditure return.

The mail-coach guards were discontinued during the year 1861, and were struck off pay on the 31st March of that year.

No. 5.—STEAM COMMUNICATION WITH ENGLAND.

The following Return gives the specified and the actual days of Arrival and Departure of the Mail Contract Steamers during 1861, as also the number of days taken in the passage to and from Southampton and to and from Marseilles:—

| Name of Vessel. | Specified date of Arrival at Sydney. | Actual date of Arrival at Sydney. | No. of days <i>via</i> Southampton. | No. of days <i>via</i> Marseilles. |
|-----------------|--------------------------------------|-----------------------------------|-------------------------------------|------------------------------------|
| Salsette | 16 January | 17 January | 58 | 51 |
| Jeddo | 16 February | 18 February | 60 | 54 |
| Northam | 16 March | 21 March | 61 | 54 |
| Benares | 16 April | 18 April | 57 | 51 |
| Jeddo | 14 May | 13 May | 54 | 48 |
| Northam | 14 June | 12 June | 53 | 47 |
| Benares | 15 July | 15 July | 56 | 49 |
| Salsette | 14 August | 14 August | 55 | 49 |
| Northam | 13 September | 21 September | 63 | 57* |
| Benares | 14 October | 11 October | 52 | 46 |
| Salsette | 14 November | 21 November | 62 | 56 |
| Northam | 14 December | 17 December | 58 | 51 |

| Name of Vessel. | Specified date of Departure from Sydney. | Actual date of Departure from Sydney. | No. of days <i>via</i> Southampton. | No. of days <i>via</i> Marseilles. |
|-----------------|--|---------------------------------------|-------------------------------------|------------------------------------|
| Behar | 22 January | 22 January | 58 | 53 |
| Salsette | 20 February | 20 February | 56 | 51 |
| Jeddo | 22 March | 22 March | 59 | 51 |
| Northam | 22 April | 22 April | 59 | 52 |
| Benares | 22 May | 22 May | 60 | 55 |
| Jeddo | 22 June | 22 June | 60 | 53 |
| Northam | 22 July | 22 July | 59 | 55 |
| Benares | 22 August | 22 August | 61 | 55 |
| Salsette | 22 September | 23 September | 57 | 52 |
| Northam | 22 October | 22 October | 58 | 53 |
| Benares | 22 November | 23 November | 59 | 51 |
| Salsette | 22 December | 22 December | 58 | 54 |

It will be seen that in no instance was the Homeward Mail despatched prior to the arrival of the Outward Mail. The authorized day of departure was adhered to, except in September and November, when, with the sanction of the Admiralty Agent, and to enable replies to be sent Home, a detention of twenty-four hours in Sydney took place.

A supplementary mail was sent by the "Rangatira," in March, at a cost of £50.

6.—

* In consequence of an accident to the steamer between Malta and Marseilles, this mail was eight days late; and a supplementary mail, dated eight days after the regular one, was received from London *via* Marseilles.

6.—LETTERS, NEWSPAPERS, AND PARCELS.

The three following Tabular Statements shew the number of Letters, Newspapers, and Parcels posted throughout the Colony during 1861, compared with those for 1860.

LETTERS.

| YEAR. | Posted for Town Delivery. | Posted for Country Delivery. | Posted for Foreign Despatch. | Total Posted during the Year. |
|----------------|---------------------------|------------------------------|------------------------------|-------------------------------|
| 1860..... | 349,670 | 3,012,345 | 441,415 | 3,803,430 |
| 1861..... | 352,801 | 3,150,196 | 440,812 | 3,943,809 |
| Increase | 3,131 | 137,851 | ..... | 140,379 |
| Decrease..... | ..... | ..... | 603 | ..... |

According to the above return, the total number of letters posted in 1861 has increased at the rate of $3\frac{3}{4}$ per cent., whilst the letters for Town delivery have increased at the rate of about 1 per cent.

The letters for Country delivery have increased at the rate of about $4\frac{1}{2}$ per cent., whilst the letters for Foreign despatch have slightly decreased.

NEWSPAPERS.

| YEAR. | Posted for Country Delivery. | Posted for Foreign Despatch. | Total Posted during the Year. |
|---------------|------------------------------|------------------------------|-------------------------------|
| 1860..... | 2,758,305 | 495,331 | 3,253,636 |
| 1861..... | 2,516,366 | 477,841 | 2,994,207 |
| Increase .... | ..... | ..... | ..... |
| Decrease.... | 241,939 | 17,490 | 259,429 |

It will be seen that there is a general decrease in the newspapers posted in 1861, as compared with 1860.

Those posted for Country delivery have decreased at the rate of $8\frac{1}{2}$ per cent., and those for Foreign despatch at the rate of $3\frac{1}{2}$ per cent.; $7\frac{1}{2}$ per cent. being the decrease on the total number.

PARCELS.

| YEAR. | Posted for Country Delivery. | | Posted for Foreign Despatch. | Total Posted during the Year. |
|----------------|------------------------------|---------------|------------------------------|-------------------------------|
| | Closed at ends. | Open at ends. | | |
| 1860 | 24,455 | 47,085 | 6,794 | 78,334 |
| 1861 | 24,789 | 69,639 | 6,372 | 100,850 |
| Increase | 334 | 22,604 | ..... | 22,516 |
| Decrease ..... | ..... | ..... | 422 | ..... |

The total increase in the parcels posted during 1861 is at the rate of $28\frac{3}{4}$ per cent. The parcels closed at the ends, posted for Country delivery have increased $1\frac{1}{3}$ per cent., whilst the parcels open at the ends have increased at the rate of 48 per cent.

The parcels posted for Foreign despatch show a decrease of 6 per cent.

The following Returns shew the letters, newspapers, and parcels despatched to, and received from, Foreign parts, divided into three classes. The aggregate number of those despatched have already appeared in the previous statements.

LETTERS.

LETTERS.

| DESPATCHED. | | | | | RECEIVED. | | | |
|-------------|-------------------------|------------------------------------|---|---------|---------------------------|----------------------------------|---|---------|
| YEAR. | To Australian Colonies. | To and through the United Kingdom. | To Foreign Countries and British Possessions not already mentioned. | Total. | From Australian Colonies. | From and through United Kingdom. | From Foreign Countries and British Possessions not already mentioned. | Total. |
| 1860 .. | 202,785 | 217,442 | 21,188 | 441,415 | 189,305 | 215,827 | 22,199 | 427,331 |
| 1861 .. | 213,149 | 203,506 | 19,157 | 440,812 | 197,521 | 203,222 | 24,911 | 425,654 |
| Increase | 10,364 | ..... | ..... | ..... | 8,216 | ..... | 2,712 | ..... |
| Decrease | ..... | 8,936 | 2,031 | 603 | ..... | 12,605 | ..... | 1,677 |
| NEWSPAPERS. | | | | | | | | |
| 1860 .. | 235,815 | 243,094 | 16,392 | 495,331 | 116,199 | 276,369 | 22,579 | 415,147 |
| 1861 .. | 210,222 | 250,578 | 17,041 | 477,841 | 127,074 | 240,346 | 22,618 | 390,038 |
| Increase | ..... | 7,484 | 649 | ..... | 10,875 | ..... | 39 | ..... |
| Decrease | 25,623 | ..... | ..... | 17,490 | ..... | 36,023 | ..... | 25,109 |
| PARCELS. | | | | | | | | |
| 1860 .. | 3,866 | 2,532 | 346 | 6,794 | 2,283 | 2,835 | 284 | 5,402 |
| 1861 .. | 3,752 | 2,226 | 394 | 6,372 | 1,942 | 2,325 | 221 | 4,488 |
| Increase | ..... | ..... | 48 | ..... | ..... | ..... | ..... | ..... |
| Decrease | 114 | 356 | ..... | 422 | 341 | 510 | 63 | 914 |

With reference to the letter return, it will be seen that the only letters which shew an increase, both in those despatched and received, are those passing to and from the Australian Colonies. The letters despatched have increased at the rate of 5 per cent., and those received, at the rate of $4\frac{1}{4}$ per cent.

The correspondence to and from the United Kingdom has decreased at the rate of 4 per cent. on the despatched letters, and $5\frac{3}{4}$ per cent. on those received.

The number of letters to and from Foreign Countries and British Possessions not already mentioned have decreased at the rate of 9 per cent. as regards the despatched, and increased 12 per cent. as regards the received.

It will be seen that in 1861 there was a slight general decrease both on the letters despatched and received.

There is a general decrease in the number of newspapers despatched at the rate of about $3\frac{1}{2}$ per cent., and in those received at the rate of about $6\frac{1}{2}$ per cent. In 1860 the despatched showed an increase at the rate of 21 per cent., and the received at the rate of 5 per cent.

The falling off is chiefly to be found in the newspapers received from the United Kingdom and those despatched to the Australian Colonies; the former have decreased 13 per cent., and the latter decreased about $10\frac{3}{4}$ per cent.

The number of newspapers received from the Australian Colonies has increased at the rate of $9\frac{1}{2}$ per cent., and of those despatched to and through the United Kingdom 3 per cent.

There is also a slight increase in the newspapers passing between the Colony and Foreign Countries, &c.

With respect to the parcel return,—in 1860 there was an increase under every head; in 1861 there is, with one exception (parcels sent to or through the United Kingdom), a decrease under every head.

22,347 letters were returned as unclaimed in 1861, being 767 more than in 1860. Of these, 17,808 were originally addressed to the Colony, 3,086 to the Australian Colonies, 1,363 to the United Kingdom, and 90 to other places. The increase is confined to the two first items.

The

The number of unclaimed registered letters returned was 395, being two less than in 1860; and the number unregistered, but containing articles of value, 232, being twenty-four less than in the previous year.

The letters returned from abroad, unopened, as being unclaimed, were as follows:—

| | |
|------------------------------|-------|
| To Australian Colonies | 3,892 |
| To the United Kingdom | 4,700 |
| To other places..... | 229 |

In 1860 the numbers were, respectively, 3,093, 4,875, and 246.

The number of letters returned as unstamped, insufficiently stamped, and irregularly posted, was 7,704, being 1,384 less than in 1860.

84,437 registered letters passed through the General Post Office in 1861; 86,847 was the number in 1860.

There were 572 ounces of gold received through the Office in 1861, against 1,242 ounces in 1860.

Appendix I.
Appendix K.

In the Appendix will be found a Return shewing the Post Office Statistics from the year 1852 to the year 1861, both years inclusive; as also a comparative Return, shewing the average number of letters posted by each person resident in the Colony of New South Wales during the same period.

MISCELLANEOUS.

Appendix L.

During the past year no steps have been taken towards establishing the money order system. In the Appendix marked L will be found the recommendations made by me upon the subject in 1860 and 1861.

Appendix M.

On the 1st July, 1861, arrangements were made for enabling the public to obtain money for postage stamps at all the colonial post offices, and I append a return showing the number and value of stamps so exchanged from that date to the end of the year. It is probable that in process of time the system might be found as generally convenient as in the United Kingdom, where in London alone, during 1861, the money so paid for postage stamps amounted to £41,000; but the introduction of the money order system will practically make it unimportant whether the repurchase of stamps by the Government should continue or not. A fear has been expressed that the postmasters, to whom stamps are now issued at a discount of 10 per cent., might at once re-sell them to the Government at a discount of 5 per cent., and then obtain a fresh supply from the department. Practically, as may be seen by the return in question, there has been little to complain of on this head; and should an addition to the salaries of country postmasters be substituted for the commission now allowed to them on the sale of stamps, as has been already recommended by me, such objection will cease to have weight.

Appendix N.

Appendix O.

A list of the iron pillar-boxes for letters, and also of the newspaper receivers now in use in the Colony, will be found in the Appendix. Three letter pillars, and four newspaper receivers, have been erected in Sydney during the past year, and the latter (first used in 1861) have been found very useful by parties residing at a distance from the General Post Office.

The discovery of gold, first at Lambing Flat, and then at Forbes, necessitated the establishment of post offices at those places, and consequently a post office was established at Lambing Flat on the 1st March, and at Forbes on the 1st December of last year.

The partial desertion of the Kiandra gold fields so diminished the post office business at that place, that it was deemed expedient to transfer the official postmaster of Kiandra to Lambing Flat, and to place the Kiandra office in the hands of the telegraph station-master.

The amalgamation of the country post offices with the telegraph offices is a subject that has excited some discussion. It seems feasible that two offices having more or less a common object, effected, it is true, by different means, should be placed under one head, and such amalgamation of office is not without its advantages. But the fact must not be overlooked, that the officer in charge may, under certain circumstances, be unable to perform both duties efficiently. For instance, the mails must be despatched punctually at specified hours,

hours, and it is also imperative that there should be no delay in the transmission of telegrams ; and yet it is manifest that one person cannot discharge both these duties at the same moment.

From the English Post Office Report for 1861, I gather, that in France the posting of an unregistered letter containing money or other valuable article, is treated as a penal offence ; whilst in the United Kingdom it has been determined that, commencing with London, all unregistered letters which unquestionably contain coin will be selected from the mass of ordinary letters, and treated as registered letters, and subjected to a double registration fee. The adoption of a similar plan in this Colony, aided by the introduction of the money order system, and greater care being taken by correspondents to transmit large sums in the shape of crossed cheques, bills of exchange, and half notes, would go far to give security to the mails in transit, and to diminish the temptation to dishonesty.

There is another change which, I think, would be productive of good to the service and to the postal revenue, and that is, to charge a single inland rate of postage (2d.) upon the delivery of every unclaimed letter. The compiling of the unclaimed letter list gives a great deal of trouble to the department, and the printing is an item of expense ; and as such list is the means by which the public obtain letters that would otherwise be returned to the writer, I think the charge would be only fair, and that it would be cheerfully paid.

A new law will be necessary before this and the preceding suggestion as to registered letters can be carried into effect.

No steps have been taken during the past year with respect to a new General Post Office, which is more urgently required than ever.

I attach to my Report, that from the Postal Inspector ; and as no definition of that Appendix P. officer's duties have yet been given, may state that these may be divided under two heads,—those he has to perform out of Sydney, and those he performs when in Sydney. The former are to inspect the country offices and instruct postmasters ; to inquire into the manner in which the mail contracts are being performed ; to take cognizance of and report any irregularities that he may become acquainted with—as also any impediments to the proper working of the postal service ; to inquire into the necessity for new postal lines or post offices, and ascertain whether any existing offices or postal lines can be dispensed with ; to investigate any complaints against postmasters and mail contractors and their agents ; and, finally, to take every means in his power to secure the proper working of the postal service. When travelling, the Postal Inspector is instructed to send in (in addition to other special reports) a diary shewing his proceedings. When in Sydney, the Inspector's duties consist in reporting upon and advising as to applications that are made for new offices, new lines, and other changes and complaints. He has also to compile the time tables which regulate the conveyance of mails throughout the Colony.

APPENDIX.

A.

RETURN of Postal Lines established in 1861.

| Roads. | Postal Lines. | Frequency of Communication. | Mode of Conveyance. | Miles. |
|-------------|---|-----------------------------|---------------------|--------|
| | | Times a week. | | |
| Western .. | Sofala and Tambaroora | Once | Horseback .. | 25 |
| | Coonamble and Merri Merri.. .. | Do. | Do. | 50 |
| | Molong and Black Rock | Three | 2-horse cart .. | 34 |
| | Molong and South Wangan.. .. | Once | Horseback .. | 50 |
| | Obley and Algullah (<i>established for first six months of year only</i>) | Do. | Do. | 110 |
| | Cowra and Lambing Flat | Three | 4-horse coach .. | 45 |
| | Wheeny (Lamrock's) Creek and Colo .. | Once | Horseback .. | 15 |
| | Peel and Limekilns | Do. | Do. | 11 |
| Southern .. | Berrima and Bong Bong | Six | Do. | 12 |
| | Shoalhaven, Sassafras, and Nerriga .. | Once | Do. | 52 |
| | Greenhills and Nowra | Six | Do. | 5 |
| | Adaminaby and Cathcart | Once | Do. | 65 |
| | Goulburn, Laggan, and Tuena | Do. | Do. | 78 |
| | Binda and Bigga | Do. | Do. | 30 |
| | Murrumburrah and Wagga Wagga | Twice | Do. | 90 |
| | Marengo and Lambing Flat.. .. | Do. | Do. | 16 |
| | Murrumburrah and Lambing Flat.. .. | Do. | 2-horse coach .. | 60 |
| | Gerrington and Broughton's Creek .. | Do. | Horseback .. | 12 |
| | Ten Mile Creek, Piney Range, and Urana .. | Once | Do. | 108 |
| | Bodalla and Nerrigundah | Twice | Do. | 14 |
| Northern .. | Port Macquarie and Huntingdon | Once | Do. | 6 |
| | Gresford and Lestock | Twice | Do. | 10 |
| | Denison Town and Cobbora.. .. | Once | Do. | 20 |
| | Walgett and Coonabarabran <i>via</i> Keimby .. | Do. | Do. | 138 |
| | Fort Bourke and Mount Murchison | Once a fortnight .. | Do. | 374 |
| | Lawrence and Casino | Once a week | Do. | 80 |
| | Goonoo Goonoo and Currabubula | Do. | Do. | 13 |
| | Barraba and Woodsreef | Do. | Do. | 16 |
| Suburban .. | Sydney and Botany | Six | 2-horse coach .. | 5 |
| | | | Total Miles .. | 1,544 |

B.

RETURN of increased Postal Accommodation afforded during 1861 on existing Postal Lines.

| Roads. | Postal Lines. | Additional Communication afforded. | Mode of Conveyance. | Miles. |
|-------------------------|---|------------------------------------|----------------------|--------|
| | | Times a week. | | |
| Western .. | Bathurst, Guyong, and Orange | Three | 2 or 4 horse coach.. | 23 |
| | Carcoar and Cowra | Once | Horseback .. | 53 |
| | Carcoar and Canowindra | Twice | Do. | |
| | Black Rock and Wellington | Three | Do. | 10 |
| Southern .. | Braidwood and Major's Creek | Once | Do. | 15 |
| | Braidwood and Mongarlow River | Do. | Do. | 10 |
| | Cooma and Kiandra (<i>for first two months of year</i>) | Twice | Do. | 50 |
| | Bombala and Delegate | Once | Do. | 11 |
| | Yass and Albury | Three | 2-horse coach .. | 196 |
| | Wagga Wagga and Balranald | Once | Horseback .. | 250 |
| | Burriowa and Marengo | Do. | Do. | 50 |
| | Marengo and Cowra | | Do. | 50 |
| Yass and Binalong | Twice | 2-horse coach .. | 23 | |
| Northern .. | Dungog and Bandon Grove.. .. | Once | Horseback .. | 10 |
| | Singleton and Murrurundi | Twice | 2 or 4 horse coach.. | 71 |
| | Murrurundi and Armidale | Three | Do. | 140 |
| | Breeza and Gunnedah | Once | Horseback .. | 22 |
| | Tenterfield and Timbarra and Tabulam and Grafton | Do. | Do. | 206 |
| Suburban .. | Sydney and St. Leonard's | Six.. .. | Messenger .. | 3 |
| | | | Total | 1,143 |

REPORT FROM THE POSTMASTER GENERAL—1861.

C.

RETURN of Postal Lines discontinued during 1861.

| Roads. | Postal Lines. | Frequency of Communication. | Miles. |
|------------------|-----------------------------------|-----------------------------|--------|
| Western | Obley and Algullah | Once a week | 110 |
| Northern | Coonabarabran and Wee Waa | Once a week | 100 |
| | | Total | 210 |

D.

RETURN of decreased Postal Accommodation, during 1861, on existing Postal Lines.

| Roads. | Postal Lines. | Frequency of Communication. | | Miles. |
|---------------|---|-----------------------------|----------------|--------|
| | | 1860. | 1861. | |
| Western | Kean's Swamp and Rylstone | 4 times a week | 3 times a week | 11 |
| | Cobhora and Mundooran | 2 do. do. .. | 1 do. do. .. | 20 |
| | Parramatta, Windsor, and Richmond.. | 7 do. do. .. | 6 do. do. .. | 17 |
| Southern | Boro, Bungendore, Queanbeyan, and Cooma | 6 do. do. .. | 3 do. do. .. | 90 |
| | Wollongong and Dapto.. .. . | 7 do. do. .. | 6 do. do. .. | 8 |
| Northern | Grafton and Casino | 2 do. do. .. | 1 do. do. .. | 75 |
| | | | Total | 221 |

E.

LIST of Post Offices on 31st December, 1861.

| Post Town. | Miles from Sydney. | Name of Postmaster. | Salary. |
|--------------------------|--------------------|----------------------------|----------|
| †Aberdeen | 160 | Jessie M'Kay | £ 12 0 0 |
| *Adaminaby | 329 | G. Y. Moulds | 12 0 0 |
| Adelong | 252 | A. Graham | 20 0 0 |
| *Albion Park | 78 | R. Popple | 12 0 0 |
| Albury | 351 | W. M. N. Edmondson | 125 0 0 |
| Appin | 43 | J. Armstrong | 20 0 0 |
| Araluen | 192 | J. Maher | 15 0 0 |
| Armidale | 319 | J. Moore | 120 0 0 |
| Ashfield | 5 | W. Dougan | 12 0 0 |
| Avisford | 166 | T. Gorrie | 25 0 0 |
| Bald Hills | 170 | J. O. Phillips | 12 0 0 |
| *Ballalaba | 196 | J. South | 12 0 0 |
| Balranald | 554 | J. Cramsie | 15 0 0 |
| Bandon Grove | 131 | W. A. Smith | 12 0 0 |
| Barraba | 303 | D. Sinclair | 12 0 0 |
| Bathurst | 122 | W. Thomson | 230 0 0 |
| Baulkham Hills | 19 | J. Kelly | 12 0 0 |
| *Bega | 255 | J. Jagers | 15 0 0 |
| Bendemeer | 273 | J. K. Osborne | 30 0 0 |
| Berrima | 83 | J. Powell | 60 0 0 |
| Bigga | 200 | T. M'Guinness | 12 0 0 |
| Binalong | 203 | M. Murphy | 20 0 0 |
| Binda.. .. . | 177 | T. Webster | 25 0 0 |
| Bingera | 339 | W. Howard | 18 0 0 |
| *Bishop's Bridge | 103 | — O'Brien | 12 0 0 |
| Black Creek.. .. . | 110 | D. H. M'Donald | 12 0 0 |
| Blayney | 142 | T. Davis | 12 0 0 |
| Black Rock | 204 | G. Gallimore | 12 0 0 |
| *Blandford | 186 | H. Asser | 12 0 0 |
| Bodalla | 212 | A. Cowdroy | 12 0 0 |
| *Bolong .. .. . | ..... | D. Munro | 12 0 0 |
| Bombala | 345 | H. Hogarth | 20 0 0 |
| *Bong Bong | 82 | M. Higgins | 12 0 0 |
| †Boro | 153 | — Hyland | 25 0 0 |
| *Botany | 5 | H. Trape | 12 0 0 |
| *Booigal | 405 | T. Hitchcox | 12 0 0 |
| Bowenfels | 84 | W. Corderoy.. .. . | 20 0 0 |

E—continued.

| Post Town. | Miles from Sydney. | Name of Postmaster. | Salary. | | |
|--------------------------------|--------------------|-----------------------|---------|----|----|
| | | | £ | s. | d. |
| Bowling-alley Point | 250 | J. D. Davis | 12 | 0 | 0 |
| Braidwood | 180 | J. P. Quelch | 100 | 0 | 0 |
| Breeza | 238 | F. R. Ferrier | 12 | 0 | 0 |
| Brookfield | 118 | J. Thorndike | 12 | 0 | 0 |
| *Broughton's Creek | 107 | Donald Stewart | 12 | 0 | 0 |
| *Brownlow Hill | 45 | M. Roberts | 12 | 0 | 0 |
| Buckley's Crossing-place | 323 | R. Barnes | 12 | 0 | 0 |
| Bundarra | 323 | J. Priestly | 12 | 0 | 0 |
| Bungendore | 170 | D. Byrne | 18 | 0 | 0 |
| Bungonia | 120 | J. Armstrong | 15 | 0 | 0 |
| Bunyan | 274 | J. Cullen | 12 | 0 | 0 |
| *Burwood | 6½ | J. A. Pearson | 12 | 0 | 0 |
| Burratorang | 54 | M. A. Meurant | 12 | 0 | 0 |
| Burrowa | 222 | J. Hurley | 18 | 0 | 0 |
| *Caidmurra | 450 | W. Cooper | 12 | 0 | 0 |
| Caloola | 140 | E. Tyler | 12 | 0 | 0 |
| Camberwell | 131 | T. Hawkins | 12 | 0 | 0 |
| Camden | 40 | E. Pearson | 90 | 0 | 0 |
| Campbelltown | 34 | W. Fowler | 100 | 0 | 0 |
| Canonbar | 330 | H. J. W. Egan | 12 | 0 | 0 |
| Canowindra | 203 | W. Daly | 15 | 0 | 0 |
| Canterbury | 6 | W. Slocombe | 12 | 0 | 0 |
| Carcoar | 150 | J. Whittaker | 40 | 0 | 0 |
| Carroll | 256 | G. Walker | 12 | 0 | 0 |
| Casino | 505 | M. Meanley | 15 | 0 | 0 |
| Cassilis | 231 | W. Piper | 25 | 0 | 0 |
| Castlersagh | 40 | S. Barnett | 12 | 0 | 0 |
| Cathcart | 354 | M. Gerathy | 12 | 0 | 0 |
| Charcoal Creek | 68 | W. Russell | 12 | 0 | 0 |
| Clarence Town | 111 | D. Farquhar | 18 | 0 | 0 |
| Cobbora | 196 | J. Blakemore | 12 | 0 | 0 |
| Collector | 150 | J. Simpson | 15 | 0 | 0 |
| *Colo | 66 | J. Gasper | 12 | 0 | 0 |
| Condobolin | 292 | W. G. Henderson | 12 | 0 | 0 |
| Coolah | 242 | J. M'Cubbin | 15 | 0 | 0 |
| Cooma | 296 | C. Walters | 40 | 0 | 0 |
| Coonabarabran | 294 | D. Cockburn | 12 | 0 | 0 |
| Coonamble | 298 | J. M'Cullough | 12 | 0 | 0 |
| *Corowa | 383 | W. Bain | 12 | 0 | 0 |
| Cundletown | 198 | H. Ahronson | 16 | 0 | 0 |
| Cunningham's Creek | 125 | H. Hall | 12 | 0 | 0 |
| *Currabubula | 248 | J. B. Davis | 12 | 0 | 0 |
| *Cullen Bullen | 104 | W. Hart | 12 | 0 | 0 |
| Cowra | 184 | T. Walsh | 18 | 0 | 0 |
| *Crown Flat | 190 | Ed. Eaton | 12 | 0 | 0 |
| Dapto | 72 | T. Hobbs | 35 | 0 | 0 |
| Delegate | 366 | C. Stewart | 12 | 0 | 0 |
| Deniliquin | 472 | J. N. Alexander | 50 | 0 | 0 |
| Denison Town | 262 | J. Kerr | 12 | 0 | 0 |
| Douglass Park | 44 | J. Barrie | 12 | 0 | 0 |
| Drungalee | 327 | J. Bartley | 12 | 0 | 0 |
| Dubbo | 226 | J. E. Scrivener | 15 | 0 | 0 |
| Dundee | 387 | R. N. Smith | 15 | 0 | 0 |
| Dungog | 124 | T. Doust | 25 | 0 | 0 |
| East Kempsey | 271 | F. Litchfield | 12 | 0 | 0 |
| East Maitland | 93 | E. Hogg | 65 | 0 | 0 |
| Eastern Creek | 24 | J. Jackson | 12 | 0 | 0 |
| Eccleston | 116 | R. Swyer | 12 | 0 | 0 |
| Eden | 283 | G. Barclay | 100 | 0 | 0 |
| Emu | 36 | J. Smith | 15 | 0 | 0 |
| Enfield | 6 | W. J. Innes | 12 | 0 | 0 |
| Fuston | 608 | F. M. Black | 12 | 0 | 0 |
| †Falconer | 338 | T. Rae | 12 | 0 | 0 |
| Fish River Creek | 147 | D. Collins | 12 | 0 | 0 |
| Five Dock | 7 | D. Kelly | 12 | 0 | 0 |
| Fordwich | 139 | J. Clarke | 12 | 0 | 0 |
| Fort Bourke | 560 | R. M. Hughes | 12 | 0 | 0 |
| Frazer's Creek | 423 | R. Arnott | 15 | 0 | 0 |
| Frederickton | 275 | E. M'Carthy | 12 | 0 | 0 |
| *Frederick's Valley | 147 | J. B. Favell | 12 | 0 | 0 |
| Frying Pan | 106 | W. C. Knight | 12 | 0 | 0 |
| *Forbes | 204 | J. H. Butchart | 100 | 0 | 0 |
| Gerringong | 95 | T. Day | 12 | 0 | 0 |
| Ginnindera | 195 | H. Medley | 12 | 0 | 0 |
| *Gladesville .. .. | ..... | G. Buckingham | 12 | 0 | 0 |
| Glen Innes | 373 | J. Martin | 25 | 0 | 0 |
| Gloucester | 150 | T. Lavers | 12 | 0 | 0 |
| Goonoo Goonoo | 235 | W. Alderton | 30 | 0 | 0 |
| Gosford | 45 | T. C. Battley | 15 | 0 | 0 |
| Goulburn | 128 | T. Scoweroff | 200 | 0 | 0 |
| Grafton | 450 | T. Fisher | 40 | 0 | 0 |
| Gresford | 121 | T. Bush | 20 | 0 | 0 |
| Gulligal | 276 | H. Johnstone | 20 | 0 | 0 |
| Gundagai | 242 | D. Winton | 100 | 0 | 0 |
| Gundaroo | 175 | A. Frazer | 15 | 0 | 0 |
| Gunnedah | 262 | G. Cohen | 15 | 0 | 0 |

E—continued.

| Post Town. | Miles from Sydney. | Name of Postmaster. | Salary. |
|-----------------------------|--------------------|--------------------------|---------|
| | | | £ s. d. |
| Gunning | 158 | J. Downes | 20 0 0 |
| *Guntawang | 169 | H. Goldsmith | 12 0 0 |
| Guyong | 141 | W. Rowe | 15 0 0 |
| Hartley | 80 | P. Finn | 90 0 0 |
| Hay | 460 | R. Green | 15 0 0 |
| Hexham | 85 | F. Harvey | 12 0 0 |
| Hinton | 97 | H. Atkins | 25 0 0 |
| *Howlong | 369 | J. G. Drew | 12 0 0 |
| Hunter's Hill | 4 | J. Stanner | 12 0 0 |
| *Huntingdon | 234 | L. Lindsay | 12 0 0 |
| Inverell | 333 | C. Ross | 15 0 0 |
| Ironbark | 189 | J. L. Isaacs | 12 0 0 |
| Jamberoo | 83 | W. Allen | 20 0 0 |
| *Jembaicumbene | 185 | G. Summers | 12 0 0 |
| Jerry's Plains | 140 | O'Saunders | 20 0 0 |
| Jones' Island | 202 | T. W. Dugdale | 12 0 0 |
| Jugiong | 219 | J. Sheahan | 12 0 0 |
| Junction | 77 | W. Mills | 12 0 0 |
| Kelso | 121 | J. Glasson | 12 0 0 |
| Kempsey | 271 | E. P. Dangar | 30 0 0 |
| Kenny's Point | 155 | J. Kenny | 12 0 0 |
| Kiama | 89 | F. Fuller | 35 0 0 |
| Kiandra | 313 | A. Tucker .. .. . | ..... |
| Kincumber | 50 | H. Lane | 12 0 0 |
| Kirkconnell | 103 | J. Bywater | 12 0 0 |
| *Laggan | 155 | W. A. Forster | 12 0 0 |
| Lane Cove | 9 | E. Edwards | 12 0 0 |
| Lake Macquarie Road | 77 | J. Howden | 12 0 0 |
| *Lambing Flat | 255 | A. F. Newman .. .. . | ..... |
| Largs | 113 | G. Roberts | 12 0 0 |
| Lanyon | 206 | A. W. Cunningham | 12 0 0 |
| Lawrence | 464 | J. W. Stewart | 12 0 0 |
| Lagoon | 132 | T. B. Carson | 12 0 0 |
| *Limekilns | 140 | H. M'Kay | 12 0 0 |
| Lismore | 521 | W. Percy | 12 0 0 |
| Little Hartley | 78 | G. Jarvis | 12 0 0 |
| Limeburners' Creek | 112 | C. H. Smith | 12 0 0 |
| Liverpool | 22 | H. B. Beresford | 40 0 0 |
| Lochinvar | 99 | J. Smith | 15 0 0 |
| Longbottom | 7 | P. M'Grath | 15 0 0 |
| Long Creek | 180 | J. Wigram | 12 0 0 |
| Long Swamp | 149 | W. Jones | 12 0 0 |
| *Lostock | 131 | H. Fowler | 12 0 0 |
| Louisa Creek | 168 | W. Hickey | 18 0 0 |
| Lower Portland | 53 | H. Everingham | 12 0 0 |
| Luddenham | 46 | W. Neill | 12 0 0 |
| Major's Creek | 190 | J. H. Blatchford | 18 0 0 |
| Mangrove Creek | 68 | D. M'Intosh | 12 0 0 |
| Manilla | 275 | G. Veness | 12 0 0 |
| Manly | 9 | J. Fox | 12 0 0 |
| Marengo | 239 | R. Stevens | 20 0 0 |
| Marulan | 112 | F. M'Carthy | 18 0 0 |
| Maryland | 565 | G. Wilson | 12 0 0 |
| Meadow Flat | 98 | H. G. Brown | 12 0 0 |
| Merrendee | 178 | R. Hall | 12 0 0 |
| Merimbula | 272 | H. G. Bate | 18 0 0 |
| *Merri Merri | 350 | D. M'Lean | 12 0 0 |
| Merriwa | 196 | S. Derton | 20 0 0 |
| Merton | 165 | J. West | 30 0 0 |
| Michelago | 216 | R. Cameron | 12 0 0 |
| Miller's Forest | 97 | J. P. Collier | 12 0 0 |
| Millfield | 116 | H. Crothiers | 12 0 0 |
| Milton | 145 | F. Hall | 12 0 0 |
| Minmi .. .. . | ..... | W. Charlton | 12 0 0 |
| Moama | 516 | T. Wattham | 25 0 0 |
| Molong | 172 | J. Liscombe | 35 0 0 |
| Molonglo | 177 | W. Ray | 12 0 0 |
| *Montefiores | 198½ | H. Lambert | 12 0 0 |
| *Monga | 200 | J. Rodd | 12 0 0 |
| Moonbi | 262 | M. Brereton | 12 0 0 |
| Morangarell | 330 | Dr. M'Gregor | 12 0 0 |
| Moree | 415 | D. Munro | 12 0 0 |
| Morpeth | 96 | J. Larrymore | 70 0 0 |
| Moruya | 198 | O. Lodge | 18 0 0 |
| Mount Murchison | 934 | E. S. Bonney | 12 0 0 |
| Mount Vincent | 104 | W. Giles | 12 0 0 |
| Monlamein | 536 | T. Sinton | 12 0 0 |
| Mudgee | 153 | H. Tebbutt | 85 0 0 |
| Mullenderree | 195 | M. Lynch | 18 0 0 |
| Mundooran | 212 | T. Webster | 15 0 0 |
| *Murrumbah | 96 | H. Jeffrey | 12 0 0 |
| Murrurundi | 190 | H. Wheeler | 100 0 0 |
| Murrumburrah | 220 | J. English | 12 0 0 |
| *Mutton's Falls | 143 | R. M. Webb | 12 0 0 |
| *Myrtleville .. .. . | ..... | C. Capon | 12 0 0 |
| Muswellbrook | 150 | G. Denshire | 65 0 0 |

E—continued.

| Post Town. | Miles from Sydney. | Name of Postmaster. | Salary. | | |
|------------------------------|--------------------|-------------------------|---------|----|----|
| | | | £ | s. | d. |
| Mutt Billy | 146 | T. J. Lodge | 12 | 0 | 0 |
| Narrandera | 366 | K. Ellis | 12 | 0 | 0 |
| *Narrabri | 315 | G. Lewis | 12 | 0 | 0 |
| Narellan | 39 | J. Hartley | 15 | 0 | 0 |
| Nelligen | 183 | H. Rashleigh | 18 | 0 | 0 |
| Nerriga | 150 | D. M'Grath | 12 | 0 | 0 |
| *Nerrigundah | 226 | E. Smith | 12 | 0 | 0 |
| Newcastle | 75 | W. Thompson | 160 | 0 | 0 |
| Nimitybelle | 315 | D. Bell | 12 | 0 | 0 |
| Norwood .. .. . | .... | T. Jones | 12 | 0 | 0 |
| North Richmond | 41 | J. Winter | 12 | 0 | 0 |
| *Nowra | 113 | J. M'Arthur | 12 | 0 | 0 |
| Nundle | 261 | A. M'Clelland | 30 | 0 | 0 |
| Oaks | 50 | E. Reilly | 15 | 0 | 0 |
| Oakey Creek | 280 | J. Allison | 12 | 0 | 0 |
| †Obley | 208 | R. Cragg | 12 | 0 | 0 |
| O'Connell | 133 | D. Nolan | 12 | 0 | 0 |
| Orange | 154 | J. Dale | 50 | 0 | 0 |
| Oranmore | 200 | M. N. O'Connell | 12 | 0 | 0 |
| Pambula | 275 | R. Becke | 20 | 0 | 0 |
| Parramatta | 14 | J. Wickham | 190 | 0 | 0 |
| Paterson | 105 | M. L. Saunders | 30 | 0 | 0 |
| Peel | 130 | J. Reid | 12 | 0 | 0 |
| *Pennant Hills | 12 | W. Spurway | 12 | 0 | 0 |
| Penrith | 34 | F. A. Kellett | 100 | 0 | 0 |
| *Perry | .. . | E. Wicker | 12 | 0 | 0 |
| Petersham | 3½ | H. Williams | 12 | 0 | 0 |
| Picton | 52 | P. Mulloy | 20 | 0 | 0 |
| *Piney Range | 353 | C. Stiles | 12 | 0 | 0 |
| Pitt Town | 38 | T. Grono | 12 | 0 | 0 |
| Port Macquarie | 240 | M. J. Spence | 30 | 0 | 0 |
| Prospect | 22 | M. A. Brown | 18 | 0 | 0 |
| Queanbeyan | 190 | G. Soares | 60 | 0 | 0 |
| Quirindi | 222 | J. Wade | 12 | 0 | 0 |
| Randwick | 4 | J. Grice | 12 | 0 | 0 |
| Raymond Terrace | 92 | W. E. Shaw | 50 | 0 | 0 |
| Redbank | 199 | R. Fitzpatrick | 12 | 0 | 0 |
| Reid's Flat | 198 | T. Reid | 12 | 0 | 0 |
| Richmond | 38 | W. Price | 50 | 0 | 0 |
| Richmond River Heads | 340 | E. Ross | 12 | 0 | 0 |
| Riversford | 40 | S. C. Drew | 18 | 0 | 0 |
| Rockley | 140 | A. Budden | 21 | 0 | 0 |
| Rocky River | 304 | A. W. Hayles | 50 | 0 | 0 |
| Rolland's Plains | 256 | J. Churchill | 12 | 0 | 0 |
| Rouse Hill | 29 | J. Rettalick | 12 | 0 | 0 |
| Russell's | 330 | J. J. Patrick | 12 | 0 | 0 |
| Rylstone | 139 | A. M. Armstrong | 25 | 0 | 0 |
| Ryde | 8 | G. Pope | 25 | 0 | 0 |
| Sackville Reach | 44 | H. C. Kirwan | 15 | 0 | 0 |
| St. Alban's | 66 | J. Pescud | 12 | 0 | 0 |
| St. Leonard's | 2 | G. H. Stevens | 12 | 0 | 0 |
| St. Mark's | 2 | F. M'Lean | 12 | 0 | 0 |
| St. Mary's | 28 | M. Webb | 30 | 0 | 0 |
| St. Peter's | 4½ | J. M'Kenzie | 12 | 0 | 0 |
| *Sassafras | 150 | A. J. Anson | 12 | 0 | 0 |
| Scone | 167 | F. Isaac | 40 | 0 | 0 |
| Seaham | 104 | R. Barton | 15 | 0 | 0 |
| Shellharbour | 81 | E. Graham | 12 | 0 | 0 |
| Shoalhaven | 108 | J. Lang | 40 | 0 | 0 |
| Singleton | 123 | C. Pettit | 120 | 0 | 0 |
| Smithfield | 20 | J. Manfield | 12 | 0 | 0 |
| Sofala | 149 | M. Smith | 25 | 0 | 0 |
| South Gundagai | 243 | F. Gasse | 12 | 0 | 0 |
| South Wangan | 217 | J. Newell | 12 | 0 | 0 |
| Stroud | 121 | T. Laman | 25 | 0 | 0 |
| Sutton Forest | 89 | F. Bingman | 15 | 0 | 0 |
| Swatchfield | 158 | R. Stapleton | 12 | 0 | 0 |
| Tableland | 539 | S. Horton | 15 | 0 | 0 |
| Tabulam | 483 | A. O'Connor | 15 | 0 | 0 |
| Tambaroora | 168 | W. J. Slack | 40 | 0 | 0 |
| Tamworth | 251 | A. Cohen | 125 | 0 | 0 |
| Taralga | 153 | S. Phillips | 12 | 0 | 0 |
| Tarcutta | 268 | T. Mate | 40 | 0 | 0 |
| *Taree | 193 | E. Doust | 12 | 0 | 0 |
| Tarlo | 138 | R. Riley | 12 | 0 | 0 |
| Ten Mile Creek | 315 | J. Ford | 25 | 0 | 0 |
| Tenterfield | 431 | E. O'Connell | 35 | 0 | 0 |
| Timbarra | 521 | H. Smith | 12 | 0 | 0 |
| Tinonee | 190 | H. Richardson | 30 | 0 | 0 |
| Tooloom | 491 | H. Maurice | 12 | 0 | 0 |
| Tuena | 170 | H. G. Chard | 18 | 0 | 0 |
| Tumberumba | 300 | M. Langford | 12 | 0 | 0 |
| Tumut | 259 | H. Hilton | 70 | 0 | 0 |
| Ulladulla | 150 | D. Varden | 15 | 0 | 0 |

REPORT FROM THE POSTMASTER GENERAL—1861.

E—continued.

| Post Town. | Miles from Sydney. | Name of Postmaster. | Salary. |
|-------------------------|--------------------|------------------------|---------|
| | | | £ s. d. |
| Ulmarra .. .. . | ..... | A. Cameron | 12 0 0 |
| Upper Adelong | 272 | A. Watson | 12 0 0 |
| Uralla | 299 | J. M'Crossin | 20 0 0 |
| *Urana | 386 | Mrs. Scott | 12 0 0 |
| Vacy | 110 | C. M. Chapman | 12 0 0 |
| Wagga Wagga | 310 | P. S. Murray | 40 0 0 |
| Walcha | 300 | J. Daniel | 15 0 0 |
| Walgett | 426 | G. Hoath | 15 0 0 |
| Wallabadah | 213 | C. Burke | 12 0 0 |
| *Wallsend | 83 | T. Johnson | 12 0 0 |
| Wandandian .. .. . | ..... | T. Walsh | 12 0 0 |
| Waratah | 79 | P. Dwyer | 12 0 0 |
| Warialda | 363 | J. Geddes | 30 0 0 |
| *Warren | 312 | J. Readford | 12 0 0 |
| Waterloo | 2½ | W. West | 12 0 0 |
| Watson's Bay | 7 | W. Saunders | 12 0 0 |
| *Wattle Flat | 141 | G. Morehouse | 12 0 0 |
| Waverley | 4 | T. Grace | 12 0 0 |
| Wee Waa | 340 | J. H. Burrell | 20 0 0 |
| *Welaregang | 324 | B. Gray | 12 0 0 |
| Wellingrove | 385 | M. M'Killop | 15 0 0 |
| Wellington | 198 | H. Pike | 30 0 0 |
| Wentworth | 700 | A. M'Clymont | 18 0 0 |
| West Maitland | 95 | E. B. Daly | 250 0 0 |
| Wheeo | 168 | T. Armson | 12 0 0 |
| Wheeny Creek | 52 | J. Lamrock | 12 0 0 |
| Wilberforce | 38 | M. Wenban | 15 0 0 |
| Windeyer | 173 | J. Keppie | 12 0 0 |
| Windsor | 34 | R. Dick | 100 0 0 |
| Wingham | 195 | W. M'Lean | 15 0 0 |
| Wiseman's Ferry | 55 | J. B. M'Kenzie | 12 0 0 |
| Wollombi | 122 | M. Byrne | 18 0 0 |
| Wollongong | 64 | G. Hewlett | 80 0 0 |
| *Woodsreef | 319 | W. Regan | 12 0 0 |
| Woonona | 54 | H. Fry | 12 0 0 |
| Yass | 180 | W. R. Laidlaw | 120 0 0 |
| RECEIVING OFFICES. | | | |
| Balmain .. .. . | ..... | A. Chape | 15 0 0 |
| Bourke-street .. .. . | ..... | D. Law | 12 0 0 |
| Camperdown .. .. . | ..... | J. Larkins | 12 0 0 |
| Glebe .. .. . | ..... | J. Dale | 12 0 0 |
| Newtown .. .. . | ..... | M. Holroyd | 15 0 0 |
| Paddington .. .. . | ..... | R. Westaway | 15 0 0 |
| Pymont .. .. . | ..... | E. Fleming | 12 0 0 |
| Redfern .. .. . | ..... | A. Allen | 12 0 0 |

New Offices marked thus *

Offices re-established marked thus †

F.

POST OFFICES DISCONTINUED.

- Borehole.
- Bundaburra.
- Bateman's Bay.
- Campbell's Creek.
- Greenhills.
- Rydal.

G.

G.

List of Licensed Stamp-sellers, &c., on 31st December, 1861.

| Name. | Residence. | Name of Place. | Date of Appointment. |
|-------------------------|------------------------------------|---------------------|----------------------|
| Aitken J. C. | Botany-street | South Head Road .. | 3 Jan., 1860. |
| *Baird A. | Surry Hills | Surry Hills | 23 Feb., 1861. |
| Bartlett Jas. | 256, George-street .. | Sydney | 11 Oct., 1859. |
| Burrell H. N. | South Head Road .. | South Head Road .. | 27 June, 1856. |
| Barrie J. | Douglass Park | Douglass Park | 3 Mar., 1860. |
| *Brown Catherine .. | Circular Quay | Sydney | 24 Aug., 1861. |
| Campbell D. | 174, Castlereagh-street .. | Sydney | 24 Aug., 1860. |
| *Collins R. | Circular Quay | Sydney | 9 Oct., 1861. |
| *Cummins and Webb .. | Sussex-street | Sydney | 1 June, 1861. |
| *Degotardi J. | George-street | Sydney | |
| Dolman W. | 236, Pitt street | Sydney | 2 Sept., 1858. |
| *Donaldson Margt. .. | Paddington | Paddington | 14 Aug., 1861. |
| Douglass A. | 51, Clarence-street .. | Sydney | 16 Feb., 1858. |
| *Frey Jean | Lower George-street .. | Sydney | 7 Nov., 1861. |
| *Fludden H. | Erskine-street | Sydney | 14 Oct., 1861. |
| *Ford E. | George-street | Sydney | 23 Jan., 1861. |
| Gill Geo. | George-street, North .. | Sydney | 25 July, 1856. |
| Goold S. | 178, Pitt-street | Sydney | 9 Sept., 1859. |
| Graham | Castlereagh-street South | Sydney | 14 July, 1856. |
| Hall C. | 70, Gloucester-street .. | Sydney | 26 Oct., 1860. |
| Hill Jas. | 79, George-street | Sydney | 16 June, 1858. |
| *Head N. | South Head Road .. | South Head Road .. | 20 Feb., 1861. |
| *Hogan W. | King-street | Sydney | 1 Aug., 1861. |
| Holmes W. H. | 184, Sussex-street .. | Sydney | 23 Nov., 1860. |
| *Horner | William street | Woolloomooloo .. | 30 Jan., 1861. |
| Holroyd Mrs. | 351, Bourke-street .. | Surry Hills | 12 June, 1860. |
| Hamilton | Chippendale | Chippendale | 16 Mar., 1860. |
| Jenkins | 252, George-street .. | Sydney | 27 Aug., 1859. |
| Kirschbaum | 124, King-street | Sydney | 20 April, 1859. |
| Larter F. | South Head Road .. | South Head Road .. | 11 Oct., 1859. |
| Lissak J. J. | 85, King-street | Sydney | 3 Feb., 1859. |
| Mader W. | George-street North .. | Sydney | 10 Feb., 1857. |
| Mattos A. F. | 670, George-street .. | Sydney | 26 Oct., 1860. |
| M'Clelland | Newcastle | Newcastle | 25 Oct., 1859. |
| M'Kay | Elizabeth and Bathurst Streets. | Sydney | July, 1856. |
| M'Neil J. | 40, Sussex-street .. | Sydney | 20 Mar., 1860. |
| M'Leod D. | Park-street | Sydney | 16 Aug., 1860. |
| Moffitt W. | Pitt-street | Sydney | 24 Oct., 1857. |
| Moore J. | George-street South .. | Sydney | 23 July, 1856. |
| Murphy Felix | 455, Bourke-street .. | Surry Hills | 1 Feb., 1860. |
| Muspratt E. | William-street | Woolloomooloo .. | 18 Jan., 1860. |
| Penfold E. T. | George-street | Sydney | 12 May, 1857. |
| Pierce Thomas | Yurong & Stanley Streets | Woolloomooloo .. | 9 July, 1860. |
| Ramsay E. | Balmain | Balmain | 5 Dec., 1859. |
| Reading and Wellbank .. | Bridge-street | Sydney | 30 June, 1858. |
| Roberts D. | Pitt-street | Sydney | 31 Aug., 1859. |
| *Russell J. | Miller's Point | Sydney | 26 Aug., 1861. |
| Rudden H. | Miller's Point | Sydney | 14 Sept., 1860. |
| Sandon C. T. | George-street North .. | Sydney | 16 Feb., 1857. |
| Santos S. J. | George-street South .. | Sydney | 15 Sept., 1859. |
| Smith Jas. | William-street | Woolloomooloo .. | July, 1856. |
| Smyth and Wells | 88, Hunter-street .. | Sydney | 28 Mar., 1859. |
| Turner John | 141, Clarence-street .. | Sydney | 9 July, 1859. |
| *Woolley H. | King-street | Sydney | 16 Sept., 1861. |
| *Wright J. | 43, Forbes-street .. | Woolloomooloo .. | 8 Aug., 1861. |

* Licensed during 1861.

REPORT FROM THE POSTMASTER GENERAL—1861.

15

H.

PARTICULARS of the Contracts entered into for the conveyance of Post Office Mails, from 1st January, 1861.

| CONTRACTOR. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Annual Amount payable to Contractor. | Date of Termination of Contract. |
|--|-------------------------------|--|-----------------------------|---------------------------------|--------------------------------------|-----------------------------------|
| Name. | Address. | | | | | |
| WESTERN ROADS. | | | | | | |
| 1 John Hilt | Parramatta .. | Parramatta, Baulkham Hills, Rouse Hill, and Windsor. | Six .. | 2 or 4 horse 4-wheeled vehicle. | £ s. d. 200 0 0 | 1861. 31 Dec. |
| 5s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | | | | |
| 2 James Connelly .. | St. Alban's .. | Windsor, Pitt Town, Wiseman's Ferry, and St. Alban's. | Two .. | Horseback | 90 0 0 | 1863. 31 Dec. |
| 3 Edward Croft | Mangrove Creek .. | Wiseman's Ferry and Mangrove Creek. | One .. | " | 16 0 0 | 1861. 31 Dec. |
| 4 Thomas Crisford .. | Richmond .. | Windsor and Richmond .. | Six .. | " | 55 0 0 | 31 Dec. |
| 5 Charles Bowen | Sackville Reach .. | Windsor, Wilberforce, Sackville Reach, and Portland Head via Ebenezer. | Three .. | " | 70 0 0 | 31 Dec. |
| 6 Thomas Crisford .. | Richmond .. | Richmond, North Richmond, and Wheeny Creek (Lamrock's Inn). | " .. | " | 35 0 0 | 31 Dec. |
| 7 H. J. Kirwan | Portland Head .. | Sackville Reach and Lower Portland. | " .. | " | 30 0 0 | 31 Dec. |
| 8 Edward Crisford .. | Richmond .. | Richmond and Camden via Castlereagh, Penrith, Mulgoa, and Greendale. | " .. | " | 198 0 0 | 31 Dec. |
| 9 William Crane and J. J. Roberts. | Sydney and Goulburn. | Parramatta Railway Terminus and Post Office and Penrith; Penrith, Hartley and Bathurst Bathurst and Sofala | Twice a day. Six .. | 2 or 4 horse coach. | 3,250 0 0 | 1863. 31 Dec. |
| | | Hartley and Mudgee | Three .. | " | | |
| | | with Branch Post from Kean's Swamp to Rylstone and Bathurst, Guyong, and Orange. | Six .. | " | | |
| 10 John Beard | Tambaroora .. | Sofala and Tambaroora .. | One .. | Horseback | 190 0 0 | 1861. 31 Dec. |
| 11 James Falconer .. | Larry's Creek, Bligh District | Mudgee, Cobbora, and Munderooran. | " .. | " | 175 0 0 | 31 Dec. |
| 12 Edward Duckett .. | Wellington .. | Munderooran and Coonamble .. | " .. | " | 200 0 0 | 31 Dec. |
| 13 David M'Cullough .. | Coonamble .. | Coonamble and Merri Merri by Bimbleyom, Bundy, Ningeby, and Coanbone. | " .. | " | 99 0 0 | 31 Dec. |
| 14 George O'Shea | Wellington .. | Mudgee, Merrindee, and Wellington. | " .. | " | 180 0 0 | 31 Dec. |
| 15 Edwin J. Greenwood .. | Mudgee .. | Mudgee and Cassilis | " .. | " | 200 0 0 | 31 Dec. |
| 16 John Smith | Windeyer .. | Mudgee and Long Creek via Avisford, Grattai, Louisa Creek, Windeyer, and Campbell's Creek. | Two .. | " | 275 0 0 | 31 Dec. |
| 17 Hugh Wright | Orange .. | Orange and Wellington via Stoney Creek, Ironbarks, Moombla Hill, and Black Rock. | Three .. | 2 or more horse vehicle. | 795 0 0 | 31 Dec. |
| For every seat required by Government, other than those for Postal Inspectors and Mail Guards, £1 to be paid between Orange and Ironbarks, and £2 between Orange and Wellington. | | | | | | |
| 18 Edward Nicholls .. | Orange .. | Orange and Molong | " .. | 4 horse vehicle. | 285 0 0 | 31 Dec. |
| 15s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | | | | |
| 19 Thomas O'Brien .. | Molong .. | Molong and Black Rock .. | " .. | 2 horse cart | 200 0 0 | 31 Dec. |
| 15s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | | | | |
| 20 Joseph Morris | Molong .. | Molong and South Wangan .. | One .. | Horseback | 115 0 0 | 31 Dec. |
| 21 John Gardner | Molong .. | Molong and Obley | " .. | " | 49 0 0 | 31 Dec. |
| 22 D. L. Dalziel | Bogan River .. | Obley and Algullah | " .. | " | 100 0 0 | 1 July, (cancelled) |
| 23 Hugh Wright | Orange .. | Wellington and Dubbo | Two .. | Vehicle .. | 150 0 0 | 31 Dec. |
| 10s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | | | | |
| 24 Jas. M'Cubbin | Coolah .. | Dubbo and Cobbora | One .. | Horseback | 99 0 0 | 1863. 31 Dec. |
| 25 Ed. Duckett | Wellington .. | Dubbo, Drungalee and Cannonbah. | " .. | " | 200 0 0 | 1861. 31 Dec. |
| 26 John Minehan | Bathurst .. | Bathurst and Carcoar | Three .. | 2 horse 2-wheeled cart. | 348 0 0 | 31 Aug., (transfer) 1863. 31 Dec. |
| Ford and Co. | Bathurst .. | Bathurst and Carcoar .. .. | " .. | " | ..... | 1863. 31 Dec. |
| 15s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | | | | |
| 27 Thomas Walsh | Cowra .. | Carcoar and Canowindra via Cliefden and Cowra. | " .. | Horseback | 420 0 0 | 1861. 31 Dec. |

H—continued.

| CONTRACTOR. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Annual Amount payable to Contractor. | | | Date of Termination of Contract. |
|-------------|--|--|-----------------------------|--|--------------------------------------|----|----|----------------------------------|
| Name. | Address. | | | | £ | s. | d. | |
| 28 | Thomas Walsh .. | Cowra | One .. | Horseback | 360 | 0 | 0 | 1861. 31 Dec. |
| 29 | Thomas Grace .. | Lang's Crossing-place. | " .. | " | 560 | 0 | 0 | 31 Dec. 1863. |
| 30 | James James .. | Bathurst .. | Two .. | " | 400 | 0 | 0 | 31 Dec. |
| | | Bathurst Lagoons and Rockley. | One .. | " | | | | |
| | | Rockley and Tuena .. | " .. | " | | | | |
| | | Rockley and Swatchfield .. | " .. | " | | | | |
| | | Bathurst, Caloola, and Long Swamp. | " .. | " | | | | |
| | | Bathurst and O'Connell .. | Two .. | " | | | | |
| | | and O'Connell and Fish River Creek via Mutton's Falls. | One .. | " | | | | |
| | | SOUTHERN ROADS. | | | | | | 1863. |
| 1 | William Crane and J. J. Roberts. | Goulburn and Sydney. | Six .. | 2 or 4-horse coach. | 325 | 0 | 0 | 31 Dec. |
| | £2 10s. to be paid for every seat required by Government other than those for Postal Inspectors and Mail Guards. | | " .. | " | | | | |
| 2 | W. B. Campbell .. | Picton | " .. | Horseback | 150 | 0 | 0 | 1861. 31 Dec. |
| 3 | Philip Reily .. | Burratorang .. | " .. | " | 145 | 0 | 0 | 31 Dec. |
| | | Camden and Oaks via Brownlow Hill and Lowe's Hill; and Oaks and Burratorang .. | Three .. | " | | | | |
| 4 | John Wallace .. | Sutton Forest .. | Six .. | Horseback | 70 | 0 | 0 | 31 Dec. |
| 5 | Charles Loseby .. | Bong Bong .. | " .. | " | 40 | 0 | 0 | 31 Dec. |
| 6 | James Waterworth .. | Berrima .. | Three .. | " | 50 | 0 | 0 | 31 Dec. 1863. |
| | | Bungonia and Marulan .. | " .. | " | | | | |
| 7 | James Woods .. | Appin | Six .. | 2 or more horse coach 3 days, and on horseback the other 3 days. | 600 | 0 | 0 | 31 Dec. |
| | 7s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | | | | | |
| 3 | Edward Graham .. | Shell Harbour .. | Two .. | Horseback | 30 | 0 | 0 | 1861. 31 Dec. |
| 9 | Joseph Howard .. | Jamberoo .. | Six .. | " | 500 | 0 | 0 | 31 Dec. |
| | | Dapto, Jamberoo, Kiama, Gerringong, and Shoalhaven .. | " .. | " | | | | |
| 10 | Christopher and William Murray. | Shoalhaven .. | One .. | " | 230 | 0 | 0 | 31 Dec. 1862. |
| | | Shoalhaven, Sassafras, Nerriga, and Braidwood. | " .. | " | | | | |
| 11 | William Murray .. | Shoalhaven .. | Three .. | " | 25 | 0 | 0 | 31 Dec. 1861. |
| | | Shoalhaven and Nowra, via Greenhills. | " .. | " | | | | |
| 12 | John Allen .. | Ulladulla .. | Two .. | " | 133 | 6 | 8 | 31 Dec. 1862. |
| | | Shoalhaven, Nowra, and Ulladulla, via Greenhills | " .. | " | | | | |
| 13 | Philip Murray .. | Ulladulla .. | One .. | " | 66 | 13 | 4 | 31 Dec. 1861. |
| | | Ditto, ditto | " .. | " | | | | |
| 14 | Alfred Moulst .. | Bateman's Bay .. | Two .. | " | 120 | 0 | 0 | 31 Dec. |
| 15 | Mary Coffee .. | Mogo via Moruya .. | " .. | " | 68 | 0 | 0 | 31 Dec. |
| *16 | Thomas Moran .. | Goulburn .. | Six .. | Coach .. | 900 | 0 | 0 | 1 Mar. (cancelled) |
| | | Goulburn and Braidwood, via Boro, Bungendore, and Queanbeyan. | " .. | " | | | | |
| | | and Queanbeyan and Cooma. | " .. | " | | | | |
| 17 | David Wilson .. | Braidwood .. | Three .. | Horseback | 120 | 0 | 0 | 31 Dec. |
| | | Braidwood and Major's Creek, via Bell's Creek and Bell's Paddock. | " .. | " | | | | |
| 18 | David Wilson .. | Braidwood .. | Two .. | " | 75 | 0 | 0 | 31 Dec. |
| | | Braidwood and Little or Mongarlowe River. | " .. | " | | | | |
| *19 | Thomas Moran .. | Goulburn .. | Three .. | " | 84 | 0 | 0 | 31 Dec. |
| 20 | John Rixon .. | Nelligen .. | Two .. | " | 250 | 0 | 0 | 31 Dec. |
| | | Nelligen (Clyde River) and Braidwood. | " .. | " | | | | |
| 21 | John Doughty .. | Oranmore .. | " .. | " | 58 | 0 | 0 | 31 Dec. |
| | | Major's Creek, Oranmore, and Stoney Creek, via Ballalaba. | " .. | " | | | | |
| 22 | P. Heffernan .. | Moruya .. | " .. | " | 225 | 0 | 0 | 31 Dec. |
| | | Braidwood, Araluen, Mullenderree, and Moruya, via Reidsdale. | " .. | " | | | | |
| 23 | C. J. Macgregor .. | Bega | One .. | " | 160 | 0 | 0 | 31 Dec. 1862. |
| | | Moruya, Bodalla, Bega, Merimbula, and Pambula. | " .. | " | | | | |
| 24 | John Otton, junior .. | Bega | " .. | " | 180 | 0 | 0 | 31 Dec. |
| 25 | J. J. Roberts .. | Goulburn .. | Two .. | 2-horse vehicle. | 220 | 0 | 0 | 31 Dec. |
| | £1 10s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | " .. | " | | | | |
| 26 | Thomas Moran .. | Goulburn .. | " .. | 1 or more horse vehicle. | 68 | 12 | 0 | 1861. 31 Dec. |
| | 5s. to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | " .. | " | | | | |
| | Thomas Moran .. | Goulburn .. | One .. | " | 228 | 11 | 6 | 1 Mar. (cancelled) |
| | 20s. per seat, for the conveyance of Escort and Gold between Russell's and Cooma, and 30s. per seat if conveyed between Cooma and Kiandra. Gold conveyed gratis, and 14lbs. weight of luggage allowed each person, 3d. per lb. being charged for any additional luggage. | | " .. | " | | | | |
| 27 | J. J. Roberts .. | Goulburn .. | Two .. | Horseback or otherwise. | 600 | 0 | 0 | 31 Dec. |
| | | Ditto, ditto | " .. | " | | | | |
| 28 | William M'Gregor .. | Bega | One .. | Horseback | 300 | 0 | 0 | 31 Dec. |
| | | Adaminiby and Cathcart .. | " .. | " | | | | |

*See Supplementary List.

REPORT FROM THE POSTMASTER GENERAL—1861.

17

H—continued.

| CONTRACTOR. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Annual Amount payable to Contractor. | Date of Termination of Contract. | | |
|-------------|------------------------------------|--------------------------------------|-----------------------------|---|--------------------------------------|-----------------------------------|--------------------|------------------|
| Name. | Address. | | | | | | | |
| 29 | William Roohan .. | Cooma .. | .. | Cooma and Buckley's Crossing-place, <i>via</i> Woolway and Jejjizrick. | One .. | Horseback | £ s. d. 138 0 0 | 1861. 31 Dec. |
| 30 | David Delves .. | Nimitybelle .. | .. | Cooma and Bombala .. | Two .. | Horseback and 2-wheeled carriage. | 350 0 0 | 31 Dec. |
| 31 | Edward Jones .. | Carrowang .. | .. | Bombala and Delegate .. | Two .. | Horseback | 110 0 0 | 31 Dec. |
| 32 | Charles Robertson .. | Pambula .. | .. | Bombala, Cathcart, Pambula, and Eden, <i>via</i> Big Jacks. | One .. | " | 210 0 0 | 31 Dec. 1862. |
| 33 | Charles Robertson .. | Pambula .. | .. | Pambula and Eden .. | Two .. | " | 55 0 0 | 31 Dec. 1861. |
| 34 | J. Munoz .. | Goulburn .. | .. | Goulburn and Kenny's Point, <i>via</i> Bangalore. | One .. | " | 60 0 0 | 31 Dec. |
| 35 | James Martin .. | Goulburn .. | .. | Goulburn, Tarlo, and Taralga, <i>via</i> Chatsbury. | " .. | " | 58 0 0 | 31 Dec. |
| 36 | Isaac Pratton .. | Woodhouseleigh, <i>via</i> Goulburn. | .. | Goulburn, Laggan, and Tuena | " .. | " | 160 0 0 | 31 Dec. 1862. |
| 37 | George Evans .. | Mummell, near Goulburn. | .. | Goulburn and Binda, <i>via</i> Mummell, Pomeroy, Gullen, and Wheo. | Two .. | " | 160 0 0 | 31 Dec. 1861. |
| 38 | George Webster .. | Binda .. | .. | Binda and Tuena .. | " .. | " | 80 0 0 | 31 Dec. |
| 39 | W. Henry Smith .. | Bigga .. | .. | Binda and Bigga .. | One .. | " | 37 10 0 | 31 Dec. |
| 40 | James Maloney.. | Wheo .. | .. | Wheo, Reid's Flat, and Cowra.. | " .. | " | 126 6 4 | 31 Dec. 1862. |
| 41 | Wm. Crane and J. J. Roberts .. | Sydney and Goulburn, | .. | Goulburn, Gunning, and Yass.. | Six .. | 4-horse coach. | 531 4 0 | 31 Dec. 1861. |
| 42 | James Garry .. | Binalong .. | .. | Yass, Binalong, and Burrowa .. | Two .. | 2-horse-2 wheeled vehicle. | 240 0 0 | 31 Dec. |
| 43 | Patrick Forbes .. | Yass .. | .. | Yass and Gundaroo .. | " .. | Horseback | 80 0 0 | 31 Dec. |
| 44 | Jacob Marks .. | Wagga Wagga.. | .. | Binalong, Murrumburrah, and Wagga Wagga, <i>via</i> Dacey's and the Levels. | " .. | " | 600 0 0 | 31 Dec. |
| 45 | Allen Hancock .. | Burrowa .. | .. | Burrowa and Reid's Flat, <i>via</i> Hovell's Creek and Phil's Creek. | One .. | " | 60 0 0 | 31 Dec. |
| 46 | Daniel Crotty .. | Burrowa .. | .. | Burrowa and Cowra, <i>via</i> Marengo and Bumbaldrie. | " .. | " | 135 0 0 | 31 Dec. |
| 47 | Thomas West .. | Marengo .. | .. | Marengo and Morangarell .. | " .. | " | 100 0 0 | 31 Dec. 1862. |
| 48 | John Sheehan and Laurence Garry .. | Jugiong .. | .. | Yass and Albury.. | Three .. | 2-horse coach. | 2,285 3 2 | 31 Dec. |
| 49 | Robert Elliott .. | Penrith.. | .. | Yass and Albury .. | Three .. | 2 or more horse coach. | 2,400 0 0 | 31 Dec. 1863. |
| 50 | Edward Doyle .. | Gundagai .. | .. | Gundagai and Tumut .. | " .. | Horseback | 210 0 0 | 31 Dec. |
| 51 | Ed. G. Brown .. | Tumut .. | .. | Tumut and Kiandra .. | One .. | " | 480 0 0 | 31 Dec. |
| 52 | C. W. Crawley .. | Tumut .. | .. | Tumut and Adelong .. | Three .. | " | 100 0 0 | 31 Dec. |
| 53 | Fredk. Abbott .. | Oberne .. | .. | Tarcutta and Adelong .. | " .. | " | 285 0 0 | 31 Dec. |
| 54 | James Bruce .. | Ten Mile Creek | .. | Adelong, Upper Adelong, Tumberumba, and Ten Mile Creek, with a branch post to and from Copabella, Jingillack, and Welaregang. | One .. | " | 350 0 0 | 31 Dec. |
| 55 | James Gormley .. | Wagga Wagga.. | .. | Tarcutta and Wagga Wagga .. | One .. | 2-horse-2 wheeled cart. | 95 0 0 | 31 Dec. 1863. |
| 56 | James Gormley .. | Wagga Wagga.. | .. | Tarcutta and Wagga Wagga, Wagga Wagga, Gillenbah, Lang's Crossing-place, and Balranald. | Two .. | 2-horse vehicle. | 852 12 8 | 31 Dec. |
| 57 | James Gormley .. | Wagga Wagga.. | .. | Wagga Wagga, Gillenbah, Lang's Crossing-place, and Balranald. | One .. | " | 685 0 0 | 31 Dec. 1863. |
| 58 | James Gormley .. | Wagga Wagga.. | .. | Wagga Wagga and Deniliquin.. | " .. | " | 470 0 0 | 31 Dec. 1861. |
| 59 | James Gormley .. | Wagga Wagga.. | .. | Do. do. | " .. | " | 487 1 2 | 31 Dec. |
| 60 | James Clifford .. | Lang's Crossing-place. | .. | Lang's Crossing-place and Deniliquin. | " .. | " | 228 11 6 | 31 Dec. 1863. |
| 61 | Richard Bill .. | Deniliquin .. | .. | Lang's Crossing-place and Deniliquin, and Deniliquin and Moama. | Two .. | 2 or 4-horse 4-wheeled coach. | 925 0 0 | 31 Dec. |
| 62 | Ralph Powell .. | Albury .. | .. | Albury and Deniliquin .. | One .. | " | 220 0 0 | 31 Dec. 1862. |
| 63 | Richard Bill .. | Deniliquin .. | .. | Deniliquin and Moama .. | Three .. | Horseback or 1-horse cart. | 250 0 0 | 31 Dec. |

H—continued.

| CONTRACTOR. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Annual Amount payable to Contractor. | Date of Termination of Contract. | |
|-----------------|--|----------------------|---|-------------------------|--------------------------------------|----------------------------------|--|
| Name | Address. | | | | | | |
| 64 | William Burgess .. | Moulamein .. | Deniliquin, Moulamein, and Balranald. | One .. | Horseback | £ s. d. 250 0 0 | 1861. 31 Dec. |
| 65 | Thomas Pain and Robert Driscoll. | Moorna.. | Wentworth and Mount Murchison. | Once a fortnight | " | 600 0 0 | 1862. 31 Dec. |
| NORTHERN ROADS. | | | | | | | |
| 1 | James Cole .. | Peat's Ferry .. | Sydney, Lane Cove, and Gosford, <i>via</i> Peat's Ferry. | One .. | Horseback | 120 0 0 | 1861. 31 Dec. |
| 2 | James Cole .. | Peat's Ferry .. | Sydney, Lane Cove, and Gosford, <i>via</i> Peat's Ferry. | " .. | " | 100 0 0 | 31 Dec. |
| 3 | Peter Fagan .. | Gosford.. | Gosford and Kincumber .. | " .. | " | 16 0 0 | 31 Dec. |
| 4 | Morris Magney.. | Newcastle .. | Newcastle Wharf, the Post Office, and Railway Terminus. | Twice or oftener daily | 1 or 2-horse carriage. | 100 0 0 | 31 Dec. |
| 5 | Morris Magney.. | Newcastle .. | Newcastle Post Office, and Branch Offices at Lake Macquarie Road and the Junction. | " .. | Horseback | 48 11 6 | 31 Dec. |
| 6 | Thomas Baker .. | Stroud .. | Raymond Terrace and Stroud.. | Four .. | 2-horse vehicle. | 178 0 0 | 1862. 31 Dec. |
| 7 | John Williams .. | Stroud .. | Stroud and Tinonee .. | Two .. | Horseback | 245 0 0 | 31 Dec. |
| 8 | Robert Summerville .. | Manning River | Tinonee and Wingham .. | " .. | " | 27 0 0 | 1861. 31 Dec. |
| 9 | G. M. Fitzpatrick .. | Redbank .. | Tinonee and Redbank .. | " .. | " | 32 10 0 | 31 Dec. |
| 10 | *Reuben Richards | Mount George.. | Tinonee and Port Macquarie .. | " .. | " (and to provide a boat) | 210 0 0 | 1863. 31 Dec. |
| 11 | Thomas Carney .. | Port Macquarie | Port Macquarie and Huntingdon | One .. | " | 28 0 0 | 1861. 31 Dec. |
| 12 | Henry M'Cabe .. | Taree .. | Tinonee, Taree, Cundletown, and Jones' Island. | Two .. | " | 35 0 0 | 31 Dec. |
| 13 | Christopher Felton .. | East Kempsey.. | Port Macquarie, Rolland's Plains, and Kempsey. | " .. | " | 108 0 0 | 31 Dec. |
| 14 | Otho O. Dangar £21 18s. extra to be paid for the Gold Escort. | Kempsey .. | Kempsey and Frederickton .. | One .. | " | 36 11 6 | 31 Dec. |
| 15 | Otho O. Dangar | Kempsey .. | Kempsey and Armidale .. | Once a fortnight | " | 73 0 0 | 31 Dec. |
| 16 | Robert Hyndes.. | West Maitland | Post Office and Railway Station, West Maitland. | Twice or oftener daily. | 1 or 2-horse vehicle. | 52 0 0 | 31 Dec. |
| 17 | Alexr. M'Gilvray, | Mount Vincent | West Maitland, East Maitland, and Morpeth. | Seven .. | Horseback | 49 0 0 | 1861. 30 June, (transfer.) 1862. 31 Dec. |
| | Thomas Swan .. | West Maitland | Ditto ditto. | " .. | " | 49 0 0 | 1861. 30 June, (transfer.) 1862. 31 Dec. |
| 18 | Alexr. M'Gilvray | Mount Vincent | Railway Station and Post Office, East Maitland, Morpeth, and Hinton. | " .. | " | 67 0 0 | 1861. 30 June, (transfer.) 1862. 31 Dec. |
| 19 | Thomas Swan .. | West Maitland | Ditto ditto. | " .. | " | 67 0 0 | 1863. 31 Dec. |
| | Lawrence Arnold | Dungog .. | Hinton, Seaham, Clarence Town, Brookfield and Dungog. | Three .. | " | 145 0 0 | 1861. 31 Dec. |
| 20 | Thomas Irwin .. | Tillegra .. | Dungog and Bandon Grove .. | " .. | " | 28 0 0 | 1861. 31 Dec. |
| 21 | Robert Lloyd .. | Morpeth .. | East Maitland, Largs, and Paterson. | Seven .. | 1 or 2-horse vehicle. | 125 0 0 | 1862. 31 Dec. |
| 22 | William Shearwood .. | Gresford .. | Paterson and Gresford .. | Three .. | Horseback | 35 0 0 | 1861. 31 Dec. |
| 23 | Francis Randall | Wallah .. | Gresford and Eccleston.. | One .. | " | 20 0 0 | 1861. 31 Dec. |
| 24 | Patrick M'Cloy.. | Penshurst .. | Gresford and Lostock .. | Two .. | " | 25 0 0 | 1862. 31 Dec. |
| 25 | Thomas Moore .. | Maitland .. | East Maitland and Mount Vincent. | One .. | " | 24 0 0 | 1861. 31 Dec. |
| 26 | Thomas Moore .. | Maitland .. | Maitland, Millfield, and Wollombi. | Three .. | " | 180 0 0 | 31 Dec. |
| 27 | John Gill .. | Moonbi .. | Railway Terminus and Post Office, Lochinvar and Singleton, and Singleton and Murrurundi. | Seven .. | 4-horse carriage. | 1,844 5 0 | 31 Dec. |
| | £3 to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | Four .. | | | |
| 28 | John Gill .. | Moonbi .. | Singleton and Murrurundi, and Murrurundi and Armidale. | Two .. | 2 & 4-horse vehicle. | 3,450 0 0 | 1863. 31 Dec. |
| | £7 to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards. | | | Three .. | | | |
| 29 | Joseph Clark .. | Fordwich .. | Singleton and Fordwich .. | Two .. | Horseback | 85 0 0 | 1861. 31 Dec. |
| 30 | Thomas Howard | Jerry's Plains .. | Singleton and Jerry's Plains, <i>via</i> Cockfighter's Creek, and in time of flood, <i>via</i> Thorley's. | Three .. | " | 77 0 0 | 1863. 31 Dec. |
| 31 | Patrick Ward .. | Merton .. | Muswellbrook, Merton, Merriwa, and Cassilis. | Two by and One on | 2 or 3-horse vehicle. Horseback | 777 0 0 | 1862. 31 Dec. |
| 32 | William Acheson | Bowling Alley Point. | Cassilis, Coolah, and Coonabarabran. | One .. | " | 142 0 0 | 1861. 31 Dec. |
| 33 | James M' Cubbin | Coolah .. | Coolah, Denison Town, and Cobbora. | " .. | " | 90 0 0 | 1863. 31 Dec. |

* See Supplementary List.

REPORT FROM THE POSTMASTER GENERAL—1861.

H—continued.

| CONTRACTOR. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Annual Amount payable to Contractor. | Date of Termination of Contract. |
|--|-----------------------------|--|-----------------------------|------------------------|--------------------------------------|----------------------------------|
| Name. | Address. | | | | | |
| 34 J. A. Johnstone .. | Dareel, <i>via</i> Gulligal | Coolah and Gulligal | One .. | Horseback | £ s. d. 149 0 0 | 1861. 31 Dec. |
| 35 Seymour Denman .. | Coolah | Wallgett and Coonabarabran, <i>via</i> Kienry, &c. | " .. | " | 179 0 0 | 1863. 31 Dec. |
| 36 John Gill | Moonbi | Murrurundi, Tamworth, Bendemeer, and Armidale. | Three .. | 2 or 4-horse coach. | 3,980 0 0 | 1861. 31 Dec. |
| 37 Joseph Taggart .. | Murrurundi .. | Murrurundi and Oakey Creek .. | One .. | Horseback | 120 0 0 | 1862. 31 Dec. |
| 38 John Gill | Moonbi | Murrurundi, Breeza, and Gunnedah. | " .. | " | 159 0 0 | 31 Dec. |
| 39 John Gill | Moonbi | Murrurundi and Gunnedah, <i>via</i> Warra, Breeza, and Carroll; and Gunnedah, Gulligal, and Wee Waa. | " .. | " | 550 0 0 | 31 Dec. |
| 40 Abraham Johnstone .. | Gulligal | Gulligal and Warialda | " .. | " | 168 0 0 | 1861. 31 Dec. |
| 41 William McClelland .. | Nundle | Goonoo Goonoo and Nundle, <i>via</i> Bowling Alley Point. | Two .. | " | 175 0 0 | 31 Dec. |
| 42 A. S. Bourke | Goonoo Goonoo .. | Ditto, ditto | One .. | " | 71 8 7 | 31 Dec. |
| 43 John Gill | Moonbi | Armidale and Drayton | Two .. | " | 3,900 0 0 | 31 Dec. |
| | | Tamworth, Warialda, and Calandoon. | One .. | " | | |
| | | Warialda and Wee Waa | " .. | " | | |
| | | Tamworth, Carroll, and Gulligal | " .. | " | | |
| | | Wallgett, Caidmurra, and Calandoon | " .. | " | | |
| | | Wee Waa and Wallgett | " .. | " | | |
| | | Warwick and Ipswich, <i>via</i> Cunningham's Gap. | " .. | " | | |
| | | Wallabadah and Quirindi | " .. | " | | |
| 44 James Keating | Wallgett | Uralla and Rocky River | Three .. | " | | 1861. 31 Mar. |
| | | Wallgett and Fort Bourke | Once a fortnight. | " | 350 0 0 | (transfer.) 1862. |
| Geo. Hoath | Wallgett | Wallgett and Fort Bourke | " .. | " | 350 0 0 | 31 Dec. 1863. |
| 45 William Sly | Fort Bourke .. | Fort Bourke and Mount Murchison, travelling either side of the Darling. | " .. | " | 275 0 0 | 31 Dec. |
| 46 W. M. Stevenson and William Martin .. | Walcha | Armidale and Grafton, and Bendemeer and Bundarra. | One .. | " | 390 0 0 | 31 Dec. 1862. |
| 47 W. M. Stevenson .. | Walcha | Armidale and Walcha, and Bendemeer and Walcha. | " .. | " | 232 0 0 | 31 Dec. |
| 48 Gabriel Wardrope .. | Armidale | Armidale, Byron, and Frazer's Creek, <i>via</i> Moredun, Paradise Creek, Newstead, Inverell, Buckulla. | Two .. | " | | 1863. |
| | | Armidale, Byron, and Frazer's Creek .. | One .. | " | 150 0 0 | 31 Dec. |
| 49 Edwd. M. Wright .. | Tenterfield .. | Tenterfield and Frazer's Creek .. | " .. | " | 144 0 0 | 1861. 31 Dec. |
| 50 Charles Tuckwood .. | Tenterfield .. | Tenterfield, Tabulam, and Grafton. | " .. | " | 288 0 0 | 31 Dec. |
| 51 Ellen Thompson .. | Casino | Lawrence and Casino | " .. | " | 400 0 0 | 31 Dec. |
| 52 Henry Sheldon | Lawrence | Grafton and Casino | " .. | " | | |
| | | Lawrence, Tabulam, and Tooloom, <i>via</i> Pretty Gully. | " .. | " | 200 0 0 | 31 Dec. 1863. |
| 53 James Duffy | Casino | Casino and Richmond River Heads. | " .. | " | 150 0 0 | 31 Dec. |
| 54 John Brown | Casino | Casino and Brisbane | " .. | " | 265 0 0 | 31 Dec. |
| SUBURBAN. | | | | | | |
| 1 Peter Fagan | Brisbane Water .. | Sydney, St. Mark's, Waverley, and Watson's Bay. | Six .. | Horseback | 99 0 0 | 1861. 31 Dec. |
| 2 G. H. Stevens | St. Leonard's .. | Sydney and St. Leonard's .. | Twice a day. | Messenger | 40 0 0 | 31 Dec. |
| 3 Robert Gannon | St. Peter's | Sydney and St. Peter's | " .. | Omnibus.. | 12 0 0 | 31 Dec. |
| 4 John Grice | Randwick | Sydney and Randwick | " .. | " | 20 0 0 | 31 Dec. |

PARTICULARS of the Contracts entered into for the Conveyance of Post Office Mails, from 1st February, 1861.

| CONTRACTOR. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount payable to Contractor for the 11 months. | Date of Termination of Contract. |
|---------------------------|-------------------|---|---------------------------------------|------------------------|---|----------------------------------|
| Name. | Address. | | | | | |
| NORTHERN ROAD. | | | | | | |
| 43a George Cobley | Glen Innes | Glen Innes and Wellingrove .. | Number of days per week. Two | Horseback | £ s. d. 110 0 0 | 1861. 31 Dec. |
| 50 Charles Tuckwood | Tenterfield | Tenterfield, Timbarra, Tabulam, and Grafton. | One | " | 250 0 0 | 31 Dec. |
| 50a Thomas Pillar | Tenterfield | Tenterfield and Table Land, (Timbarra Gold Fields.) | Two | " | 77 0 0 | 31 Dec. |

H—continued.

PARTICULARS of the Contracts entered into for the Conveyance of Post Office Mails, from 1st March, 1861.

| CONTRACTORS. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount payable to Contractor for the 10 Months. | Date of Termination of Contract. |
|--------------------------|----------------|---|-----------------------------|-------------------------|---|----------------------------------|
| Name. | Address. | | | | | |
| | | SOUTHERN ROADS. | Number of days per week. | | £ s. d. | 1861. |
| 46a Allen Hancock | Burrowa | Burrowa and Marengo | One | Horseback | 85 0 0 | 31 Dec. |
| *16 James Malone | Braidwood | Marengo and Lambing Flat.... Goulburn, Boro, and Braidwood | Two. Six | 2-horse coach. | 950 0 0 | 31 Dec. |
| *16a Wm. James Wilson .. | Goulburn | Boro, Bungendore, Queanbeyan, and Cooma | Three .. | 2-horse 2-wheeled cart. | 500 0 0 | 31 Dec. |

£1 from Cooma to Boro, and £2 from Boro to Cooma, to be paid for every seat required by Government, other than those for Postal Inspectors and Mail Guards.

* These Contracts are in lieu of the one numbered 16 (Southern Road.)

PARTICULARS of the Contracts entered into for the Conveyance of Post Office Mails, from 1st April, 1861.

| CONTRACTORS. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount payable to Contractor for the 9 Months. | Date of Termination of Contract. |
|--------------------------------|---------------|--|-----------------------------|------------------------|--|----------------------------------|
| Name. | Address. | | | | | |
| | | SOUTHERN ROADS. | Number of days per week. | | £ s. d. | 1861. |
| *19 P. J. M'Alister .. | Queanbeyan .. | Bungendore and Molonglo .. | Three .. | Horseback | 52 10 0 | 31 Dec. |
| 43a John Harris .. | Penrith.. .. | Yass and Binalong | Twice .. | 2-horse vehicle. | 105 0 0 | 31 Dec. |
| 45a John Harris .. | Penrith.. .. | Murrumburrah and Lambing Flat, via Demondville, Wombat, Stoney Creek, and Spring Creek. | Twice .. | 2-horse vehicle. | 71 5 0 | 31 Dec. |
| 47a James Eady .. | Marengo .. | Marengo and Cowra | Once .. | Horseback | 75 0 0 | 31 Dec. |
| 58a William Lanc, Denis Hanan. | Balranald .. | Balranald and Wentworth, via Euston. | Once .. | „ | 340 0 0 | 31 Dec. |

* This Contract is in lieu of the one numbered 19 (Southern Road.)

PARTICULARS of the Contracts entered into for the Conveyance of Post Office Mails, from the 15th April, 1861.

| CONTRACTORS. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount per Annum payable to Contractor. | Date of Termination of Contract. |
|--------------------------|-------------|---------------------------|-----------------------------|------------------------|---|--|
| Name. | Address. | | | | | |
| | | | Number of days per week. | | £ s. d. | 1861. |
| 27a John Minehan & Co... | Bathurst .. | Cowra and Lambing Flat .. | Three .. | 4-horse coach. | 250 0 0 | Terminable at 1 month's notice on either side. |
| Ford & Co. .. | ..... | ..... | ..... | ..... | ..... | 31 Aug.—(transfer.) |

PARTICULARS of a Contract entered into for the Conveyance of Post Office Mails, from 1st June, 1861.

| CONTRACTORS. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount payable to Contractor for the 7 Months. | Date of Termination of Contract. |
|---------------------------------|--------------|-------------------------------|-----------------------------|------------------------|--|----------------------------------|
| Name. | Address. | | | | | |
| | | NORTHERN ROAD. | Number of days per week. | | £ s. d. | 1861. |
| 10 Thomas Baker and John Wright | Stroud | Tinonee and Port Macquarie .. | Two .. | Horseback | 169 3 4 | 31 Dec. |

This Contract is in lieu of the one numbered 10 (Northern Road.)

REPORT FROM THE POSTMASTER GENERAL—1861.

21

H—continued.

PARTICULARS of the Contracts entered into for the Conveyance of Post Office Mails, from 1st August, 1861.

| CONTRACTORS. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount payable to Contractor for the 5 Months. | Date of Termination of Contract. |
|------------------------|--------------------|---|-----------------------------|--------------------------|--|----------------------------------|
| Name. | Address. | | | | | |
| | | WESTERN ROADS. | | Number of days per week. | | |
| 6a George Cavanough .. | Colo | Wheeny Creek (Lamrock's), and Colo. | One .. | Horseback | £ s. d. 20 0 0 | 1861. 31 Dec. |
| 9a Saml. Taylor .. | Limekilns .. | Peel and Limekilns .. | .. | .. | 10 16 8 | 31 Dec. |
| 19a Alex. Byrnes .. | Wellington .. | Blackrock and Wellington .. | Three .. | .. | 33 6 8 | 31 Dec. |
| | | SOUTHERN ROADS. | | | | |
| 9a D. Livingstone .. | Broughton's Creek. | Gerringong and Broughton's Creek (Saw Mills). | Two .. | .. | 18 0 0 | 31 Dec. |
| 49a J. G. Brooker .. | Albury | Ten Mile Creek, Piney Range, and Urana. | One .. | .. | 60 0 0 | 31 Dec. |
| | | NORTHERN ROAD. | | | | |
| 42a Richd. Cross .. | Currabubula .. | Goonoo Goonoo and Currabubula. | One .. | .. | 12 10 0 | 31 Dec. |

PARTICULARS of the Contracts entered into for the Conveyance of Post Office Mails, from 1st September, 1861.

| CONTRACTORS. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount payable to Contractor for the 4 Months. | Date of Termination of Contract. |
|----------------------|----------------|---|-----------------------------|--------------------------|--|----------------------------------|
| Name. | Address. | | | | | |
| | | SOUTHERN ROADS. | | Number of days per week. | | |
| 64* Wm. Burgess .. | Moulamein .. | Deniliquin and Balranald, via Moulamein. | Once .. | Horseback | £ s. d. 100 0 0 | 1861. 31 Dec. |
| 23a Richd. Wilkin .. | Bodalla | Bodalla and Nerrigundah (Gulph Creek Diggings.) | Twice .. | .. | 26 13 4 (£80 per annum) | 1862. 31 Dec. |
| | | NORTHERN ROAD. | | | | |
| 43a Wm. Fletcher .. | Ironbark Creek | Barraba and Ironbark Creek .. | Once .. | .. | 17 6 8 | 1861. 31 Dec. |

* This Contract is in lieu of the one numbered 64 (Southern Road.)

PARTICULARS of a Contract entered into for the Conveyance of Post Office Mails, from 1st October, 1861.

| CONTRACTOR. | | POSTAL LINES. | Frequency of Communication. | Mode of Communication. | Amount payable to Contractor for the 3 Months. | Date of Termination of Contract. |
|----------------------|--------------|-------------------------|-----------------------------|--------------------------|--|----------------------------------|
| Name. | Address. | | | | | |
| | | SUBURBAN. | | Number of days per week. | | |
| 4a William Deemer .. | Sydney | Sydney and Botany | Six .. | Break, with 2 horses. | £ s. d. 22 10 0 | 1862. 31 Dec. |

And 2s. for every seat required by Government, other than those for Postal Inspectors and Mail Guards.

I.

I.
RETURN shewing Post Office Statistics of Years 1852 to 1861.

| YEAR. | NUMBER OF POST OFFICES. | NUMBER OF PERSONS EMPLOYED. | NUMBER OF MILES TRAVELLED. | NUMBER OF LETTERS. | | | NUMBER OF NEWSPAPERS. | | NUMBER OF PETITIONS TO THE QUEEN, THE GOVERNOR, THE EXECUTIVE AND LEGISLATIVE COUNCILS AND LEGISLATIVE ASSEMBLY. | TOTALS. | | | INCOME. | | EXPENDITURE. | | | | |
|-------|-------------------------|-----------------------------|------------------------------|--------------------|-----------|---------|-----------------------|-----------|--|--|-------------|------------|---------------------|--------|--------------|--------|--------|----|----|
| | | | | Foreign. | Inland. | Town. | Foreign. | Inland. | Inland. | Letters. | Newspapers. | Petitions. | £ | s. | d. | £ | s. | d. | |
| 1852 | 131 | *179 | 945,610 | 218,836 | 822,291 | 76,650 | 297,118 | 726,560 | 4 | 1,117,777 | 1,023,678 | 4 | 18,174 | 1 | 11 | 25,304 | 8 | 0 | |
| 1853 | 143 | *195 | 937,431 | 518,404 | 982,524 | 86,479 | 707,035 | 808,545 | 33 | 1,587,407 | 1,515,580 | 33 | 20,379 | 10 | 1 | 34,954 | 5 | 10 | |
| 1854 | 154 | *216 | 967,669 | 592,373 | 1,113,358 | 131,860 | 906,556 | 1,012,636 | 9 | 1,837,591 | 1,919,192 | 9 | 24,127 | 19 | 5 | 52,333 | 2 | 7 | |
| 1855 | 155 | *217 | 1,023,255 | 617,041 | 1,309,530 | 187,608 | 819,376 | 1,281,613 | 10 | 2,114,179 | 2,100,989 | 10 | 24,902 | 5 | 7 | 60,221 | 8 | 1 | |
| 1856 | 177 | *248 | 1,106,722 | 642,183 | 1,481,416 | 245,339 | 710,282 | 1,371,065 | 57 | 2,368,938 | 2,081,347 | 57 | 29,458 | 10 | 11 | 58,879 | 11 | 3 | |
| 1857 | 199 | *274 | 1,289,356 | 657,416 | 1,621,758 | 323,745 | 774,175 | 1,440,236 | 24 | 2,602,919 | 2,214,411 | 24 | 35,715 | 13 | 4 | 63,220 | 4 | 7 | |
| 1858 | 213 | *295 | *1,437,034 | *729,581 | 2,476,515 | 277,113 | 794,740 | 2,013,400 | INLAND PACKETS AND BOOK PARCELS. | | 3,483,209 | 2,808,140 | | 39,953 | 15 | 8 | 69,660 | 9 | 3 |
| | | | | | | | | | Packets posted with the reduced rate of Postage in accordance with the 5th clause 15th Vict., No. 12. | Packets and Book Parcels posted in accordance with the new Regulations, dated 1 April, 1857. | | | | | | | | | |
| 1859 | 253 | *335 | †1,464,994 | 733,431 | 2,395,545 | 343,844 | 801,274 | 2,367,025 | 24,095 | 44,469 | 3,977,920 | 3,168,299 | | 44,889 | 12 | 9 | 71,805 | 13 | 10 |
| | | | | | | | | | 28,105 | 34,492 | | | | | | | | | |
| 1860 | 287 | 378 | †1,461,518 | 868,746 | 3,012,345 | 349,670 | 910,478 | 2,758,305 | Foreign. 8,348 | 47,085 | 4,230,761 | 3,663,783 | Packets, &c. 83,736 | 45,612 | 10 | 3 | 72,371 | 15 | 4 |
| | | | | | | | | | 24,455 | 12,196 | | | | | | | | | |
| 1861 | 337 | 424 | { †1,982,498 } { †9,569 } | 866,466 | 3,150,196 | 352,301 | 867,879 | 2,516,366 | 24,789 | 69,689 | 4,369,463 | 384,245 | 105,333 | 48,167 | 18 | 6 | 81,185 | 4 | 0 |
| | | | | | | | | | 10,860 | | | | | | | | | | |

* Temporary Clerks not included.

† Number of Miles travelled by Mail Conveyance.

‡ Inclusive of Book Packets.

§ Extent of Postal Lines.

K.

COMPARATIVE Return, shewing the average number of Letters posted by each person resident in the Colony of New South Wales, from the year 1852 to the year 1861.

| YEAR. | Population as given in Statistical Register, for the year 1861, (Page 137.) | Number of Letters posted. | Average number of Letters posted by each person. |
|------------|---|---------------------------|--|
| 1852 | 208,254 | 1,117,777 | 5 |
| 1853 | 231,088 | 1,587,407 | 7 |
| 1854 | 251,315 | 1,837,591 | 7 |
| 1855 | 271,579 | 2,114,179 | 7 |
| 1856 | 286,873 | 2,368,938 | 8 |
| 1857 | 305,487 | 2,602,919 | 8 |
| 1858 | 342,062 | 3,483,209 | 10 |
| 1859 | * 336,572 | 3,977,920 | 12 |
| 1860 | 348,546 | 4,230,761 | 12 |
| 1861 | 358,278 | 4,369,463 | 12 |

*The separation of Queensland from New South Wales took place in this year.

L.

General Post Office,
Sydney, 29 February, 1860.

Sir,

Referring to the general wish expressed by the public, that a money order system in connection with the Post Office Department shall be established, I have the honor to state, for the information of the Honorable the Colonial Treasurer, that I have had some communication on the subject with the Postmaster General of the Colonies of Victoria and South Australia, and have received printed copies of the forms necessary to carry out such a system.

2. I am satisfied it will not be possible, unless an expenditure be sanctioned much more than commensurate with the object to be attained, to establish a general money order system, as in Great Britain, in connection with every post office in the Colony, seeing that the usual salary of a country postmaster is only £12 per annum, and that I have the greatest difficulty in procuring eligible parties to conduct properly the ordinary postal business.

3. In the Colony of Victoria, the post offices where money orders can be obtained, are all placed under the charge of Government Officers, who have a fixed salary, and no other business to attend to; and there cannot be a doubt that such a system adopted here would impart greater efficiency, and ensure accuracy of accounts.

4. Believing, however, that it would defeat the establishment of a money order system were I at the present time to advocate a sweeping change of this nature, I shall content myself with remarking, in order to prevent future misconception, that it is absolutely necessary for the efficiency of the postal service of New South Wales, and for the complete carrying out of the money order system, that post office buildings should be erected in all the larger towns, and placed, not under storekeepers or residents of such towns, but under Government Officers altogether amenable to this department; and I may add, as a further inducement to the Government to make this change, that it will probably be found that telegraph stations may be economically united with such country post offices.

5. I beg to propose that the money order system should be introduced from the 1st July next; and that, in addition to the Central Office in Sydney, money orders should be procurable at the following post offices, viz. :—

Western Road—Parramatta, Windsor, Penrith, Hartley, Mudgee, and Bathurst.

Southern Road—Liverpool, Campbelltown, Camden, Wollongong, Berrima, Goulburn, and Yass.

Northern Road—Newcastle, East Maitland, West Maitland, and Singleton.

Making a total, inclusive of Sydney, of 18 money order offices. To the whole of the country post offices named there is a daily mail, which condition, in a matter of a money order account, is, I apprehend, a necessary desideratum.

6. I should, in the first instance, recommend that the maximum order be £5, as in Great Britain, and that the commission chargeable should be—3d. for sums not exceeding £2, and 6d. on sums ranking from £2 to £5. Until abuse of such privilege occurred, I would not be disposed to restrict the number of orders to be procured by any one person in the course of the day.

7. I enclose an estimate of the expenses connected with the establishment for the last six months of the year, amounting to £2,782, and beg to explain the various items therein.

8. The sum of £2,000 is estimated as the amount that would have to be advanced, in the first instance, to the General Post Office, and to the various country postmasters, which amount would of course be gradually returnable.

9. The only available space in the General Post Office for an apartment to be devoted to the purpose would be in the lobby; and I think the sum of £50 would be sufficient to enclose a small room there, which might answer the purpose; and I have included, under the head of "buildings and fixtures," an amount of £5 for each post office, to enable the postmasters to procure cash-boxes, and make any other necessary arrangements for the security of the sums of money in their hands.

10. Under the head of "salaries" I have estimated for a permanent addition to the General Post Office of two clerks, one of whom would be employed in the issue and payment of orders in Sydney, at £250 per annum; and another, attached to the Account Branch, at £200 per annum. I would propose

propose an average addition to the salaries of the country postmasters, where money orders are negotiated, of £35 per annum each; the respective amounts to be paid to each to depend on the amount of business transacted at the various offices.

11. I propose that an intelligent clerk from this department should be detached for three months, to initiate and organize the system. His travelling expenses I estimate at £100, and the remuneration to a substitute during his absence, at £25.

12. The only other item of expense that I have to allude to is for stationery, forms, &c., which I have not included in my estimate, as they would be procured from the Colonial Storekeeper and the Government Printer.

13. It would be necessary that the postmasters employed in the money order department, as well as the clerk so employed in the General Post Office, should execute, in conjunction with their sureties, bonds for the due performance of their duties, in a larger amount than at present, and, with the approval of the Honorable the Colonial Treasurer, I would suggest that such bonds should be for the amount of £200 for themselves, and £100 for each bondsman.

I have, &c.,

W. H. CHRISTIE,
Postmaster General.

The Under Secretary
to the Treasury.

ESTIMATE referred to.

| | £ | s. | d. |
|---|-------|----|----|
| Advance, to be gradually repaid to Treasury | 2,000 | 0 | 0 |
| Buildings and Fixtures— | | | |
| For General Post Office | 50 | 0 | 0 |
| For Country Offices, at £5 each | 85 | 0 | 0 |
| | 135 | 0 | 0 |
| Salaries— | | | |
| One Clerk for General Post Office, at £250 per annum .. | 125 | 0 | 0 |
| One do. do., at £200 do. .. | 100 | 0 | 0 |
| Seventeen Postmasters, at an average of £35 per annum .. | 297 | 10 | 0 |
| Travelling expenses whilst organizing service* | 100 | 0 | 0 |
| Substitute for Clerk engaged in organizing, at £100 per ann.* | 25 | 0 | 0 |
| TOTAL | 2,782 | 0 | 0 |

W. H. CHRISTIE,
Postmaster General.

General Post Office,
29 February, 1862.

* These items would not, of course, appear in any future Estimate, unless the system were extended considerably.

EXTRACT from Postmaster General's Report for 1860, dated 13 August, 1861, modifying former recommendation of 29 February, 1860.

Under present circumstances, therefore, I am disposed to recommend, in case the money order system should now be introduced, that its operations should commence in some detached building, and be under the control of a superior officer of the Letter Branch, under whom the two clerks should be placed.

As the accounts connected with money orders are quite distinct from the usual postal routine, I apprehend that some such plan would not interfere with the efficiency of the financial details, although it would to some extent increase the cost of the establishment.

The only other alteration I would propose making in the plan transmitted by me, would be, that the money order offices might be further extended to Scone, Murrurundi, Tamworth, and Armidale, on the Northern Road; and to Gundagai, Tarcutta, and Albury, on the Southern Road; to all which towns daily postal communication has been extended since the original recommendation was made.

My proposal, therefore, would now embrace twenty-five money order offices, including the central one in Sydney.

M.

RETURN of the Number and Value of Stamps exchanged for Cash at the General Post Office, Sydney, from the 1st July to the 31st December, 1861.

| 1d. | 2d. | 3d. | 5d. | 6d. | 8d. | 1s. | 5s. | Regd. | Gross Value. | Amount Paid. | Commission. |
|-------|-------|-----|-----|-------|-----|-----|-----|-------|---------------------|---------------------|--------------------|
| 5,119 | 8,504 | 137 | .. | 1,869 | 36 | 916 | 50 | 380 | £ s. d. 209 12 8 | £ s. d. 198 13 3 | £ s. d. 10 19 5 |

N.

The Postmaster General to the Under Secretary for Finance and Trade, relative to the Commission on the sale of Postage Stamps allowed to Postmasters and licensed Stamp Sellers.

General Post Office,
Sydney, 12 September, 1860.

Sir,

I have the honor to request that you will bring under the notice of the Honorable the Minister for Finance and Trade, the desirability of withdrawing, from the first of January, next the commission on the sale of postage stamps now allowed to postmasters and licensed vendors, and of substituting therefor a fixed addition to the salary of each postmaster equal to the amount of commission that will be received by him during the present year, and to each licensed vendor the minimum amount of salary allowed to postmasters on this revised scale.

2. The getting rid of the commission in question will considerably increase the revenue, simplify the accounts, and abolish the competition that has sprung up on the part of some country postmasters with the licensed vendors of stamps and with the General Post Office. The competition to which I allude is caused by some of the postmasters furnishing the public with wholesale supplies of postage stamps at a discount, thereby rendering comparatively useless at the General Post Office the discontinuance of the discount formerly allowed the public, and competing unfairly with the licensed stamp sellers, who only receive five per cent. commission, and are consequently not able to sell postage stamps to the public on the same advantageous terms.

3. The amount that will be received by the postmasters for the present year, as commission on the sale of postage stamps, I estimate at something short of £3,000, and the proposed salary to licensed vendors of stamps at £700 per annum, so that if the change proposed by me be approved, it will be necessary to supplement the vote for country postmasters and licensed vendors' salaries by a sum of £3,700, which will not only provide for the additions to the salaries of the postmasters already in existence, but will allow for the increase that will have to be made to the salary given to the postmasters of any new offices that may be established during 1861; whilst it is certain that the augmented revenue from the sale of stamps without commission will more than compensate for the increase in the estimate, and the proportionate saving will be greater every year.

I have, &c.,

The Under Secretary
for Finance and Trade,
Treasury.

W. H. CHRISTIE,
Postmaster General.

O.

Return of Iron Letter Receivers erected in Sydney, up to 31 December, 1861.

- | | |
|--------------------------------------|-------------------------------------|
| 1. Bent and Bligh streets. | 11. George and Liverpool streets. |
| *2. Bridge and George streets. | 12. George-street and Market-place. |
| 3. Custom House. | 13. Hunter-street—Herald Office. |
| 4. Chippendale—Railway. | 14. Kent-street—Miller's Point. |
| 5. Crescent and Princes streets. | 15. King and Castlereagh streets. |
| 6. Darlinghurst—Court House. | 16. Parramatta-street. |
| 7. Elizabeth and Park streets. | 17. Sussex-street—Pyrmont Bridge. |
| 8. Castlereagh and Campbell streets. | 18. William and Victoria streets. |
| *9. Exchange. | 19. William and Palmer streets. |
| 10. George and Argyle streets. | *20. Stanley and Yurong streets. |

Newspaper Receivers erected in Sydney, up to 31st December, 1861.

- | | |
|--|---------------------------------|
| *1. Queen's Wharf. | *3. Darlinghurst—Court House. |
| *2. George-street South—Benevolent Asylum. | *4. Sussex and Erskine streets. |

Letter Receivers erected in the Country, to 31st December, 1861.

West Maitland.
Goulburn (two).
Newcastle.
Parramatta.
Bathurst (two).
Balmain.

Those marked * were erected in 1861.

P.

General Post Office,
Sydney, 8 December, 1862.

Sir,

I have the honor to furnish you with a short summary of my proceedings during the past year, as usually appended to your annual Report.

As you are aware, the beginning of the year was occupied with Time Tables for conveyance of Mails—many of which, though carefully framed to meet the requirements of the public, and, as far as possible, the wishes of the contractors, had to be reconstructed—visiting suburban offices, and a special trip to the northward as far as Black Creek, to investigate respecting some missing letters, so that I did not leave Sydney for a tour of general inspection till July.

2. On the 9th of July I left Sydney for a tour of inspection to the Southern and Western Districts, and visited Campbelltown, Narellan, Camden, Picton, Berrima, Bong Bong, Murrumbah, Marulan, Bungonia, Goulburn, Collector, Gundaroo, Ginninderra, Queanbeyan, Janyon, Michelago, Bunyan, Cooma, Adaminiby, Russell's, Kiandra, Buckley's Crossing-place, Nimitybelle, Bombala, and Delegate; and returning *via* Boro and Goulburn, visited Mutt Billy, Gunning, Yass, Jugiong, Gundagai, Tumut, and Adelong; from thence *via* Yass to Binalong, Murrumburrah, and Lambing Flat. From the latter I proceeded to Burrowa, Marengo, Cowra, Carcoar, Blayney, and Bathurst, and returned to Sydney by the Main Western Road, visiting the offices at Bowenfels, Hartley, Emu, and Penrith, *en route*.

3.

3. The number of post offices visited by me during the year 1861 was upwards of 60, and I examined as to the way in which 37 mail contracts were performed, travelled about 2,100 miles, and was occupied (exclusive of delays by accident or otherwise) fully 150 days from head quarters.

4. There has been, I am glad to notice, a continued progress in the postal service, both as regards the conduct of post offices and the equipments of the mail contractors. As regards the latter, I cannot but note with some degree of satisfaction that the American vehicles are becoming every day more appreciated, notwithstanding the low estimate they were held in by the very parties who are now availing themselves of the advantages they possess for travelling over such a country as New South Wales.

5. Having mentioned the general improvement in the arrangements of the mail contractors, it is only fair that I should mention (as stated in my Report at the conclusion of my last tour in 1861) that the vehicles, horses, harness, and equipments throughout, of the contractors, from Lambing Flat to Bathurst, and from Bathurst to Sydney, were all that could be desired, and were equal to the arrangements I have seen in Victoria, and which I am glad to see are now likely to become general here.

6. There are some other matters connected with the mail service to which I shall respectfully call your attention in another place, such as arming the mailmen, more suitable bags for carrying mails that are conveyed on horseback, &c., the exercising of a certain amount of surveillance by the chief postmasters over those in their immediate neighbourhood. But, as before stated, this is not the place to bring such details under notice.

I have, &c.,

T. W. LEVINGE.

The Postmaster General,
&c., &c., &c.

1862.

NEW SOUTH WALES.

STEAM POSTAL SERVICE.

(CORRESPONDENCE RESPECTING ADDITIONAL SUBSIDY FOR.)

Presented to both Houses of Parliament, by Command.

SCHEDULE.

| NO. | PAGE. |
|---|-------|
| 1. The Secretary of State for the Colonies to Sir John Young, respecting the conduct of the Mail Service between England and Australia, and the manner of defraying the expense. 26 April, 1861 | 2 |
| 2. Postmaster General of New South Wales to the Under Secretary for Finance and Trade, reporting on the Secretary of State's Despatch. 3 July, 1861.. .. . | 3 |
| 3. Sir John Young to the Secretary of State, in reply to Despatch of 26 April, 1861, and forwarding a copy of a Minute of the Executive Council, explaining their views on the subject. 29 July, 1861 | 4 |
| 4. Secretary of State to Sir John Young, in continuation of Despatch of 26 April, 1861. 26 February, 1862 | 5 |

STEAM POSTAL SERVICE.

No. 1.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG.

*Downing-street,
26 April, 1861.*

(Circular.)

SIR,

With reference to previous correspondence on this subject, I have the honor to transmit to you the accompanying letter from the Treasury, enclosing a copy of a Minute from the Lords Commissioners respecting the conduct of the Mail Service between this country and Australia, and the manner in which the expense of that service is to be defrayed by the Home Government and the several Colonies concerned.

You will observe that their Lordships will be glad to be informed of the views entertained by your Government in connection with this question.

I have, &c.,
NEWCASTLE.

[Enclosure in No. 1.]

*Treasury Chambers,
25 April, 1861.*

Sir,

With reference to the several Despatches from the Governors of the Australian Colonies recently forwarded by you to this Board on the subject of the Mail Service between England and Australia, I am desired by the Lords Commissioners of Her Majesty's Treasury to transmit, for the information of His Grace the Duke of Newcastle, the enclosed copy of a Minute of their Lordships upon the subject, dated the 25th instant, and I am to state that my Lords would be glad if steps could be taken for communicating their Minute to the several Colonial Governments interested, by the outgoing Mail.

I am to add, that copies of the contract when completed shall be also forwarded to the Colonial Office.

F. F. Elliot, Esq., &c. &c.

I am, &c.,
GEO. A. HAMILTON.

[Sub-enclosure in No. 1.]

Copy of Treasury Minute, dated 25 April, 1861.

My Lords have under their consideration a Report from the Postmaster General, dated 7th February, 1861, on Despatches from the Governors of New South Wales, Victoria, South Australia, Queensland, and Tasmania, on the subject of the Mail Service between England and Australia.

By the present arrangement the Australian Mails are carried as far as Ceylon by the vessels of the Peninsular and Oriental Company, which are under contract for the conveyance of the Indian Mails. From Ceylon they are conveyed to Melbourne and Sydney by a packet calling at King George's Sound. The main service ceases at Sydney.

Although, as observed by the Postmaster General, considerable difference of opinion appears to exist amongst the different Colonies both as to the terminal point and as to the discontinuance of the stoppage at Kangaroo Island, yet the present arrangement with the Peninsular and Oriental Company seems to be generally approved, though an alteration is desired in the mode of distributing the contributions of the different Colonies towards the cost of the service.

Sir William Denison, in his Despatch of _____ puts forward a scheme which, in the opinion of their Lordships, is calculated to do justice to all parties.

Sir W. Denison's scheme comprises four propositions:—

1. A contract for a short term with the Peninsular and Oriental Company for a monthly mail between Point de Galle and Sydney.
2. That the subsidy should be divided in equal proportions between the Mother Country and the Colonies.
3. That the proportion to be paid by each Colony should be determined with reference to the precise amount of the benefit which such Colony derives from the main line so subsidized.
4. That the cost of the branch lines (with the exception of New Zealand, which is under a special arrangement in this respect) should be divided equally between the Mother Country and the Colony for whose service the branch is worked.

My Lords concur with the Postmaster General that the principle involved in these proposals, viz., that each Colony should contribute according to its share of the benefit received, is a sound one, and in accordance with the spirit of their Lordship's Minute of 27th November, 1855. It would appear, also, to have met with the approval, generally, of the Colonies to which it has been submitted.

Sir William Denison, in the Minute addressed by him on this subject to his Executive Council, lays great stress on the costliness of the service now performed for the Australian Colonies, and he draws comparisons between the mileage rates on this and other routes.

My Lords must observe in answer to this, that such questions in their opinion can be determined by no other means than by public competition. When the service was last thrown open to competition, the subsidy demanded and agreed to was even higher, and nevertheless the service was ill performed. But since it has been in the hands of the Peninsular and Oriental Company, it cannot be disputed, and indeed it is admitted by the Colonies, that it has been performed in a manner very far superior to its performance by any other contractors. And in considering the expense entailed on the Colonies, it is not to be overlooked that they are not charged with any portion of the cost of conveying the Australian Mails between England and Point de Galle.

My

STEAM POSTAL SERVICE.

3

My Lords are informed by the Postmaster General that the mails for Australia carried between this country and Ceylon by one out of the four services in each month, are far greater than those for India in the same packets.

It would certainly, therefore, seem but reasonable that the Australian Colonies should be debited with their share of this expense, and that the Indian Government should be relieved to a like extent. My Lords, however, do not propose to insist on the immediate addition of this expense to the sum to be divided between this country and the Australian Colonies on account of the entire service, but they reserve it as a matter for future consideration, whether there ought not to be applied, as between India and Australia, the same principle which is now in operation with regard to the separate Australian Colonies, viz., that each should pay in proportion to the size of its mails.

In accordance with these views, my Lords are now prepared to sanction the following propositions:—

1. The Australian Colonies and New Zealand, each paying a proportion to its number of letters, will together contribute a moiety of the cost of conveying the mails between Ceylon and King George's Sound.
2. A moiety of the cost of conveying the mails between King George's Sound and Melbourne will be divided among the Colonies of Victoria, New South Wales, Queensland, Tasmania, and New Zealand, or should the mails for South Australia be carried on to Melbourne, South Australia will be required to pay a share of the cost of the main line as far as to the latitude of Kangaroo Island.
3. A moiety of the cost of conveying the mails between Melbourne and Sydney will be divided among the Colonies of New South Wales, Queensland, and New Zealand.

As regards the branch services:—

1. The Imperial Post Office will undertake one-half the reasonable cost of conveying the mails between Melbourne and Launceston, the remainder being defrayed by Tasmania.
2. The like arrangement as regards the mails between Sydney and Brisbane.
3. The same as regards the cost of the branch packet between Melbourne and Adelaide, or should the Government of South Australia prefer it, this payment will be made as a contribution towards the cost of a packet between King George's Sound and Adelaide.

My Lords observe that the Governor of South Australia considers that that Colony has a claim to be reimbursed half the cost of maintaining a direct mail communication with King George's Sound, estimated at £24,000 per annum.

My Lords, however, concur in the opinion expressed to the Postmaster General, that it would be unreasonable to call upon the people of this country to pay an additional sum of £12,000 per annum, or any sum at all approaching that amount, for this purpose.

It appears that the whole postage received in one year by the Post Office Department, for the correspondence with South Australia, does not exceed £3,600, whilst the cost to this country of conveying that correspondence is estimated at upwards of £6,000.

Whilst, therefore, my Lords regret extremely the disappointment which the Colony of South Australia has experienced from the impracticability of making satisfactory arrangements for continuing the calling of the mail steamers at Kangaroo Island, they do not feel that they would be justified in sanctioning any further charge on the postal revenue of this country than that which is embraced in the foregoing propositions.

The existing arrangement with New Zealand will not be disturbed during the continuance of the present contract, but whenever the term of that contract shall have expired, that Colony will be placed in the same position as the other Colonies included in the present scheme.

My Lords propose to continue the arrangement made in February, 1860, by which the Australian Colonies were to be charged with the whole commuted payment of £3,250 per annum, the estimated cost of conveying through Egypt the Australian newspapers sent by the Southampton route, in consideration of the Post Office of this country forbearing from levying an additional penny on account of such transit.

Their Lordships at the same time reserve the right to revise and alter that estimate, and, if deemed advisable, to terminate the arrangement altogether; and, in the meantime, my Lords would be glad to learn the wishes of the various Colonies on the subject.

The Postmaster General observes in his Report, that experience has shown that it is impossible to carry on the Australian service in a satisfactory manner, and without danger of the service coming abruptly to an end, if each of the numerous and distant Colonies concerned is to be consulted before any final measure be adopted, and he strongly urges the expediency of the controlling authority being altogether assumed by the Government of this country, which contributes towards the subsidy as much as all the Colonies together.

My Lords entirely concur in this opinion, and feel convinced that the Colonial Governments themselves will see the necessity of the adoption of such a course. It would be easy for the Colonies to depute persons to act as their agents in the matter, with whom the Postmaster General and their Lordships could consult, and who would attend to the interests of their own Governments; but the final power of concluding terms, and the decision in all matters relating to the Packet Contracts, should be left in the hands of Her Majesty's Government, any Colony which refuses to abide by that decision being at liberty to withdraw itself from participation in the contract, in which case its mails would be forwarded by private ships only.

It would also be necessary, in such a case, that the proportioned payment of any seceding Colony should be divided *pro ratâ* amongst the remaining Colonies.

Their Lordships do not propose, at all events until they are in possession of the views of the different Colonies on the several arrangements contained in this Minute, to enter into any lengthened contract. The Draft Contract now before them provides for its termination on a six months' notice, in which event the former agreement for the Mauritius route would revive.

But, as the Postmaster General points out, the Peninsular and Oriental Company have declared that rather than continue that service they are prepared to submit to the stipulated penalty of £25,000, and there would be great danger in that case of the quick mail service being entirely abandoned.

No. 2.

POSTMASTER GENERAL to UNDER SECRETARY FOR FINANCE AND TRADE.

General Post Office,
Sydney, 3 July, 1861.

SIR,

In obedience to the Minute of the Honorable the Secretary for Finance, dated 18th ultimo, I have the honor to report on the Circular Despatch of the Secretary of State for the Colonies, dated 26th April last, and on the enclosures contained therein.

2. As no copy of the Postal Contract alluded to in the enclosure dated Treasury Chambers, 25th April, 1861, accompanies the Despatch, no detailed report on its provisions can be furnished.

3.

3. I conceive the four propositions given in the Treasury Minute, as embodying Sir William Denison's scheme, to be fair and practicable, and have no objections to urge to the propositions sanctioned by the Lords of the Treasury in the said Minute, and which are based thereon.

4. The provisions for the branch services do not appear to affect New South Wales, and need not, therefore, be alluded to by me.

5. As regards the suggestion made, "that at some future time the Australian Colonies should pay a share of the mail expenditure between England and Ceylon," I might concur in its justice, if it were shown that any additional expense were thrown on the Home Government, or the Indian Government, by the conveyance of such mails; as, however, it is notorious that such is not the case, that such mail service was paid for before the Australian Colonies benefited by it, that it would continue to be paid for if the Australian Mails were conveyed by some other route, and that the weight of the mails more or less is a very secondary consideration, I think the suggestion inexpedient and unreasonable.

6. It is stated in the Treasury Minute, that "my Lords propose to continue the arrangement made in February, 1860, by which the Australian Colonies were to be charged with the whole commuted payment of £3,250 per annum, the estimated cost of conveying through Egypt the Australian newspapers sent by the Southampton route, in consideration of the Post Office of this country forbearing from levying an additional penny on account of such transit." If by the above be meant that the Home Government pay no part of such expenditure, I cannot think the arrangement just, seeing that the reduced postage on newspapers benefits equally the inhabitants of the United Kingdom and of the Colonies, and that, therefore, the cost as well as the benefit should be equally shared.

7. I am of opinion that all matters relating to the Packet Contracts should be left in the hands of Her Majesty's Government, under the restrictions proposed in the Treasury Minute, and that the Agents at Home of the different Colonies should be instructed by the Governments they represent, on the questions that may from time to time arise.

I have, &c.,

W. H. CHRISTIE,
Postmaster General.

No. 3.

GOVERNOR SIR JOHN YOUNG to SECRETARY OF STATE FOR THE COLONIES.

(No. 57.)

*Government House,
Sydney, 29 July, 1861.*

MY LORD DUKE,

I have the honor to acknowledge the receipt of your Grace's Circular Despatch of date 26th April, 1861, requesting me to forward, for the information of the Lords Commissioners of the Treasury, the views which the Government of this Colony entertain with regard to the conduct of the Mail Service between England and Australia.

2. I duly laid this Despatch, together with the Treasury Minute which accompanied it, before the Executive Council, and beg to enclose a copy of their Minute explaining their views on the subject.

3. From this Minute your Grace will perceive that this Government quite approve of the proposals contained in the Treasury Minute, and state their intention of taking an early opportunity of bringing the matter before the Colonial Parliament. They also, on the last page of their Minute, express a hope that the term of the contract should not in any case exceed three years, in accordance with Sir William Denison's expressed opinion already communicated.

I have, &c.,
JOHN YOUNG.

[Enclosure in No. 3.]

PROCEEDINGS of the Executive Council on the 9th July, 1861, on the subject of Steam Postal Communication with England via Suez.

Minute 61/30: Confirmed 16 July, 1861.

REFERRING to the proceedings on the 7th September last, on the subject of Steam Postal Communication with England via Suez, His Excellency the Governor lays before the Council, for their consideration, a Despatch from His Grace the Secretary of State for the Colonies, transmitting the copy of a Minute by the Lords Commissioners of the Treasury in reference to this question, dated 25th April last, and desiring to be informed of the views of the Government of this Colony with respect to certain propositions for the future conduct of the Mail Service, which it appears from this Minute their Lordships are prepared to sanction.

In so far as they affect this Colony the propositions now submitted are substantially those which were brought under the consideration of the Council on the above date by the late Governor General, and were then adopted by the Members.

It is only now, therefore, necessary that they should again record their full approval of, and assent to those proposals, subject of course to the concurrence of the Legislature, by whom the necessary funds will have to be provided.

The Minute, however, contains two other propositions, which require a special notice:—

1st. The Lords of the Treasury propose to continue the arrangement made in February, 1860, by which the Australian Colonies were to be charged with the whole commuted payment of £3,250 per annum, the estimated cost of conveying through Egypt the Australian newspapers sent by the Southampton route, in consideration of the English Post Office forbearing to levy an additional penny on account of this transit. To this proposal, also, as the continuance of an existing arrangement, the Council are prepared to accede, with a similar proviso as regards the assent of the Legislature.

2nd.

2nd. Their Lordships announce their concurrence in an opinion expressed by the Postmaster General in London, that it is impossible to carry on the Australian Service in a satisfactory manner, if each of the Colonies concerned is to be consulted before any final measure is adopted; and, proceeding on this view, their Lordships affirm the principle that the final power of concluding terms, and the decision in all matters relating to the Packet Contracts, should be left in the hands of Her Majesty's Government; but they suggest that it would be easy for the Colonies to depute persons to act as their agents in the matter, with whom the Postmaster General and the Board of Treasury could consult, and who would attend to the interests of their own Governments.

Without at all disputing the propriety of these views, which do not differ materially from their own, the Council are unable to assent to them without the concurrence of the Legislature, inasmuch as the principle involved in them is in direct opposition to the terms of a Resolution which was adopted by the Legislative Assembly on the 6th of August, 1858, on the motion of a private Member, and distinctly affirmed, "that in any future contract for the Mail Service, it is not for the interest of New South Wales that the Imperial Government should make any arrangement binding upon this Colony without previous reference thereto."

The Council, however, are fully prepared to invite the Legislature, at an early period of the ensuing Session, to consider this and the other propositions set forth in the Treasury Minute.

The Council perceive that their Lordships do not intend to enter into any lengthened contract until they are in possession of the views of the different Colonies on the several arrangements now proposed, and they trust that when it becomes necessary for their Lordships to arrive at a decision upon this point, the opinion expressed by Sir William Denison, and concurred in by the Council, that the term of the contract should not in any case exceed three years, will not be lost sight of.

A final reply to the Duke of Newcastle's Despatch must await the decision of the local Legislature; but the Council think it desirable that in the meantime His Excellency should communicate the above expression of their views to the Secretary of State for the Colonies.

EDWARD C. MEREWETHER,
Clerk of the Council.

No. 4.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG.

Downing-street,
26 February, 1862.

(Circular.)

SIR,

With reference to my Circular Despatch of the 26th of April last, I have the honor to transmit to you the copy of a letter from the Board of Treasury, from which you will perceive that the Lords Commissioners are of opinion that a further sum of fifteen thousand and fifty-eight pounds is properly chargeable on the several Australian Colonies and on New Zealand, on account of the carriage of the Australian Mails. 18th Feb., 1862.
£15,058.

Their Lordships propose that this additional charge shall take effect from the commencement of the current year.

I have, &c.,
NEWCASTLE.

[Enclosure in No. 4.]

Treasury Chambers,
18 February, 1862.

Sir,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of His Grace the Duke of Newcastle, that my Lords have had under their consideration a letter from the Secretary of State for India in Council, setting forth the injustice of requiring India to pay a moiety of the charges incurred in the Mail Service to China and Australia, and calling upon this Board to make an arrangement for reducing the charge now made on the Indian Revenues for this Service.

In the Minute of 25 April last, stating the arrangements which their Lordships proposed for the Australian Mail Service, attention was called to the fact that the mails for Australia carried between this country and Point de Galle, were far greater than those for India in the same packet, and the reasonableness was pointed out of debiting the Australian Colonies with their fair share of this cost and relieving India to a like extent; and whilst my Lords abstained at that time from insisting on the immediate addition of this portion of the cost to the sum to be demanded for the entire service from the Australian Colonies, they stated that they reserved the question as a matter of future consideration.

The subject having now been brought under the special notice of my Lords, they can no longer delay dealing with it in the manner which justice demands, and applying to the case of India and Australia, generally, the same principle of payment, with reference to the size of their respective mails, which is already observed with regard to the separate Australian Colonies.

The Postmaster General, as appears by a letter of which a copy is enclosed, estimates the payment properly chargeable on account of the carriage of the Australian Mails over the portion of the line between England and Point de Galle at £30,116 per annum. This sum, therefore, should be reduced from the cost of the Indian Service and added to that of the Australian Service. The result of this re-distribution, as regards the Australian Colonies will be to increase their aggregate payment by the sum of £15,058 per annum, a similar payment remaining a charge on the Imperial Revenue.

My Lords propose that this additional charge shall take effect from the commencement of the current year.

I am, &c.,
F. PEEL.

Sir F. Rogers,
&c., &c., &c.

[Sub-enclosure

[Sub-enclosure in No. 4.]

General Post Office,
31 January, 1862.

My Lords,

Referring to my letter of the 4th ultimo, and to your Lordships' reply of the 14th instant, I beg leave to enclose, in accordance with your request, a Statement showing the manner in which the Receiver and Accountant General of this Department estimated the proportion of expense chargeable to the Australian Colonies on account of the conveyance of Australian Mails, by the Indian Contract Packets, between England and Point de Galle.

This Statement shows that the cost of the Packet, for the twelve voyages, when the Indian and Australian mails are conveyed together between England and Point de Galle, is £42,444, and that out of 156,183 ounces of correspondence conveyed by such packets, 45,363 represent the Indian, and 110,818 the Australian, portion of the mails. Therefore, charging India and Australia respectively for the Packet Service in proportion to the extent of their correspondence, £12,328 is the sum to be charged to the account of Indian correspondence, and £30,116, the sum to be charged to the account of Australian correspondence.

I have, &c.,
STANLEY OF ALDERLEY.The Lords Commissioners
of Her Majesty's Treasury.

A COMPUTATION of the Cost of maintaining a Monthly Packet between this Country and Point de Galle, showing the proportion of such Cost which should be charged to the Australian Mail Service, relatively to the Correspondence conveyed by it; the Calculation being made including Letters, Newspapers, and Books, taking 1lb of Newspapers and Books as equal to 1 oz. of Letters.

ESTIMATED AMOUNT OF COST OF PACKET.

| | | |
|---------|---|----------|
| Miles. | Double voyage between this Country and Point de Galle, at 4s. 6d. a mile— | |
| 15,720. | 12 voyages a year | £ 42,444 |

LETTERS, PAPERS, AND BOOKS.

| | | | |
|--|--|--------------------------------------|----------|
| | | Ounces. | |
| To and from India, China, &c., Letters | .. .. . | 34,558 | |
| Papers and Books | 172,907 lbs. = 10,807 taking 1lb as equal to 1 oz. of Letters. | | |
| Total, India, China, &c. | | 45,365 | |
| | | Ounces. | |
| To and from Australia, Letters.. .. . | .. .. . | 69,025 | |
| Papers and Books | 668,693 lbs. = 41,793 taking 1lb as equal to 1 oz. of Letters. | | |
| Total, Australia | | 110,818 | |
| | | Ounces. | |
| To and from India, China, &c... .. . | 45,365 | Proportionate cost of Packet | £ 12,328 |
| „ Australia | 110,818 | „ | 30,116 |
| | 156,183 | | £ 42,444 |

FRANK IVES SCUDAMORE.

Receiver and Accountant General's Office,
20 January, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BRAIDWOOD POSTAL TIME TABLE.

(POSTAL INSPECTOR'S REPORT RELATIVE TO CHANGE MADE IN.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 July, 1862, That there be laid upon the Table of this House,—

“ A copy of the Report made by the Postal Inspector to
 “ the Postmaster General, relative to the change made in the
 “ Time Table from Braidwood to the various Post Offices in
 “ its vicinity, with the Braidwood Postmaster's Minute on
 “ that change.”

(*Captain Moriarty.*)

BRAIDWOOD POSTAL TIME TABLE.

POSTAL INSPECTOR'S REPORT.

I FIND on going through the papers that my Report upon the Braidwood District Time Tables are in the form of a series of minutes, written in reply to queries and objections.

My proposal to alter the tables originated in this manner:—Last December Mr. Wainwright, the proprietor of the *Braidwood Observer*, acting, as he stated, on behalf of many residents of Araluen and Moruya, wrote to the Postmaster at Braidwood, and induced him to recommend the Postmaster General to make Saturday instead of Sunday one of the days for despatching from Braidwood the Araluen and Moruya mail. In the following January, a document was received from Araluen, signed by 325 persons, protesting against the alteration which had been made, and stating that it had been done without their approval or even knowledge. The proprietors of the *Herald* and *Empire* also complained that the change caused the Sydney papers to be detained at Braidwood three days, and that it merely consulted the interests of the local papers.

The matter was placed in my hands last April, and in going over the Time Tables I found that the branch mails left Braidwood at the same time they did in 1860, though the Sydney mails arrived 4 hours earlier; and I also thought the complaints as to the substitution of Saturday for Sunday reasonable; I therefore recommended an acceleration of the branch mails, and the reversion to Sunday.

My recommendation was approved by the Postmaster General *before* I left Sydney for the Moruya District, but at my request the matter was left in abeyance until after I had visited the Braidwood District, when I reported in favour of the change, subject to some slight modifications.

I enclose the "Time Tables." The printed ones are the old Tables, and the M.S. ones the new.

In support of the changes I appeal to the advantages derived therefrom, which I have specified under each Table, and to the general principle always admitted in framing Time Tables that the correspondence passing between the Metropolis and Country Offices should be subjected to no unnecessary detention on the road; and I think a detention for the mere convenience of an intermediate town is unnecessary, and by retarding the progress of the mails does an injustice to the towns lying beyond.

This is the first instance in which I have had to spend my time in giving such an explanation as this, and I venture to hope it will be the last.

If after framing Time Tables, answering the criticisms of postmasters, contractors, and other interested parties, to the satisfaction of the Postmaster General, and obtaining his approval of the Tables, I am to enter into lengthy explanations in answer to vague and mostly verbal assertions, made by postmasters, contractors, and others equally if not more interested persons, half my time will be spent in defending my course of action against those who have neither the same sources of correct information that I have, nor are they from their position able to take the same broad and general view of the Time Tables which is necessary, and that I can as Postal Inspector take. The Braidwood Time Tables under discussion form an insignificant portion of the whole of the Time Tables, and if the same time is spent over the rest that has been occupied over these, the Tables will not be reconstructed in ten years.

I enclose for perusal certain original documents.

A. DILLON.

27 June, 1862.

Araluen,
7 January, 1862.

To the Postmaster General.

SIR,

We, the undersigned inhabitants of Araluen and its vicinity, beg to submit to your consideration the following statement of facts:—

The delivery to this district and Moruya of a portion *only* of the mails from Braidwood, having been altered without our approval or even knowledge, we wish to draw your attention to the fact.

The usual delivery of the mail on Sundays has been forestalled by a delivery on Saturdays. The second, or Wednesday's mail, is delivered as usual.

We have been enabled up to the date of the alteration, to write to and receive from our Sydney correspondents an answer on the sixth day; whereas in our present position it is impossible to obtain the same ready communication, a period of nine days being now required, and by the alteration all weekly publications in Sydney and elsewhere are rendered almost valueless here, by their unnecessary detention in the Braidwood office for three days.

We

BRAIDWOOD POSTAL TIME TABLE.

3

We therefore respectfully and earnestly request that the delivery of the mails on the Braidwood and Moruya line of road may be as heretofore, previous to the late vexatious alteration.

| | | |
|---------------------|------------------|-------------------------|
| W. A. Crawford | Louis Silick | B. Conolly |
| D. McParish | T. Higgins | T. Ashworth |
| George Coates | William Finn | Thomas Sweeney |
| William Gilfoot | J. Willoughby | Denis Duggan |
| Donald Robertson | James Willoughby | P. Costello |
| Thomas Freeman | James Ely | Thomas Green |
| P. T. Manning | Charles Pidding | W. Torpy |
| Robert Stains | Charles Sewell | Laurence Conway |
| James Oakley | William Herd | Cornelius Chene |
| J. Gibson | J. Herd | James Varry |
| P. G. Manus | James Armstrong | John Tracey |
| John Preaton | Edward Ward | Patrick Chine |
| Michael Woods | Nancy Gogner | John Rea |
| John Hanrahan | Patrick Castle | B. Lithgo |
| John Watson | James Kildie | M. Maloney |
| John Miclelon | William Smith | William Luker |
| James Gurry | Michael Nugent | Nathan Cushen |
| Thomas Mitchells | H. Poke | Fanny Wright |
| Michael Read | T. Beard | Edward Hayes |
| Patrick Cunningham | G. Seward | George Hayes |
| A. Waddell | John Nicholas | Michael Dowling |
| J. Waddell | D. Collins | John Stepney |
| Richard Russell | John Croft | Patrick J. Neil |
| Donald M'Tarish | J. O'Donell | F. T. Buckley |
| William M'Tarish | J. E. Hackett | Laurence McGowan |
| Rankin Greig | W. H. Johnson | Thomas Cleary |
| A. Lawley | John Lee | Thomas Black |
| William Morris | J. Ward | T. Dowland |
| John Voskinge | P. Corbett | E. Gallicher |
| T. Burrage | Thomas Herd | G. Larner |
| Charles Zacker | William Bedee | Job A. Wools |
| Christian Zacker | William Harcus | Edward Reef |
| W. Bruce | Robert Grigg | Thomas Bayney |
| H. Tokingreen | Thomas Isbester | T. Finn |
| Johanna Benduph | John Morris | Henry Madden |
| H. S. Harpur | Alexander M'Kay | John Howard |
| A. Rattery | Michael Hennessy | Charles Orphin |
| H. Kemp | John Garey | J. Orphin |
| W. Ward | William Croner | John Carey |
| Z. Hasby | William Couch | John Churley |
| F. H. Wise | Samuel Cowan | Charles Pierce |
| Frederick Wise | G. King | William Exier |
| Frank Matthews | Amos Beard | Samuel Moss |
| Wat Berk | M. P. Harris | Edward Goodenough |
| W. R. Smith | S. B. Franklin | James Coles |
| John Harding | O. Jobeston | R. Carter |
| James McGow | M. Bakey | C. Welsh |
| Louis Holman | J. O'Connor | W. Dowland |
| Phillip Blundell | J. Galvin | B. Slade |
| Christopher Carritt | George Herbert | Nathan Pickett |
| David Davis | Edward Desmavias | George Cohier |
| George Francis | R. C. Hogg | G. H. Gordon |
| Thomas Dowsett | William Hogg | William McKennon |
| Patrick Conway | Michael Burns | Samuel Smart |
| A. Stevenson | Thomas Keaton | John McGraham |
| John M'Koy | James Magen | Poile & Hill |
| James Sager | Joseph Connor | John Walker |
| Daniel Levy | William Packman | Thomas May |
| George Dwight | Hugh McFie | John Payne |
| B. Lovell | John Kingsland | P. Lenighen |
| William Beaty | George Kingsland | Martin Haden |
| Martin Ryan | Samuel Kimes | Daniel Monaghan |
| Peter Miller | James Glemson | Michael Shaney |
| J. H. Mullins | Joseph Cowan | Michael Kale |
| James Maher | William Yard | Edwd. Doil |
| M. Simshall | William Cammell | D. Mahoney |
| H. A. Montgomeroy | E. A. Williams | William Stock, Comedine |
| J. Griffith | J. Conolly | Peter de Rome |
| Patrick Buckley | E. S. Clement | Charles Peach |
| Robert Carey | E. R. Lister | William Hartridge |
| John Mack | Allen McPherson | James Glenville |
| John Ealon | S. Solery | Charles Nitly |

Thomas

BRAIDWOOD POSTAL TIME TABLE.

| | | |
|---------------------|-------------------|--------------------|
| Thomas Prason | John Gilligan | L. Bess |
| Richard Williams | R. Thomas | Henry Crossley |
| Roderick McKenzie | C. M. Gilmour | George Smith |
| William Campbell | Charles Bethel | Thomas Whyte |
| John White | C. M. Cawer | Alexander McKay |
| John Law | Edmond Smithard | Donald McKay |
| Andrew Pepper | W. L. Watts | A. McDonald |
| P. Anson | S. S. Morgan | A. Weston |
| Charles Thompson | Bernard O'Connor | John McDonald |
| C. Schamberg | Charles Coleman | John Moriarty |
| D. McKay | John Rowe | A. Fellenbera |
| Arthur Dallas | K. McKenzie | F. Leemleberg |
| W. Graham | R. Webb | J. H. Brown |
| Benjamin Holt | James Law | James Munro |
| Thomas Chiner | William Fairbrook | John Winther |
| Thomas J. Pillar | John Knight | Alexander Christie |
| Nicholas Head | John Gins | William Hughes |
| Edward Bruce | John Darek | Patrick Domollan |
| W. McDowell | George Fowler | Thomas Lane |
| Thomas Brickenridge | Stewart Gillian | John Ellwood |
| James Warren | John McGabbin | Henry Laffin |
| William Stroud | Thomas Llewellyn | Edward Powell |
| James Gill | Thomas Maine | T. E. P. Glass |
| Thomas Whitby | James Hawke | Edmund Smith |
| A. Anderson | Thomas Taylor | William Loaper |
| John R. Grey | William Marshall | James Perry |
| Daniel Whitby | Thomas Shoebridge | James McGarry |
| John Beaty | Alfred Weller | Frederick Bates |
| George Ross | James Franklin | David Buchanan |
| William Sewell | John Redhead | — Mullen |
| R. Curtis | W. H. Parker | J. Sutherland |
| P. Penny | John Morrow | D. Williams |
| John Poole | James Grover | Henry H. Pritchard |
| Thomas Reed | George Zummed | Joseph V. Wright |
| John Richards | Thomas Atkinson | Daniel Monogan |
| Charles Carey | | |

POSTAL INSPECTOR to POSTMASTER GENERAL.

THE Postmaster has been told often, and in the most distinct manner, that he has the power to detain the branch mails if the Goulburn mail arrives late.

As for detaining the mails to enable persons who receive letters by the Goulburn coach to send on any enclosures, the thing is ridiculous. It would, if adopted, double and treble the course of post between Sydney and the country offices.

A. D.
21 June, 1862.

POSTMASTER GENERAL to POSTMASTER, BRAIDWOOD.

I HAVE again to remark, that the exertions made to secure postal accommodation of the fullest kind to the Braidwood District appear to be not only unappreciated but misrepresented.

I think the personal explanations of the Braidwood Postmaster might often have shielded this Office from unnecessary comment.

B. C.—23/6/62.

W. H. CHRISTIE,
P. M. G.

POSTMASTER, BRAIDWOOD, to POSTMASTER GENERAL.

Braidwood, 27 June, 1862.

I BEG to state that the public are well-satisfied with the present arrangements. It appears to me that Mr. Dillon in some way gave offence to one of the proprietors of the papers, and he is very bitter against him; I have invariably, upon any alteration of time, given the papers notice, so that they might not be inconvenienced, by giving my opinion as to the advantage of the present arrangements.

Mr. Wainwright appears much annoyed with me also, but in small towns it appears to me it is impossible to please everybody.

J. P. QUELCH, P.M.

Urgent. Transmitted to the Honorable The Minister for Finance in order to be presented, together with other papers asked for by Captain Moriarty, M.P.

This paper shows the value of the late change, and the reason for its being mis-understood.

B.C., 30/6/62.

W. H. CHRISTIE,
P.M.G.

Extract

Extract from the "Braidwood Observer," dated 18 June, 1862.

"POSTAL."—We trust that Captain Moriarty and Mr. Wilson will not fail to bring the postal system of this district under the notice of Parliament.

The Time Table as it now stands is worse than useless, and we are at a loss to know upon what crotchet—what basis—Major Christie has founded his data.

At half-past eight o'clock on the mornings of Sunday and Wednesday, mails are made up and despatched to the following places:—Jembaicumbene, Major's Creek, Bell's Paddock, Bell's Creek, Oraumeir, Ballalaba, Reidsdale, Upper Araluen, Crown Flat, Moruya, Bodalla, Nerrigundah, and Little River.

These bags are supposed, we say, to be made up at half-past eight o'clock, and the Sydney mail seldom arrives before that hour, and if it does, there is not sufficient time to enable the mails to be thoroughly sorted and forwarded on to the above-named places.

This is not all.

We contend that very serious inconvenience may arise from the hasty despatch of the mails, either after or before the arrival of the Sydney mail.

Cases have already occurred in which storekeepers of Braidwood have received letters by the Sydney mail which it was imperative should be forwarded to their branch establishments on the diggings, and they had to wait until the following Sunday.

Again, we cannot help noticing the arbitrary manner in which the postal authorities have interfered in demanding the Clyde mail contractor, in the middle of his contract, to increase his speed.

We can arrive at no other conclusion than that these frequent alterations arise from private pique, having its origin in our fearless exposure of the ignorance, the impudence, and the presumption of the Postal Inspector.

We therefore urge upon our indefatigable Member, Captain Moriarty, the propriety of putting on the notice paper for an early day, a motion for the production of the report and all other papers connected with the recent visit of the Postal Inspector to the southward. Personally, we sustain no inconvenience from the alteration, although we are not without the belief that that is a part of the object of these tergiversations in postal practice; but the public interests suffer materially by the repetition of these sudden freaks of autocratic power. During the visit of Mr. Egan, the member for Eden, to this district, we mentioned the matter to him, and are bound to add that he was perfectly easy with respect to our complaints. They seemed to be but the refrain of the old song, "The postal service again." We are of opinion that these alterations, if requisite, should be made by the local Postmaster, subject to approval at head quarters. He is the person best qualified to judge of the wants of the district. But the present postal system is a complete nuisance, and Major Christie, as head of the department, ought to be ashamed of himself for managing matters in such a hodge-podge manner.

MR. QUELCH to POSTMASTER GENERAL.

Braidwood, 10 Dec., 1861.

SIR,

In reply to your communication respecting the alteration of time on Sunday for delivery, it is my opinion that it would be very desirable to alter the time to 9:30, a.m. I believe such alteration would meet with the general satisfaction of the public, as there would then be time to answer letters by the mail leaving for Goulburn at 11 a.m.

I beg also to call your attention to the enclosed letter respecting the Araluen and Mullenderree Mail, as to alteration of the day for despatching the same. I fully concur with the remarks made, and beg to recommend the same to your favourable consideration.

I have, &c.,
J. P. QUELCH.

MR. WAINWRIGHT to MR. QUELCH.

*"Observer" Office, Braidwood,
6 December, 1861.*

SIR,

It has been suggested to me by many parties resident in Araluen, and indeed at Moruya, that Saturday would be a much more convenient day for the mail to leave Braidwood for Reidsdale, Araluen, Bell's Creek and Mullenderree; and when I consider the matter, I think you will agree with me that it would be much more convenient and suitable to and for all parties.

The days (Wednesday and Saturday) would then take on the Clyde mail of the previous evening, and the Goulburn overland Sydney mail of a Wednesday and Saturday morning.

Will you be kind enough to give your attention to the matter; and in the event of your approving of the proposed change of day, viz., from Sunday to Saturday, I should esteem it a public benefit if you would apply to Major Christie to sanction the same.

I have, &c.,

EDWARD WAINWRIGHT.

BRAIDWOOD POSTAL TIME TABLE.

(Old Table.)

*Time Table for the conveyance of Mails to and from*MAJOR'S CREEK, BALLALABA, AND ORANMORE, (*Stony Creek*.)

26. Leave Major's Creek Wednesday and Sunday at 2 p.m., arrive at Ballalaba at 3.30, at Oranmore at 5 p.m. Leave Oranmore at 10 a.m., same days, and arrive at Ballalaba at 11.30 a.m., and at Major's Creek at 1 p.m.

(New Table.)

Leave Major's Creek on Wednesday and Sunday at 11 a.m., arrive at Ballalaba at noon, and at Oranmore (*Stony Creek*) at 1.30 p.m. On return—leave Oranmore (*Stony Creek*) at 3.30 p.m., same days, arrive at Ballalaba at 5 p.m., and at Major's Creek at 6 p.m.

By this change the mails arrive at Ballalaba $3\frac{1}{2}$ hours earlier, and at *Stony Creek* the same time earlier. The mails from both places return to Major's Creek 5 hours later. This allows the inhabitants of Ballalaba 5 hours, and those of *Stony Creek* 2 hours, to write their replies; whereas, under the old table, they could not answer at all on the days the mails were received, but had to wait 4 and 3 days respectively.

(Old Table.)

*Time Table for the conveyance of Mails to and from*BRAIDWOOD, *Bell's Creek*, JEMBAICUMBENE, MAJOR'S CREEK, AND *Bell's Paddock*.

27. Leave Braidwood Friday, Sunday, and Wednesday at noon, and proceeding by *Bell's Creek*, arrive at Jembaicumbene at 1 p.m., and at Major's Creek at 1.30 p.m. Leave Major's Creek Monday, Thursday, and Saturday at 8 a.m., and proceeding by *Bell's Paddock*, arrive at Jembaicumbene, at 8.30 a.m., and at Braidwood at 9.30 a.m.

(New Table.)

Leave Braidwood Wednesday and Sunday at 9 a.m., and Friday at 4 p.m., arrive at Jembaicumbene Wednesday and Sunday at 10 a.m., and Friday 5 p.m. and travelling *via* *Bell's Paddock*, arrive at Major's Creek Wednesday and Sunday at 11 a.m., and Friday 6 p.m. On return—leave Major's Creek Monday, Thursday, and Saturday at 7 a.m., and travelling *via* *Bell's Paddock*, arrive at Jembaicumbene Monday, Thursday, and Saturday at 8 a.m., and arrive at Braidwood, Monday, Thursday, and Saturday at 9 a.m.

By this change the Jembaicumbene mails reach 3 hours earlier, and the residents have $2\frac{1}{2}$ hours more to write their replies: and the Major's Creek mails reach $2\frac{1}{2}$ hours earlier, and the residents have $1\frac{1}{2}$ hours more to write their replies.

The contractor is allowed 2 hours to do the journey in instead of $1\frac{1}{2}$ hours, and he is no longer required to call at *Bell's Creek* (which is on another line), but required to call at *Bell's Paddock* both going and coming. The mails leave Major's Creek 1 hour sooner, in order to give the contractor half an hour more, and to ease the Braidwood Postmaster by bringing in the mail half an hour earlier.

This change rendered practicable the one in the Major's Creek and *Stony Creek* table.

The despatch from Braidwood on Friday is so arranged that the mails from the *Clyde* can go on the same day they reach Braidwood.

(Old Table.)

Time Table for the conveyance of Mails to and from

BRAIDWOOD AND MONGA.

28. Leave Braidwood Wednesday and Saturday at 2.30 p.m., and arrive at Monga at 4.30 p.m. Leave Monga at 5 p.m., and arrive at Braidwood at 7 p.m., same day.

(New Table.)

Leave Braidwood Wednesday and Sunday at 9 a.m., and arrive at Monga at 10.15 a.m. On return—leave Monga on Wednesday and Sunday at 3.45 p.m., and arrive at Braidwood at 5 p.m.

By this change the Monga mails arrive 6 hours and 15 minutes earlier; they return to Braidwood 2 hours earlier, and the residents of Monga have $5\frac{1}{2}$ hours, instead of half an hour, to write their replies.

By making Sunday a day of despatch instead of Saturday, the newspapers despatched from Sydney on Friday go on without delay; whereas, under the old *Time Table*, they were detained from Sunday to Wednesday in the Braidwood office.

(Old Table.)

Time Table for the conveyance of Mails to and from

BRAIDWOOD, CROWN FLAT, ARALUEN, MULLENDERREE, AND MORUYA.

29. Leave Braidwood Saturday and Wednesday, at 2 p.m., arrive at Crown Flat at 4.30 p.m., Araluen at 5 p.m., at Mullenderree at 10 a.m., and Moruya at 11 a.m., on following days. Leave Moruya Tuesday and Friday at 9 a.m., arrive at Mullenderree at noon, at Araluen at 3.30 p.m., at Crown Flat at 4 p.m., and at Braidwood on following days at 7.30 a.m.

(New

BRAIDWOOD POSTAL TIME TABLE.

7

(New Table.)

Leave Braidwood Wednesday and Sunday at 9 a.m., and Friday, 4 p.m., and travelling *via* Reidsdale and Bell's Creek, and Upper Araluen, arrive at Crown Flat Wednesday and Sunday at noon, and Friday 7 p.m. Leave Crown Flat Wednesday and Sunday at 12.30, and travelling *via* Lower Araluen and Mullenderree, arrive at Moruya Wednesday and Sunday at 7 p.m. On return—leave Moruya Monday and Thursday at 9 a.m., and travelling *via* Mullenderree and Lower Araluen, arrive at Crown Flat, Monday and Thursday at 3.30 p.m. Leave Crown Flat Monday, Thursday, and Saturday at 4 p.m., and travelling *via* Upper Araluen, Bell's Creek, and Reidsdale, arrive at Braidwood, Monday, Thursday, and Saturday at 7 p.m.

By this change the mails reach Crown Flat 4 hours 30 minutes earlier, and Moruya 16 hours sooner; the time for replies from Moruya is shortened, but the course of post between Braidwood and Moruya, instead of being 4 and 5 days, is only 2 days. Moreover, the Moruya and Mullenderree residents receive on the Wednesday evening the correspondence and papers left behind by the Monday's Clyde steamer, and on Sunday whatever may be posted after departure of the Clyde steamer on Thursday up to 4 p.m. on Friday. The alteration of the despatch from Braidwood from Saturday to Sunday was made for the same reason as given for the Monga mails, and the despatch on Friday is made to suit the arrival of the Clyde mails at Braidwood, and to take the Araluen correspondence on the same night. The mails arrive in Braidwood from Moruya half an hour sooner—7 instead of 7.30.

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 2d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POSTMASTER AT SINGLETON.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 23 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the inhabitants of Singleton and District of Patrick's Plains, in public meeting held this day,—

RESPECTFULLY SHEWETH :—

Your Petitioners beg to state that on the 26th of June, the Postmaster in Singleton received, from the head of his department, the offer of the official appointment of Postmaster in Singleton.

That the said Postmaster, by letter dated 30th June, intimated his acceptance of the said office upon the terms and conditions specified, viz. :—“ That he should relinquish all “ connection, direct or indirect, with any other business avocations.”

That in the view of said appointment, he, the Postmaster, addressed a letter to the Postmaster General, requesting to be informed as to the time which would be allowed him to dispose of his stock in trade.

That to this letter no reply has been received.

That on the 5th of September, instant, he received a letter of dismissal, and a notification of the appointment of his successor.

That your Petitioners are not aware of any just reason for the dismissal, no charge of any description having been made against him, and your Petitioners consider that such dismissal, without any apparent or alleged cause, is unjust in principle, injurious in practice, and detrimental to the public service.

Your Petitioners pray that your Honorable House will take the premises into your consideration, and grant such relief as to your Honorable House may seem meet.

And your Petitioners, as in duty bound, will ever pray.

Singleton, 19 September, 1862.

[Here follow 328 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. CHARLES PETIT.

(LATE POSTMASTER AT SINGLETON.)

Ordered by the Legislative Assembly to be Printed, 23 October, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 30 September, 1862, That there be laid upon the Table of this House,—

“ A Copy of all Correspondence and Papers relative to the
“ removal of Mr. Charles Petit from the situation of Post-
“ master at Singleton, and the appointment of Mr. Samuel
“ Baker in his stead.”

(*Mr. Harpur.*)

SCHEDULE.

| NO. | PAGE. |
|--|-------|
| 1. Treasurer to Postmaster General, to state what Postmasters carry on private business. 13 June, 1862 | 2 |
| 2. Treasurer to Postmaster General, informing of intention to appoint Official Postmasters. 13 June, 1862 | 2 |
| 3. Treasurer to Postmaster General. 19 June, 1862 | 2 |
| 4. Postmaster General to Postmaster, Singleton. 26 June, 1862 | 2 |
| 5. Postmaster, Singleton, to Postmaster General. 30 June, 1862 | 3 |
| 6. Treasurer to Postmaster General. 8 July, 1862 | 3 |
| 7. Return of Postmasters willing to retain office under new conditions. 9 July, 1862 | 3 |
| 8. Postmaster General to Postmaster, Singleton. 11 July, 1862 | 3 |
| 9. (Enclosure.) Treasurer to Postmaster General. 10 July, 1862 | 3 |
| 10. Postmaster, Singleton, to Postmaster General. 14 July, 1862 | 4 |
| 11. Treasurer to Postmaster General. 24 July, 1862 | 4 |
| 12. Treasurer to Postmaster General. 1 August, 1862 | 4 |
| 13. Postmaster General—Minute on preceding. 4 August, 1862 | 4 |
| 14. Telegram—Postmaster, Singleton, to Postmaster General. 2 September, 1862 | 4 |
| 15. Telegram—Postmaster General to Postmaster, Singleton. 3 September, 1862 | 5 |
| 16. Treasurer to Postmaster General. 5 September, 1862 | 5 |
| 17. Postmaster General—Minute on preceding. 5 September, 1862 | 5 |
| 18. Treasurer—Minute on preceding. 6 September, 1862 | 5 |
| 19. Postmaster General—Minute on preceding. 6 September, 1862 | 5 |
| 20. Postmaster General to Postmaster, Singleton. 6 September, 1862 | 6 |
| 21. Postmaster General to Postmaster, Singleton. 6 September, 1862 | 6 |

MR. CHARLES PETIT.

No. 1.

TREASURER to POSTMASTER GENERAL.

To report which of the Postmasters at the following offices carry on private business :—

| | |
|-----------------|---------------|
| * Albury | * Penrith |
| * Armidale | * Singleton |
| Bathurst | * Tamworth |
| * East Maitland | West Maitland |
| Goulburn | * Windsor |
| * Mudgee | * Wollongong |
| Newcastle | * Yass. |
| Parramatta | |

E. C. W.
13 June, /62.

Those marked *

B. C. 13/6/62.

W. H. CHRISTIE, P.M.G.

No. 2.

TREASURER to POSTMASTER GENERAL.

OFFICIAL Postmasters will be appointed at the undermentioned offices, at the salary annexed.

No commission will be allowed to them on the sale of stamps.

These officers must be entirely unconnected with business, and the Post Office is to be conducted in a distinct building.

Notification to be made to the several Postmasters of the proposed change.

Eventually Post Offices will be built in connection with the Telegraph Office at such stations as may be decided upon, and of this the Postmasters will have the advantage.

E. C. W.
13 June, /62.

No. 3.

TREASURER to POSTMASTER GENERAL.

REFERRING to my minute of yesterday, respecting the appointment of Official Postmasters, I consider that such of the present Postmasters as are willing to comply with the conditions on which alone the office can be held, should have the preference in the new appointments.

This should be ascertained without delay.

E. C. W.
19 June, /62.

No. 4.

POSTMASTER GENERAL to POSTMASTER, SINGLETON.

*General Post Office,
Sydney, 26 June, 1862.*

SIR,

The Government having decided that your office shall be made exclusively a Governmental one, I enclose for your information copies of the minutes of the Honorable the Minister for Finance and Trade upon the subject, in order that you may have an opportunity of retaining your appointment, if satisfied with the conditions contained therein.

I request that you will furnish me with an early reply to this communication.

I am, &c.,

W. H. CHRISTIE,
Postmaster General.

No. 5.

MR. CHARLES PETIT.

3

No. 5.

POSTMASTER, SINGLETON, to POSTMASTER GENERAL.

Singleton,
30 June, 1862.

SIR,

In answer to your letter of the 26th instant, which I received on Saturday, I beg to say that I am quite willing to accept the appointment as Official Postmaster, according to the conditions expressed in the minutes of the Honorable the Minister for Finance and Trade.

I remain, &c.,
C. PETIT.

P.S.—My office is quite distinct from any business premises, it being *detached*, and has been so since the 1st day of January, 1861.

No. 6.

TREASURER to POSTMASTER GENERAL.

FOR report of such Postmasters as may have either accepted or declined the proposal to become Official Postmasters.

E. C. W.
8 July, /62.

No. 7.

RETURN of Postmasters willing to retain office under new conditions.

Bathurst.
East Maitland.
Goulburn.
Mudgee (wishes to be allowed to hold also office of Treasurer to Mudgee Municipal Council).
Newcastle.
Parramatta.
Penrith.
Singleton (provided time is allowed to dispose of his store).
West Maitland.
Tamworth.
Wollongong (wishes also to hold his present position as Manager of English, Scottish, and Australian Chartered Bank at Wollongong).

Postmasters who have not accepted.

Albury.
Armidale.Windsor.
Yass.

9 July, 1862.

W. H. CHRISTIE,
P. M. G.

No. 8.

POSTMASTER GENERAL to POSTMASTER, SINGLETON.

General Post Office,
Sydney, 11 July, 1862.

SIR,

I enclose, for your information, a further minute from the Honorable the Minister for Finance and Trade, on the subject of the appointment of Official Postmasters, and I request that you will state frankly, and without any evasion, whether you are prepared to accept the appointment, on the distinct understanding that the requirements of the Treasurer's minute will be strictly enforced and must be strictly carried out.

I am, &c.,
W. H. CHRISTIE,
Postmaster General.

No. 9.

TREASURER to POSTMASTER GENERAL.

It must not be a mere colourable compliance with the conditions, on the part of the Postmasters. One condition, which must be very strictly conformed to, is that relating to carrying on any business. No evasion of this will be allowed, or the object in view would be defeated.

This

MR. CHARLES PETIT.

This must be strictly inquired into by the Postmaster General in all cases where the Postmaster has previously carried on the office in connection with other business. An instance of this occurs in the case of the Postmaster at Armidale, which cannot be sanctioned. Connection with business, direct or indirect, will not be allowed. This should be pointed out at once to the Postmasters who have accepted, and before any appointments can take place.

E. C. W.
10 July, /62.

No. 10.

POSTMASTER, SINGLETON, to POSTMASTER GENERAL.

Singleton,
14 July, 1862.

SIR,

In answer to your second communication of the 11th instant, I beg to say that I am quite willing to carry out strictly the minutes of the Honorable the Minister for Finance and Trade, a copy of which I received in your letter. I therefore state that it is my intention to give up my store business as soon as possible, and have advertised the stock for sale, and only wish to know *what time* will be allowed to dispose of the same. I cannot, in justice to my family or creditors, sacrifice my stock by auction, but am quite willing to give up as soon as possible.

From your humble Servant,
C. PETIT.

No. 11.

TREASURER to POSTMASTER GENERAL.

I SHOULD be glad to have a report at an early date respecting those Postmasters who, although in business, have expressed their willingness to accept office as Official Postmasters, one of the conditions being that they must not be in or connected with business in any way. This condition must be *strictly adhered to*, and in any case of doubt the Postmaster General had better perhaps refer to the local Bench.

E. C. W.
24 July, /62.

No. 12.

TREASURER to POSTMASTER GENERAL.

POSTMASTERS at Wollongong, Mudgee, and Singleton, wish to retain office on conditions which cannot be acceded to. Inform to this effect.

Official Postmasters may be required at any time to remove to other localities, should the public interest require it.

E. C. W.
1 August, 1862.

No. 13.

POSTMASTER GENERAL—MINUTE ON PRECEDING.

READ, and will be acted on. I have respectfully, however, to request to know whether the Honorable the Minister for Finance proposes that the appointments shall date from the 1st instant.

W. H. CHRISTIE.
B. C. 4/8/62.

No. 14.

TELEGRAM—POSTMASTER, SINGLETON, to POSTMASTER GENERAL.

2 September, 1862.

THE *Maitland Mercury* of to-day states Mr. S. Baker, of Maitland, has received the appointment of Postmaster at Singleton. Is this the case?

No. 15.

No. 15.

TELEGRAM—POSTMASTER GENERAL to POSTMASTER, SINGLETON.

3 September, 1862.

THE Treasurer has the appointments. The Postmaster had better apply to him—not to me.

T. W. LEVINGE.

(For Postmaster General.)

No. 16.

TREASURER to POSTMASTER GENERAL.

My minute of 1st August was to the effect that the Postmasters at Singleton, Mudgee, and Wollongong, wished to retain office on conditions which could not be acceded to, and that they were to be informed to that effect.

The Singleton Postmaster states he has not been written to. Has this been omitted by Postmaster General—as it was of some importance?

E. C. W.

5 Sept., /62.

No. 17.

POSTMASTER GENERAL—MINUTE ON PRECEDING.

ON receiving the minute of the Honorable the Minister for Finance, date 1st ultimo, I conceived it indispensable that, in the various communications to be made to the old Postmasters re-appointed, to the Official Postmasters to be appointed, and to the Postmasters whose conditions could not be acceded to, that the date of the Official Postmasters commencing their duties should be given; and hence my minute of 4th ultimo, which does not appear to have been answered. On reviewing the correspondence connected with the Singleton Office, the case of Mr. Petit seems somewhat hard, and I have respectfully to recommend such case to the kind consideration of the Honorable the Treasurer.

W. H. CHRISTIE,

P. M. G.

5/9/62.

No. 18.

TREASURER—MINUTE ON PRECEDING.

THE omission of the Postmaster General to carry out my minute of 1 August has caused much embarrassment. Independent of any further arrangement, it was obviously desirable and necessary that those Postmasters who wished to retain office on terms which could not be acceded to, should have been immediately acquainted with the decision of the Government on the subject; and I can see no grounds for this omission. Any hardship of which the Postmaster at Singleton may complain is attributable to this delay in communicating with him. Nearly a fortnight has elapsed since the proposed new appointments were notified to the Postmaster General, and I think it should then have occurred to that officer that the three Postmasters in my minute of 1st August were still uninformed of the intentions of the Government respecting them. The Postmasters at Mudgee and Wollongong to be informed forthwith, in the terms of the minute referred to.

E. C. W.

6 Sept., /62.

No. 19.

POSTMASTER GENERAL—MINUTE ON PRECEDING.

I MUCH regret the apparent omission on my part. My minute of 5th instant explains how such apparent omission occurred; and the papers not being retained in this department, but in the Treasury, further accounts for the delay in notifying.

I may add, that I communicated with the Mudgee and Wollongong Postmasters prior to the receipt of this day's minute from the Honorable the Minister for Finance reaching me.

W. H. CHRISTIE,

P. M. G.

B.C. 6/9/62.

No. 20.

POSTMASTER GENERAL to POSTMASTER, SINGLETON.

*General Post Office,
Sydney, 6 September, 1862.*

SIR,

As the conditions upon which you wish to hold your office as Postmaster at Singleton are not considered admissible by the Government, you will have to make arrangements for Mr. Samuel Baker, your successor, taking office on the 1st October next.

I am, &c.,
W. H. CHRISTIE,
Postmaster General.

No. 21.

POSTMASTER GENERAL to POSTMASTER, SINGLETON.

*General Post Office,
Sydney, 6 September, 1862.*

SIR,

Referring to my letter of yesterday's date, I beg to inform you that the name of the gentleman appointed to succeed you as Postmaster at Singleton is S. Baker.

I am, &c.,
T. K. ABBOTT.
(For Postmaster General.)

1862.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

MR. HENRY TEBBUTT.

(LATE POSTMASTER AT MUDGEES.)

Received by the Legislative Assembly, 26 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of the undersigned, late Postmaster at Mudgee,—

SHEWETH :—

That in the early part of the year 1859 your Petitioner was appointed Postmaster at Mudgee, and remained in that situation till the 30th September, 1862, during which period he performed the duties to the satisfaction of the Postmaster General and the public.

That your Petitioner received a communication from the Postmaster General, dated 26th June, 1862, stating that the Mudgee Post Office was to be made exclusively a Government office, and that I might have an opportunity of retaining my appointment, if satisfied with the conditions contained in a Minute of the Honorable the Minister for Finance and Trade, enclosed in the abovenamed letter.

That your Petitioner having carefully considered the Minute referred to, replied by letter of the 30th June, 1862, stating that he had read the Minute referred to, and was satisfied with the conditions.

That your Petitioner received a letter from the Postmaster General, dated 11th July, 1862, accompanied by a further Minute from the Honorable the Minister of Finance and Trade, to the effect that one condition must be very strictly conformed to, viz., that relating to carrying on any business, and that no evasion of this would be allowed, &c., &c.

That your Petitioner, in reply, stated that he held the situation of Treasurer to the Municipal Council of Mudgee, and requested permission to retain that situation, pledging himself to resign it immediately if detrimental to the public interest.

That your Petitioner received two letters from the Postmaster General, under date 5th and 6th September, 1862, in the former of which it was stated that the conditions upon which your Petitioner wished to hold office were not considered admissible, and that arrangements would have to be made for a successor to take office on the 1st October, 1862. The latter letter apprised your Petitioner that Mr. A. G. Panton was appointed to the office.

That your Petitioner handed over to Mr. Panton all the Post Office property, in the evening of the 30th September; but finding that gentleman so totally unfitted for the office, and in order to prevent injury to the public interest, he allowed his assistant to conduct the business until the appointment of Mr. A. Carton, who was appointed Postmaster in the room of Mr. Panton, who, I understand, was suspended.

Your Petitioner submits that his dismissal from the situation of Postmaster at Mudgee, without allowing him to comply with the requirements of the Minute of the Honorable the Minister of Finance and Trade, is a case of hardship.

Your Petitioner humbly prays that your Honorable House will take the premises into your favourable consideration, and take such measures as you may deem expedient to meet the merits of the case.

And your Petitioner, as in duty bound, will ever pray, &c.

HENRY TEBBUTT.

Mudgee, the 10th day of November, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TELEGRAPH ACCOUNTS.

(MR. DUNSTAN.)

Ordered by the Legislative Assembly to be Printed, 6 August, 1862.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 1 July, 1862, That there be laid upon the Table of this House,—

“ A Return shewing,—

“ (1.) The dates of audit of the accounts at the command of
“ Mr. Dunstan, a Clerk in the Telegraph Department, six
“ months prior to his absconding with the public funds.

“ (2.) The names of Clerks in that Department who had given
“ security to the Government on or before the 1st of June,
“ 1862.

“ (3.) The names of the Clerks in that Department aforesaid
“ who have not given security.”

(Mr. Dalglish.)

RETURN to an Order of the Honorable the Legislative Assembly, dated the 1st July, 1862.

| CALLED FOR. | RETURN. |
|---|---|
| (1) The dates of audit of the accounts at the command of Mr. Dunstan, a Clerk in the Telegraph Department, six months prior to his absconding with the public funds ... | Nil. Mr. Dunstan himself was appointed to audit the accounts of the Money Order Branch. |
| (2) The names of Clerks in that Department who had given security to the Government on or before the 1st June, 1862 ... | Messrs. Charles Kraegen, R. Hipsley, John Dalgarno, R. Pizey, and M. Kelly. |
| (3.) The names of the Clerks in that Department aforesaid who have not given security ... | <p><i>Sydney</i> :—Messrs. P. B. Walker, John Muston, D. Dunstan, J. Neale, J. R. Miles, T. G. Croft, G. Moffitt, R. C. Wills, H. Jones, and W. L. Beeston.</p> <p><i>Country Stations</i> :—Messrs. P. Mackel, J. Mackel, W. Wilson, C. Smith, J. Kirwan, E. Rouse, A. Tucker, A. M'Cracken, E. D. Scott, J. N. Beatty, Thos. Harrison, C. G. Smith, G. T. Aldwell, C. N. Ambrose, B. Aldis, W. T. Lee, J. Wisdom, W. Watson, J. S. Arnott, W. Read, W. H. Maguire, W. Bennett, R. Floyd, and A. Fitz Roy.</p> |

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

LIGHT-HOUSE NEAR JERVIS BAY.

Ordered by the Legislative Assembly to be Printed, 27 May, 1862.

REPORT of a Commission on the subject of the proper Situation for
the Light-house, and the removal of the present one.

No. 1.

ACTING UNDER SECRETARY FOR FINANCE AND TRADE to F. W. SIDNEY, ESQ.,
COMMANDER, R.N.

*The Treasury, New South Wales,
4 January, 1862.*

SIR,

I am directed to forward herewith a copy of the Report of the Select Committee of the Assembly, on the erection of a Light-house at Jervis Bay, containing the following recommendation, which was subsequently adopted by the House:—

“That a Commission of competent persons be at once appointed to investigate and decide upon the proper situation, whether at Cape St. George, Crocodile Head, or any other spot in that vicinity.”

The Treasurer is desirous of placing the investigation of this question in your hands, assisted by Mr. Hixson, Master of the Royal Navy, an Officer attached to your surveying party, and who was for many years on this coast, in H.M.S. “Herald.”

In order that you may be supplied with every necessary local information, Mr. Sullivan, now in command of the steamer “Kembla,” and possessing great experience of this coast, will be associated with you in this inquiry.

Copies of evidence, reports, and other documents on the subject of Light-houses on the Australian Coast, have been forwarded for your information.

The principal points to which you will direct your attention, and on which the Treasurer requests the favour of your report, are,—

1st. Which is the proper situation for a Light-house in the vicinity of Jervis Bay?
2nd. Should the present Light-house be removed?

A steamer will be engaged for this service, and the Treasurer considers that it would perhaps be convenient to arrange details with Mr. Sullivan, communicating with this Office previously to final settlement.

I have, &c.,
JNO. WELLS,
Acting Under Secretary.

No. 2.

F. W. SIDNEY, ESQ., COMMANDER, R.N., to SECRETARY FOR FINANCE AND TRADE.

*Admiralty Survey Office,
6, Elizabeth-street,
22 January, 1862.*

SIR,

In compliance with the request contained in your letter of the 4th instant, that I should report upon—1st. The proper situation for a Light-house in the vicinity of Jervis Bay?—and 2nd. Should the present Light-house be removed?—I have to inform you that I have visited the locality in company with Captain Sullivan, of the steam vessel "Kembla," and Mr. Hixson, Master, R.N., the gentlemen named in your letter to be associated with me in that inquiry.

If the principal object of the light be to warn vessels of the danger of Wreck Bay, and at the same time to be in a position best seen for rounding Cape St. George in thick weather, we should recommend the light being put on the point of the low Cape itself.

But, on the other hand, if the light be intended as a high Coast Beacon, we should suggest that it be placed on the headland near Crocodile Head, as marked by us on the 18th instant. This would serve equally well as the present light for Wreck Bay, but be nearly 6 miles further off. This light might be similar to that at the Start, having underneath, in the same building, a fixed light, thrown on Cape St. George and the intervening land round to Beecroft Point.

As, however, it is a generally received maxim, that the *lower* the light, and the *nearer* the danger the *better*, we consider that coasters would be greatly benefited by having the light on the low S.E. point of Cape St. George, as it would enable them to go further in shore, when beating to the northward to avoid the current, and would be seen 8 miles further to the northward in Wreck Bay than the present light, and to within 2 miles of Red Head; it would also make Ulladulla of easier access at night, as the light would be visible in its line of bearing.

And as most of our severe gales are from the southward and eastward, with thick weather, it would appear that on the low point of Cape St. George is the place where a light would be the most useful; and vessels running for shelter in Jervis Bay, after getting hold of the light, could easily shape a course for Bowen's Island at the entrance to the Bay.

We are therefore of opinion (Captain Sullivan and myself) that the present Light-house should be removed, and one erected on the low point of Cape St. George.

Mr. Hixson inclines to the light being placed on Crocodile Head, and thinks the present light should be removed—not that its present position would lead ships into danger, but because it would be in a more advantageous position in either of the others.

I have, &c.,

FREDERIC W. SIDNEY,
Commander, R.N.

We, the undersigned, subscribe to the foregoing remarks.

FRANCIS HIXSON,
Master, R.N.

C. SULLIVAN,
(s.) "Kembla."

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MRS. MARY HENNESSY HOURIGAN.
(PETITION OF.)

*Received by the Legislative Assembly, 12 June, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of Mary Hennessy Hourigan, of Palmer-street, in the City of Sydney,—
MOST HUMBLY SHEWETH :—

That your Petitioner is the Widow of John Hourigan, late connected with the keeping of the Light-house at the South Head.

That for a period exceeding twenty-one years, twelve of which he was engaged at the Light-house, he was employed in the Civil Service of this Colony.

That in the year one thousand eight hundred and sixty-one, your Petitioner's deceased husband petitioned your Honorable House for a compensation or a pension for length of service, and that in the month of January, one thousand eight hundred and sixty-two, a pension of thirty pounds per annum was allowed to your Petitioner's deceased husband.

That your Petitioner's husband died in January, one thousand eight hundred and sixty-two, leaving your Petitioner in a most destitute state.

Wherefore your Petitioner most humbly and fervently prays that your Honorable House will be pleased to take her case into your humane consideration, and grant to her such compensation as you may deem meet.

And your Petitioner, as in duty bound, will ever pray.

her
MARY × H. HOURIGAN.
mark

*Palmer-street, Sydney,
10 June, 1862.*

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PILOT BOARD.
(PETITION.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Council assembled.

The Petition of the undersigned,—

SH EWETH :—

That your Petitioners have been for a long period “Members of the Pilot Board of New South Wales,” and have, during that time (to the best of their ability), faithfully, honestly, and carefully attended to all matters connected therewith that came before them.

That in the month of March last the Government of the Colony having purchased the schooner “Sea Witch” for a Pilot Vessel for Port Jackson, at a cost, as your Petitioners believe, of several hundred pounds above her value, and in opposition to the opinion and advice of the Pilot Board, who considered her unsuitable for the purpose, called upon the said Board to prepare the vessel for the service.

Your Petitioners, as Members of that Board, conscientiously believing that to carry out these instructions would entail a further wasteful expenditure of the public money declined to do so, and have, in consequence thereof, been deprived of their seats at the Board.

Your Petitioners, therefore, feeling that they would have been morally guilty of a breach of trust to the public if they had acted otherwise than they did, and as they have suffered this indignity by resisting a practice which they believe, if permitted to be continued, will prove highly detrimental to the best interests of the country, as has already occurred by the erection of the Light House near Jervis Bay, the appointment of Pilots and Lightkeepers, and other matters, on which the advice of your Petitioners has been ignored,—pray that your Honorable House will be pleased to make such inquiry into the circumstances herein set forth as you may see fit, in order that full justice may be done to your Petitioners, and the public interests protected.

And your Petitioners, as in duty bound, will ever pray.

Dated at Sydney, New South Wales, this 27th day of May, 1862.

BENJN. DARLEY.
CH. SMITH.
HENRY T. FOX.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PILOT BOARD.
(PURCHASE OF "SEA WITCH.")

Ordered by the Legislative Assembly to be Printed, 3 June, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 30 May, 1862, That there be laid upon the Table of this House,—

“Copies of all Papers connected with the purchase of the
“‘Sea Witch’ for the Pilot Service, and with the summary
“dismissal of certain Members of the Pilot Board.”

(Captain Moriarty.)

SCHEDULE.

| No. | PAGE. |
|---|-------|
| 1. From the Treasurer to the Pilot Board. 21 January, 1862 | 3 |
| 2. " Secretary to Pilot Board to Under Secretary for Finance and Trade. 24 January, 1862 | 3 |
| 3. " Treasurer to Pilot Board. 28 January, 1862.. .. . | 3 |
| 4. " Chairman, Pilot Board, to Treasurer. 28 January, 1862 | 3 |
| 5. Advertisement calling for Tenders. 25 January, 1862 | 4 |
| 6. Schedule of Tenders received. 4 February, 1862 | 4 |
| 7. From Secretary, Pilot Board, to Under Secretary for Finance and Trade. 7 February, 1862 | 5 |
| 8. " Treasurer to Pilot Board. 8 February, 1862 | 5 |
| 9. " Secretary to Board to Under Secretary. 14 February, 1862 | 5 |
| 10. Schedule of Tenders received subsequently to the date of advertisement | 5 |
| 11. From Secretary to Board to Under Secretary. 14 February, 1862 | 6 |
| 12. " Treasurer to Pilot Board. 15 February, 1862 | 6 |
| 13. " Secretary to Board to Under Secretary. 20 February, 1862 | 7 |
| 14. " Treasurer to Pilot Board. 22 February, 1862 | 7 |
| 15. " Ditto ditto. 24 February, 1862 | 7 |
| 16. " Secretary to Board to Messrs. Broomfield and Whitaker. 28 February, 1862 | 7 |
| 17. " Broomfield and Whitaker to Pilot Board. 3 March, 1862 | 7 |
| 18. " B. F. Chapman, Esq., to the Treasurer. 3 March, 1862 | 8 |
| 19. " Treasurer to Pilot Board. 3 March, 1862 | 8 |
| 20. " Secretary to Board to Under Secretary. 8 March, 1862 | 8 |
| 21. " The Treasurer to Pilot Board. 12 March, 1862 | 8 |
| 22. " Robt. Towns, Esq., to Treasurer. 11 March, 1862 | 8 |
| 23. " Treasurer to Pilot Board. 13 March, 1862 | 8 |
| 24. " Shipwright Surveyor to Secretary to Board. 14 March, 1862 | 9 |
| 25. " Ditto ditto. ditto | 9 |
| 26. " Treasurer to Pilot Board. 15 March, 1862 | 9 |
| 27. " Under Secretary for Finance and Trade to B. F. Chapman, Esq. 15 March, 1862 | 9 |
| 28. " Shipwright Surveyor to Secretary to Board. 19 March, 1862 | 10 |
| 29. " Harbour Master to Under Secretary. 20 March, 1862 | 10 |
| 30. " Treasurer to Pilot Board. 20 March, 1862 | 10 |
| 31. " Secretary to Board to Under Secretary. 21 March, 1862 | 10 |
| 32. " Treasurer to Pilot Board. 27 March, 1862 | 10 |
| 33. " Secretary to Board to Under Secretary. 27 March, 1862 | 11 |
| 34. " Treasurer to Pilot Board. 29 March, 1862 | 11 |
| 35. " Chairman, Pilot Board, to Treasurer. 29 March, 1862 | 11 |
| 36. " Treasurer to Chairman of Pilot Board. 3 April, 1862 | 11 |
| 37. " Chairman to Treasurer. 4 April, 1862 | 11 |
| 38. " Chairman to Captains Darley, Smith, and Fox. 4 April, 1862 | 12 |
| 39. Certificate from Captains Rountree and Livingstone. 7 April, 1862 | 12 |
| 40. Ditto ditto | 12 |
| 41. Ditto Captain Bowles | 12 |
| 42. From Messrs. Hall and Owen to Robt. Towns, Esq. 8 April, 1862 | 13 |
| 43. Certificate from Mr. William Owen | 13 |
| 44. From Captain Sydney, R.N., to the Treasurer. 30 May, 1862 | 13 |
| 45. " Captains Fox, Darley, and Smith, to Chairman of Board. 14 April, 1862 | 13 |
| 46. " Captains Darley, Smith, and Fox, to His Excellency the Governor. 14 April, 1862 | 14 |
| 47. " Chairman of Board to Under Secretary. 15 April, 1862 | 14 |
| 48. Minute of Proceedings of the Executive Council. 16 April, 1862 | 14 |
| 49. Advertisement calling for Tenders. 6 May, 1862 | 14 |
| 50. " extending time for receiving Tenders. 16 May, 1862 | 15 |
| APPENDIX A. | |
| 51. Memoranda for the Pilot Service | 15 |
| APPENDIX B. | |
| 52. Minute of Treasurer, dated 27 March, 1862 | 16 |
| 53. " Secretary to Board. 4 April, 1862 | 16 |
| 54. Letter from Under Secretary to the Secretary to Board. 2 April, 1862 | 16 |
| 55. Minute of Secretary to Board. 4 April, 1862 | 16 |
| 56. Letter from Captain Fox to Under Secretary. 3 April, 1862 | 17 |
| 57. " Harvey & Sons to Captain Ellwood. 20 February, 1860 | 17 |
| 58. Memorandum of Agreement | 17 |
| 59. Letter from Harvey & Sons to Captain Fox. 11 May, 1860 | 19 |
| APPENDIX C. | |
| 60. Letter from William Johnson to Chairman of Pilot Board. 21 February, 1862 | 19 |

PILOT BOARD.

No. 1.

MEMO :—

The proposition to establish the system of Pilot Vessels "cruising outside the Heads" having been sanctioned by Parliament, the Board will now take the necessary steps to carry it into operation.

The sum of £3,000 has been voted to provide the vessels, and the Estimates will shew the number of Pilots required, and also of officers and crew allotted to each vessel, and their respective remuneration.

I am informed that suitable vessels can be procured in the Harbour, and, if so, it is desirable to save the delay of building.

Tenders for the vessels should be called for without delay.

Captain Towns, Chairman of the Select Committee of the Legislative Council on the working of the Pilot Establishment, whose report falls in, generally, with the views of the Pilot Board on this subject, has transmitted some memoranda on the working of this system, which are forwarded, herewith, for the consideration of the Board.

I shall be glad to be kept informed, from time to time, of the progress made towards carrying this arrangement into effect.

Appendix A.

The Chairman
of the Pilot Board.

E. C. WEEKES,
Treasurer.
21st January, 1862.

No. 2.

PILOT VESSELS, PORT JACKSON.

Pilot Board Office,
24 January, 1862.

In compliance with the Honorable the Treasurer's Minute, the Board beg to submit the accompanying draft advertisement for tenders for two vessels for the service, and which they recommend should be inserted in the daily papers here, and at Melbourne, Hobart Town; and Auckland.

The Board also report, as requested, that this is the first step taken in the matter.

The Under Secretary for Finance and Trade.

W. J. WILSHIRE,
Sec.

(Draft Advertisement referred to.)

Treasury, New South Wales,
24 January, 1862.

TENDERS will be received at this Department, until noon of 1st March next, for sale to the Government of two vessels not exceeding 100 tons, nor less than 60 tons register, and suitable for the Sea Pilot Service, Port Jackson.

Parties tendering must furnish full particulars as to build, rig, age, capabilities, and price of vessel offered.

No. 3.

I think it would be better that the advertisements for tenders should apply, at first, only to New South Wales, and for this a week's notice would suffice. If this produces no suitable offers, the neighbouring Colonies may be tried.

E. C. W.
28 Jany., '62.

No. 4.

The object of the Board was to save time, but if eligible tenders can be had here that object will be attained in the manner suggested by the Treasurer; if otherwise, a week's delay can matter but little.

W. A. D.
28.

No. 5.

PILOT BOARD.

No. 5.

*The Treasury, New South Wales,
25 January, 1862.*

PILOT VESSELS.

TENDERS will be received at this office, until noon of Tuesday, the 4th of February next, for sale to the Government of two vessels, not exceeding 100 tons, nor less than 60 tons register, and suitable for the Sea Pilot Service of Port Jackson.

Parties tendering must furnish full particulars as to build, rig, age, capabilities, and price of vessel offered.

E. C. WEEKES.

No. 6.

PILOT VESSELS.

SCHEDULE of Tenders received in pursuance of Treasury Notice dated 25th January, 1862, for two Pilot Vessels for the Sea Pilot Service of Port Jackson, which Tenders were opened at the Treasury on 4th February, 1862.

| TENDERER. | PARTICULARS OF SUPPLY. | RATE. | REMARKS. |
|-------------------------------|-------------------------------------|---------|----------|
| Broomfield and Whitaker | "Pacific," 60 tons | £ 1,200 | |
| Ditto | "Kate Kearney," 80 tons..... | 950 | |
| John Booth | Vessel unnamed, about 85 tons | 1,500 | |
| Laidley, Ireland and Co. | "Vixen," 121 tons..... | 1,100 | |

Referred to Pilot Board.

JNO. M'LERIE.
W. A. DUNCAN.
JOHN CROOK.
HENRY LANE.

Received the above—
W. A. DUNCAN.

(No. 1.)

Sydney, 4 February, 1862.

To the Hon. E. C. Weekes, Esq., M.L.A.,
Colonial Treasurer.

In answer to an advertisement in this morning's *Herald*, calling for Tenders for Pilot Vessels for Sea Pilot Service of Port Jackson, we beg to submit the undermentioned vessels, viz. :—

"Pacific," Schooner—60 tons register, Colonial built in 1857, coppered and copper fastened; in every way complete, and without doubt the fastest vessel out of port. Price, £1,200.

"Kate Kearney," Schooner—80 tons register, Colonial built in 1854, coppered and copper fastened, and in thorough sea-going order. The sailing and weatherly qualities of this vessel are well known by every seafaring person in port. Price, £950.

Yours obediently,

BROOMFIELD & WHITAKER,
Albion Wharf.

The "Pacific" was built in 1856, as per Register.—E. C. W.

(No. 2.)

*Balmain Steam Saw Mills,
3 February, 1862.*

The Honorable the Treasurer for New South Wales.

Sir,

I beg to tender for the sale to the Government, of a first-class vessel, in every way suited for the Sea Pilot Service of Port Jackson. Price fifteen hundred pounds (£1,500). The vessel is now on the stocks, at Brisbane Water, and will be completed within two months from the date of acceptance of Tender.

PARTICULARS.

Register, about eighty-five (85) tons; length of keel, seventy-five (75) feet; breadth of beam, from out to out, eighteen feet six (18 ft. 6 in.) inches; depth of hold, seven feet nine (7 ft. 9 in.) inches from skin to under part of deck; a risen quarter deck twenty-eight (28) feet long, and fifteen (15) inches high; the bottom of vessel planked with two (2) inch Colonial hardwood, ceiled with the same description of timber, Kauri pine deck two and half (2½) inches in thickness, copper fastened throughout to load line, also treenail fastened double and single, and coppered with Muntz patent metal.

The vessel is clipper build for fast sailing.

Inventory of outfit and fittings:—Pine spars, standing and running rigging complete, one suit of sails, two (2) bower anchors and chains, one kedje, one six-inch and one four-inch rear warps, one boat and four oars, patent windlass, double purchase winch, two pumps, one brass binnacle and compass; cabin fitted up plain with six bunks, and also fore-castle with six bunks.

The vessel, both in build of hull and outfit, is in every respect first-class, and may be surveyed on the stocks previous to launching.

JOHN BOOTH.

P.S.—Any alteration in rig, or fitting up of cabin, may be done at a fair valuation previous to launching.

J. B.

(No. 3)

PILOT BOARD.

5

(No. 3.)

Sydney, 4 February, 1862.

To The Honorable the Colonial Treasurer.

Sir,

We beg to offer you the schooner "Vixen" as a Pilot Vessel in accordance with the terms of tender advertised, to be suitable for the Sea Pilot Service of Port Jackson.

Enclosed, we beg to hand an inventory of the said vessel, from which you will perceive that she is well found in every respect, having good cabin accommodation, with separate ladies' cabin.

She was built in Dundee, about 1840, of oak and teak, copper and copper fastened; her length is 86 feet 6 inches; breadth, 17 feet 4 inches; depth of hold, 10 feet 3 inches; and is capable of carrying 200 tons with a light draught of water; her register tonnage being 121 tons, which is a little larger than that advertised for. She is brigantine rigged, and has been for some years in the Brisbane trade, always commanding full cargoes both ways, and in all cases delivering them without any damage. Average speed $10\frac{1}{2}$ knots per hour. The price we are willing to sell her at is eleven hundred pounds sterling (£1,100.)

We have, &c.,

L A I D L E Y, I R E L A N D, & C O.,
Agents for the Owners.

No. 7.

TENDERS FOR VESSELS FOR PILOT SERVICE, PORT JACKSON.

Pilot Board Office,

7 February, 1862.

The Board beg to report, that they do not consider any of the vessels offered in all respects eligible, and they think it desirable to advertise in the neighbouring Colonies, before making any final recommendation.

W. J. WILSHIRE.

The Under Secretary for Finance and Trade.

No. 8.

In calling for tenders in the neighbouring Colonies, I should like to know the views of the Board.

A vessel from description, may appear suitable—is it intended to entrust the examination into her condition to some party at the port where she may be, and who will also be authorized to make a final arrangement; or, if her description is approved of, will the Board require her to be brought to Sydney for inspection? If the latter, there seems little probability of a compliance, on the uncertainty of an approval on arrival, and it will be simply so much time lost.

E. C. W.

8 Feb., /62.

No. 9.

The Board purpose to refer tenders received from the Colonies, to the Pilot Boards of the respective ports, who are no doubt competent to report satisfactorily. The Board will, however, examine the vessels tendered here during the week.

W. J. WILSHIRE.

14 Feb., 62.

The Under Secretary to the Treasury.

No. 10.

PILOT VESSELS.

SCHEDULE of Tenders for Pilot Vessels received at the Treasury subsequently to the date appointed for opening them, viz., 4th February, 1862.

| TENDERER. | PARTICULARS OF SUPPLY. | RATE. | REMARKS. |
|-----------------------------------|--|------------|----------|
| Broomfield and Whitaker | "Jeanie Dove," 103 tons | £ 1,200 | |
| Do. | "Beautiful Star," steamer | 6,500 | |
| Robert Kelly | "Atlantic," $71\frac{2}{3}$ tons | 2,000 | |
| Jas. Cox and Co. | "Lola Montez," 46 tons | 1,000 | |

(No. 1.)

PILOT BOARD.

(No. 1.)

Sydney, 6 February, 1862.

To the Hon. E. C. Weekes, Esq., M.L.A.,
Colonial Treasurer.

In answer to an advertisement in this morning's *Herald*, calling for Tenders for Pilot Vessels, for Pilot Service of Port Jackson, we beg to submit the undermentioned vessel:—
"Jeanie Dove," schooner, 103 tons register, built at Greenock, of British oak, is coppered and copper-fastened, sails fast, and is an excellent sea boat. She is well found in every respect, and ready for immediate despatch.—Price £1,200.

Yours, &c.,
BROOMFIELD & WHITAKER.

(No. 2.)

Sydney, 12 February, 1862.

To the Hon. E. C. Weekes, Esq., M.L.A.,
Colonial Treasurer.

Believing you might prefer a screw steamer for the Colonial Sea Pilot Service, we beg to tender a screw steamer named "Beautiful Star," plans of which we enclose. She is guaranteed to steam nine knots, and sail under canvas eleven knots per hour, will carry 200 tons dead weight, with a draft not exceeding nine feet. She was built by order of our Mr. Whitaker, under the inspection of "Lloyds" special surveyor, and fitted for water ballast. She was launched the first week in January instant, and was to sail a few days after. She will sail out, and be rigged as shown per plans. We beg to tender her complete for the sum of (£6,500) six thousand five hundred pounds sterling.

Payment for the same, if accepted, to be agreed upon.

Yours, &c.,
BROOMFIELD & WHITAKER.

Pilot Board,
E. C. W.,
17 Feb., /62.

(No. 3.)

Sydney, 13 February, 1862.

To E. C. Weekes, Esq., M.L.A.,
Colonial Treasurer.

Sir,

In answer to an advertisement in the *Morning Herald*, calling for Tenders for Pilot Vessels for the Sea Pilot Service of Port Jackson, I beg to tender the undermentioned vessel, viz.:—
"Atlantic," schooner, 80 tons register, Colonial built in 1860, coppered and copper fastened—in every way complete—and without doubt the fastest vessel out of port—price, £2,000.

Yours, &c.,
ROBERT KELLY.

Pilot Board,
E. C. W.,
13 Feb., /62.

The registered tonnage of the "Atlantic" is $71\frac{47}{100}$.—E. C. W.

(No. 4.)

Sydney, 13 February, 1862.

To the Hon. E. C. Weekes, Esq., M.L.A.,
Colonial Treasurer.

Sir,

Understanding you require vessels for Sea Pilot Service of Port Jackson, we beg to tender the undermentioned vessel, viz.:—
"Lola Montez," 46 tons register, will carry 80 tons, built at Brisbane Water, 1861—in every way complete—sailing qualities of which are well known as being a very fast vessel—price, £1,000.

Yours, &c.,

Pilot Board,
E. C. W.,
19 Feb., /62.

JAMES COX & Co.,
Baltic Wharf.

No. 11.

VESSELS FOR SEA PILOT SERVICE.

Pilot Board Office,
14 February, 1862.

With reference to the minute of this date, upon the abovenamed subject, the Pilot Board now recommend that the Tenders for the "Pacific" and "Atlantic" should be accepted, as they consider that these vessels are the most suitable for the purpose,—belonging to the port, being in fair condition, commodious, and weatherly.

Should it be found that they do not realize all that the Board anticipate, they will always sell for a price little less than the cost.

Although the Tenders amount to £3,200, the Board believe that in all probability the owner would accept £3,000 for the two vessels.

W. J. WILSHIRE,
Secretary.

The Under Secretary to the Treasury.

No. 12.

What would be the cost of building in the Colony, per ton?
I should like to see the Report of Survey on these vessels.

E. C. W.,
15 Feb., /62.

No. 13.

No. 13.

The Board beg to state that Captains Smith, Darley, and Watson were deputed to inspect the vessels, and that although no report was made in writing, the Board are satisfied from the verbal report of those gentlemen, that the "Pacific" and "Atlantic" are the most suitable vessels in port, and worth the price asked. Mr. Cuthbert informed a member of the Board that it would cost £3,000 to build one vessel here. If they are to be built, the Board would recommend that they should be built in England. Should this become necessary, they beg to report that the vessels named could afterwards be sold at a price little less than the cost.

W. J. WILSHIRE.
20 Feb.

No. 14.

I consider the price of these vessels to be high, but as they are very strongly recommended by the Board, and it is desirable that the new system should be brought into operation as soon as possible, I approve of the purchase if it can be effected for the amount voted by Parliament, say £3,000: Provided however that the vessels are first taken on the slip, and their condition certified to by the shipwright surveyor.

E. C. W.
22 Feb., /62.

I am induced to this course, because I have heard that one of these vessels has taken the ground some time since, and as there is a shipwright surveyor attached to the Steam Navigation and Pilot Board, it is desirable that his certificate as to the condition of the vessels should be obtained. The earliest attention should be given to this.

E. C. W.
24 Feb., /62.

No. 15.

PILOT VESSELS.

Pilot Board Office,
28 February, 1862.

GENTLEMEN,

I am directed to inform you, that the Honorable the Treasurer has directed the Pilot Board to offer the owner of the "Atlantic" and "Pacific" the sum voted by Parliament, viz, £3,000 for those two vessels, provided however that they are first taken on the slip, and their condition satisfactorily reported upon by the shipwright surveyor to the Steam Navigation Board.

W. J. WILSHIRE.

Messrs. Broomfield and Whittaker,
Albion Wharf.

No. 16.

Forwarded for the information of the Honorable the Treasurer, as directed.

W. J. WILSHIRE.
E. C. W.
1 March.

No. 17.

Sydney, 3 March, 1862.

GENTLEMEN,

In answer to your favor of the 1st instant, we are instructed by Mr. R. Kelly, owner of the "Atlantic" and "Pacific" schooners, to inform the Pilot Board that the sum tendered, viz.—£3,200, is the lowest price for the above-mentioned vessels, and that any expense in docking, &c, must be paid by your Board; should any of the copper be off the bottom it will be replaced at Mr. R. Kelly's expense.

We might mention that these vessels' bottoms have been sighted this year.

Yours, &c.,

BROOMFIELD & WHITTAKER.

To the Pilot Board of Port Jackson.

No. 18.

No. 18.

*Victoria Chambers, Pitt-street,
3 March, 1862.*

SIR,

Understanding that the Government is in want of a small vessel as Pilot Boat, I beg to tender my schooner the "Sea Witch." She is 108 tons American register, built in New London in 1856, and newly coppered in 1861. She is a fast sailer, and a perfect sea boat. She is in every respect well found, and her sails are in good order, and would be well suited for the above purpose. I beg to offer her to the Government for the sum of one thousand five hundred pounds. As, in the event of not disposing of her, I am desirous of proceeding to sea at an early date, I shall feel greatly obliged if you would forward me a reply at your earliest convenience.

The Hon. E. C. Weekes,
Colonial Treasurer,
&c., &c., &c.

I am, &c.,
B. F. CHAPMAN,
p. Montefiore & Montefiore.

No. 19.

Pilot Board,—Has any settlement been made about the two Pilot Boats under offer?
E. C. W.
3 March, /62.

No. 20.

TENDERS FOR PILOT VESSELS.

Pilot Board Office, 8 March, 1862.

This subject having been often before the Board, and now fully considered and discussed, they decided to represent to the Honorable the Treasurer, that, as Messrs. Broomfield and Whittaker hold to their tender of £3,200, and as the "Sea Witch" is not only over-valued, but scarcely fit for the service, they see no better course than to recommend that the vessels for the service should be ordered to be built in England, under the superintendence of one of Lloyd's Surveyors, and in accordance with the drawings and specifications herein, which are admirably designed for the class of vessels required. If, however, the Honorable the Treasurer should think it desirable, tenders might be called for one vessel in the Colonies, and the other should be built as before stated.

After considering the whole of the most eligible tenders, the Board are of opinion that the prices asked are excessive, seeing that much additional expense would be necessary before the vessels could be made available, and as they have all been built for other purposes they would even then be far inferior to vessels built specially for the Pilot Service.

W. J. WILSHIRE, Secretary.

The Under Secretary for Finance and Trade.

No. 21.

I cannot adopt the suggestion of the Board that these vessels, or one of them, should be obtained in England. With the finest shipbuilding timber in the world produced in the Colony, and no scarcity of skilful artisans, it would, I conceive, be a just reproach against the Government, were they to sanction the building of these vessels in any other place.

E. C. W.
12 March, /62.

No. 22.

Sydney, 11 March, 1862.

SIR,

I venture, at the risk of being thought troublesome, to call your attention to a vessel now in Port, as in every way suited for the purpose of a Sea Pilot Boat. I refer to the "Sea Witch;" this vessel is the perfect model of what we require, and with a very trifling expense, may be sent to sea in a few hours, every way fit for the service.

My anxiety for this important service, and that it may at once be set in motion, must plead my excuse.

I have, &c.,
R. TOWNS.

To the Honorable E. C. Weekes, Esq.,
Colonial Treasurer.

No. 23.

The Shipwright Surveyor should be requested to inspect this vessel forthwith, and report on her condition.

It is so desirable to commence this system, that should the report warrant it, the vessel should be bought, and I am informed that an offer of £1,400 would be accepted.

E. C. W.
13 March, 1862.

No. 24.

PILOT BOARD.

9

No. 24.

Cuthbert's Wharf,
14 March, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of this day's date (marked urgent,) informing me that the Honorable the Colonial Treasurer has requested the Pilot Board to instruct me to report on the condition of the "Sea Witch."

I went on board immediately on the receipt of your letter, and examined as far as practicable, and am now going with one of my men to examine the frame, &c.; when I am finished I will immediately send you my report.

I have, &c.,

JOHN CUTHBERT.

The Secretary, Steam Navigation Board,
Sydney.

No. 25.

Cuthbert's Wharf,
Sydney, 14 March, 1862.

SIR,

With reference to my preliminary report respecting the schooner "Sea Witch," forwarded to you this day, I have now the honor to inform you, that I have made a careful examination of the vessel (as far as practicable afloat), the vessel laying afloat (with ballast) off Campbell's Wharf, drawing 5 feet forward and $6\frac{1}{2}$ feet abaft, and find as follows, viz.:— She was built in New London, Connecticut, in the year 1855, and of the undermentioned material:—

Planking.—Outside planking American oak.

Framing.—American oak.

Ceiling.—American oak as high as the clamps.

Clamps.—Clamps of white pine.

Boats.—One boat bad.

Fastenings.—Butts copper-fastened. Floors and centre fastenings iron-fastenings.

Sheathing.—Sheathed at Tahiti in 1860, with yellow metal of 18 oz. to 22 oz., over paper.

Spars.—Spars appear to be in good order.

Sails.—She has 1 main-sail, in bad order; 2 fore-sails, middling; 1 square-sail, do.; 2 jibs, do.; 1 storm trysail, do.

Cable.—1 chain cable, containing 60 fathoms of 1-inch chain; 1 chain, 60 fathoms, $\frac{3}{4}$ -inch chain.

Anchors.—2 bower-anchors.

The topsides and deck will require to be caulked, and the bottom sighted; when that is done, and the sails and rigging completed and properly fitted, with boats, &c., I consider her to be a good substantial vessel for her age and build.

I have, &c.,

JOHN CUTHBERT.

The Secretary, Steam Navigation Board, &c.

No. 26.

PILOT BOARD,—

This vessel has been purchased by the Government, for the Outside Pilot Service, for the sum of £1,425, on condition that her bottom be sighted and found sound.

The Board will direct the Harbour Master to ascertain the earliest period at which she can be docked in the Fitzroy Dock.

E. C. W.

15 March, 1862.

No. 27.

The Treasury, New South Wales,
15 March, 1862.

SIR,

I am directed to inform you that the Government are prepared to purchase the schooner "Sea Witch" (offered by you through Captain Towns) for the sum of £1,425, for use as a Pilot Vessel, on condition that her bottom be sighted at the expense of the Government, and found to be sound.

I have, &c.,

HENRY LANE,
Under Secretary.

B. F. Chapman, Esq.,
&c., &c., &c.

No. 28.

*Cuthbert's Wharf,
Sydney, 19 March, 1862.*

SIR,

I have the honor to inform you that I have this day examined the bottom of the schooner "Sea Witch," laying in the Fitzroy Dock, and found a few pieces of the metal sheathing worn off the keel and part of her bottom. The defective parts having been repaired, I consider her to be in good order and condition.

I have, &c.,
JOHN CUTHBERT.

The Secretary, Steam Navigation Board.

No. 29.

*Port Office,
20 March, 1862.*

SIR,

Having yesterday seen the schooner "Sea Witch" in Cockatoo Dock, I have to report for the information of the Honorable the Treasurer, that I found her copper in good condition, with the exception of two sheets on her keel, which have been replaced by new copper. The Captain of her states, that when she was last coppered there was not quite enough new copper to complete it, therefore two old sheets were made use of. I consider the vessel will be well adapted for the Pilot Service of the port when put in thorough order.

I have, &c.,
JOHN CROOK,
Harbour Master.

The Under Secretary for Finance and Trade.

No. 30.

PILOT BOARD,—

The necessary steps to be taken for transferring this vessel to the Government, and for fitting her for the outside Pilot Service. As it may be doubtful whether another vessel, similarly suitable, may be obtained at the present moment, I should wish the opinion of the Board whether the proposed change in the system can be commenced with one vessel, obtaining another one at the earliest opportunity.

E. C. W.
20 March, /62.

No. 31.

PILOT VESSELS, PORT JACKSON.

*Pilot Board Office,
21 March, 1862.*

The Pilot Board beg to state, in reply to the Honorable the Treasurer's minute of the 20th instant, relative to the fitting up of the schooner "Sea Witch," lately purchased by the Government, that all the propositions that have been made to establish an outside Pilot Service contemplated that at least two vessels should be simultaneously employed, and they believe that the service cannot be efficiently carried into effect with one.

The Board would beg to refer to their minute of the 8th instant, in which they informed the Minister, that they had carefully examined the "Sea Witch," and that they were unanimous in opinion that she was not only overvalued, but scarcely fit for the service. Under these circumstances, and with this conviction, they most respectfully decline to fit out a vessel that they consider will prove a failure in a service with which they are so much identified. They did anticipate that their opinion would have had some weight in a matter so much within their province, and they cannot help remarking, that if they are qualified to hold seats at the Pilot Board, they must certainly be competent to give an opinion on the fitness of a Pilot Boat, but if the Government think otherwise, it were better that the services of the Board should be dispensed with.

W. J. WILSHIRE,
Secretary.

The Under Secretary for Finance and Trade.

No. 32.

It appears by this minute, that certain members of the Pilot Board decline to carry out the views and instructions of the Government, and I have therefore no alternative, but to express my entire concurrence in the opinion stated therein, that their services should be dispensed with. The resignation of the gentlemen referred to, whose names at present have not been communicated to me, will be accepted.

E. C. W.
27 March, /62.

No. 33.

No. 33.

PILOT VESSELS, PORT JACKSON.

*Pilot Board Office,
27 March, 1862.*

In reply to the Honorable the Treasurer's minute of this date, the Pilot Board would beg to recapitulate as briefly as possible the circumstances under which they declined to fit out the "Sea Witch" as a Pilot Boat.

Each Member of the Board had visited the vessel and carefully examined her, as much so as if they had contemplated a purchase for their own purposes.

The opinion thus formed, which was conveyed to the Minister on the 8th instant, and in which the Board were unanimous, was to the effect that it was undesirable to purchase her for the service.

This opinion was grounded on the facts that the vessel is slightly built, chiefly iron fastened, has not sufficient hold of the water to be weatherly, and certainly is not worth £1,000.

The Board were informed by the Honorable the Treasurer, on the 20th instant, that the vessel had been purchased, thus setting aside their recommendation; and as they were unanimously of opinion that it would not be to the advantage of the public service that the sum necessary to send her to sea should be expended on such a vessel, they declined to identify themselves with the matter in any way.

In defence of this view, they beg to quote the words of a Minute of the Honorable the Treasurer, dated 27th September, 1860, where that Minister informs the Board that "to protect the public expenditure is the first duty of every department."

The Board feel, moreover, that on so many similar occasions their opinions had been ignored by the Minister, and those of other persons adopted, and that frequently the Harbour Master, as in this instance, had been permitted to commence operations without the knowledge of the Board, that if they were to be in any way responsible for the success or failure of the new system of pilotage about to be initiated, they ought not in justice to be asked to carry it out with materials which, in their opinion, are unfit.

The opinion of the Board, more particularly alluded to by the Honorable the Treasurer, was to the effect, that "if the Government thought them not competent to give "an opinion on the fitness of a Pilot Boat, it would be better that their services should be "dispensed with." The Government have not informed the Board that this is their opinion, and, therefore, the Board do not feel called upon to tender their resignation.

W. J. WILSHIRE.

The Under Secretary for Finance and Trade.

No. 34.

No good is likely to arise from my arguing this matter. Certain members of the Board have refused to carry out the instructions of the Government. Request the Chairman to give me their names.

*E. C. W.
29 March, /62.*

No. 35.

The members of the Pilot Board, who were present at the meeting at which the resolution not to fit out the "Sea Witch" was passed were, in addition to the Chairman, Captain Darley, Captain Smith, and Captain Fox. The Chairman objected to some words in the resolution, but was overruled. He then observed that he must leave the responsibility with the nautical members, and having put the resolution from the chair it was carried unanimously.

*W. A. D.
29/3/62.*

No. 36.

The refusal of these gentlemen, in their communication of 21 March, to carry out the views and instructions of the Government, renders it impossible that they should any longer retain their seats at the Board.

Inform that their successors will be appointed forthwith.

*E. C. W.
3 April, 1862.*

No. 37.

Captains Darley, Smith, and Fox, informed accordingly.

*W. A. D.
4/4/62.*

No. 38.

No. 38.

4 April, 1862.

SIR,

With reference to the minute of the Pilot Board, of the 21st March, in which it was decided, unanimously, not to fit out the "Sea Witch" as a Pilot Boat, I am directed, by the Honorable the Colonial Treasurer, to communicate to you and the other Members who were present at that meeting, the decision of the Government thereon, viz., that

"The refusal of these gentlemen, in their communication of 21st March, to carry out the views and instructions of the Government, renders it impossible that they should any longer retain their seats at the Board, and that their successors will be appointed forthwith."

I have, &c.,

W. A. DUNCAN,

Chairman.

To Captain Darley.

(Similar letters were forwarded to Captains Smith and Fox.)

No. 39.

Sydney, 7 April, 1862.

At the request of R. Towns, Esq., we, the undersigned, went on board the schooner "Sea Witch," this morning at 7 a.m., for the purpose of surveying that vessel. We there met Captain Crook, who showed us through the vessel and gave such information as required.

We beg to report as follows:—

1. We find the vessel to be built of oak and pitch pine. The frames of oak, 14 inches by 7 inches, space $8\frac{1}{2}$ inches. Keelson, 10 by 9 inches oak. Ceiling plank of oak and pitch pine, $2\frac{1}{2}$ inches thick. Beams of pitch pine, 7 inches by 5 inches, double kneed. Outside planking, above copper, also waterways, stanchions, and rails, are of good sound oak and well put together, decks of pine and in good condition. The vessel throughout is a good staunch vessel, timber and frame of the usual size for tonnage.

2. The centre fastenings are of iron, bilge and other fastenings of copper.

3. As far as draft of water is concerned, I may say it is not unusual to put four feet of hanging keel on yachts from 80 to 100 tons (measurement) in England, for the purpose of going to windward. This principle in shallow vessels gives windward qualities, with slight displacement for running.

THOS. T. ROUNTREE,

Ship-builder.

WILLM. LIVINGSTONE,

Practical Shipwright, and Commander "Royal Saxon."

No. 40.

QUESTIONS put by Capt. Towns.

No. 1.—Is she slightly built? We consider her in every respect extra strong. (*Vide* dimensions.)

No. 2.—Is she chiefly copper-fastened? Except the centre fastenings. We cannot say if the keel fastenings are copper, but in every part she is strictly and sufficiently copper-fastened, as high as necessary.

No. 3.—Has she sufficient hold of the water to be weatherly? We are of opinion from her present draft of water, she has ample hold to be weatherly. The fastest vessels of the day are of light draft, and, if our recommendation be carried out, we consider the "Sea Witch" in every respect well suited for the purpose of an outside Pilot Boat.

THOS. ROUNTREE.

WILLM. LIVINGSTONE,

Practical Shipwright and Commander, "Royal Saxon."

No. 41.

I have pleasure to certify to the above, and further add, I never sailed in a finer sea boat than the "Sea Witch," and I feel sure the vessel will give satisfaction as a Pilot Boat, as no vessel could be better suited for the purpose.

I have commanded vessels of all sizes and rigs, square rig to every description of fore and aft, and the rig of the "Sea Witch" is to my mind admirably suited for the Pilot Service.

GEORGE BOWLES,

Master, schooner "Tawera."

No. 42.

Sydney, 8 April, 1862.

DEAR SIR,

On Saturday last, April 5th, we, the undersigned, at your request, repaired on board the schooner "Sea Witch" to survey her, our attention having been invited by you to the following points, and to give our opinion thereon:—

1st. Build, slight or otherwise.

2nd. If chiefly iron fastened.

3rd. If sufficient hold of the water to beweatherly.

Build.—We consider her scantling and planking to be of fair dimensions, of good quality, and sound as far as we are able to see.

Dimensions of floors—8 in. by 7 in., with $8\frac{1}{2}$ inches between each pair.

Ceiling—2 to $2\frac{1}{4}$ inches.

Outside planking, we were informed, was $2\frac{1}{2}$ to 3 inches; decks (spruce), $2\frac{1}{2}$ inches; material chiefly white oak, with some streaks of pine inside. Judging from appearances the vessel shews no signs of weakness, nor of working in the way of the masts.

Fastening.—Apparently every butt in the bottom is copper through bolted, other fastenings of iron.

Hold of Water.—Her sailing draft, as we were informed by the Captain, is 8 feet aft, 7 feet 2 inches forwards. She draws somewhat more, we understand, amidships, having a depth of keel there of 24 inches, diminishing towards the forefoot and heel.

This we imagine would give a sufficient hold of the water for a vessel of 63 tons (N.M.), which is measurement of the "Sea Witch," and which, in conjunction with her very suitable rig, affords good reason for believing her to be (as the Captain assured us she is) a very weatherly craft.

Possessing this very essential quality, and properly fitted out, we believe she will render good service as a sea Pilot Boat.

Robert Towns, Esq.,
&c., &c.

We are, &c.,
JOHN VINE HALL,
WILLIAM OWEN.

No. 43.

I, WILLIAM OWEN, of Tahiti, Shipwright, certify that, in January, 1861, I had the schooner "Sea Witch" on the Government patent slip for nine days, during which time I removed her copper and dubbed her bottom to the bright wood; recaulked, graved, tarred, papered, and newly coppered her; examining her bottom thoroughly, and found her planking to be $2\frac{1}{2}$ inch white oak, copper butt bolted, treenailed and composition spike fastened. Saw no traces of iron rust, which would have been visible were there any iron fastening in her bottom. And having myself made three rough weather passages in her to California, can certify that she is a remarkably weatherly craft, and fast sailer, and do consider her well adapted for the pilot service.

WILLIAM OWEN,
Of Owen and Gooding, Shipwrights, Tahiti.

No. 44.

Admiralty and Colonial Survey Office,
30 May.

DEAR SIR,

In reply to your note of yesterday, requesting my opinion of the general qualifications of the "Sea Witch," I have no hesitation in saying, that from appearance, size, and draught of water, I should have been very glad on the part of the Admiralty, to join with the Colonial Government in her purchase for a surveying vessel, in preference to the "Captain Cook," believing her in every way qualified as a sea-going vessel.

The Honorable E. C. Weekes,
&c. &c.

I am, &c.,
FRED. W. SIDNEY.

No. 45.

Sydney, 14 April, 1862.

SIR,

We have the honor to request that you will forward, as early as possible, through the proper channel, the accompanying letter to His Excellency the Governor-in-Chief.

We have, &c.,
HENRY T. FOX,
BENJ. DARLEY,
CHAS. SMITH.

W. A. Duncan, Esq.,
Chairman of the Pilot Board.

No. 46.

Sydney, 14 April, 1862.

SIR,

During the absence of your Excellency from Sydney, the undersigned who were appointed by your Excellency's predecessor, Members of the Pilot Board of New South Wales, have received intimation that, in consequence of certain circumstances that have transpired, "they could no longer retain their seats at the said Board, and that their successors would be appointed forthwith."

They, therefore, in virtue of their appointment, respectfully request that, before your Excellency confirms this decision, you will be pleased to make such inquiry as you may deem fit into all the circumstances of the case, so that they may be assured that full justice is done them in the matter.

We have, &c.,

BENJ. DARLEY,
CH. SMITH,
HENRY T. FOX.

To His Excellency
Right Hon. Sir John Young, Bart.,
Governor-in-Chief, &c.

No. 47.

*Custom House, Sydney,
15 April, 1862.*

SIR,

I do myself the honor to forward herewith, a letter from Messrs. Darley, Smith, and Fox, late Members of the Pilot Board, addressed to His Excellency the Governor, and in accordance with their request, I beg to ask you to cause the same to be laid before the Honorable the Treasurer, so that it may be forwarded to its destination.

I have, &c.,

W. N. LLEWELLYN,
For Collector of Customs.

To the Under Secretary for Finance and Trade.

No. 48.

PROCEEDINGS of the Executive Council on the 16th April, 1862, with reference to the appointment of certain Gentlemen, as Members of the Pilot Board, &c.

His Excellency the Governor lays before the Council a Minute paper by the Honorable the Colonial Treasurer, intimating that the Government having purchased the schooner "Sea Witch" for the Pilot service, the Pilot Board was instructed to take the necessary steps for her equipment, in order that the new system might come into operation as early as possible.

It appears that three Members of the Board, Captains Darley, Smith, and Fox, in a communication addressed to the Colonial Treasurer, and dated 21st March, declined to carry out the instructions of the Government respecting the vessel, and suggested that, if their opinion were not to be acted upon, it would be better that their services should be dispensed with.

Under these circumstances, the Honorable the Treasurer recommends that the services of these gentlemen should be dispensed with accordingly, and that Captains Robert Towns, John Vine Hall, and W. F. Norie be appointed in their places.

2. The Council advise that the recommendation of the Honorable the Treasurer be approved, and that Captains Robert Towns, John Vine Hall, and W. F. Norie, be appointed members of the Pilot Board accordingly.

No. 49.

*The Treasury, New South Wales,
6 May, 1862.*

PILOT VESSEL, PORT JACKSON.

TENDERS will be received at this Department, until noon of Tuesday, the 20th May, for building a Vessel of 70 tons register, or thereabouts, suitable for the Pilot Service.

Each Tender must be accompanied by a model and specification of the vessel proposed to be built.

The vessel must be furnished and completed for the Service, with every appointment fit for sea, and to the satisfaction of the Pilot Board, within four months from the date of acceptance of Tender.

At the foot of each Tender there must be a memorandum signed by the tenderer and two responsible parties as sureties, agreeing to be answerable for the due performance of the Contract, in the event of the Tender being accepted, and undertaking in that event, that they will severally execute and deliver at the Office of the Crown Solicitor, in Sydney, within seven days after the usual notification of acceptance, a Bond to Her Majesty in the penal sum of £500 for securing such performance, otherwise the Tender will not be taken into consideration.

Any further particulars required may be ascertained on application to the Secretary of the Pilot Board.

E. C. WEEKES.

No. 50.

No. 50.

*The Treasury, New South Wales,
16 May, 1862.*

PILOT VESSEL, PORT JACKSON.

WITH reference to Treasury Notice of 6th instant, calling for Tenders for building a Pilot Vessel for Port Jackson, it is hereby notified that the period for receiving the Tenders has been extended to noon of Tuesday, the 27th May.

E. C. WEEKES.

APPENDIX A.

No. 51.

MEMORANDA FOR THE PILOT SERVICE AT SYDNEY.

Boats.—Two sailing vessels of not less than 60 nor over 80 tons, fore and aft schooners preferred; and one whaleboat for inside duty.

The sailing vessels to be properly fitted and found with every comfort for the Pilots, as to sleeping apartments and mess-room.

Each vessel to carry one ordinary-sized whaleboat, on extra high davits, and one smaller boat or dingy—the latter to be carried on deck, for boarding ships in ordinary weather, the whaleboat to be used as occasion may require.

Crew, six in number.—The Master to be a Branch Pilot, and when necessary to board and take vessels in or out; one mate, a smart, active young man, and thorough sailor, train him for the service, and let him be entitled to a Branch, when a vacancy may occur, in preference to strangers, but he must be competent.

Three active young men, accustomed to boating, need not be what we term able seamen. One boy or lad, not under 15 years old, who may be an apprentice.

This gives a crew of six, all told, I put down the full complement, and I would prefer two stout lads of 18 or 20, to be brought up in the service in preference to old growlers.

Provisions.—The Master to have the privilege of victualling the pilots and crew, at a scale to be fixed on; the calculation of the expense is based on such a plan.

Number of Pilots and Masters.—Six Licensed Pilots, three for each vessel, together with the Master, will make eight Sea Pilots on the staff.

Whaleboat.—One ordinary-sized whaleboat, with four men, to be kept at Camp Cove, for attending the Pilots inside, and keeping communication with the Signal Staff and the Cutter in the Bay.

DISPOSITION OF THE VESSELS.

Stations.—The vessels to take the outside duty by turns, say weekly or monthly, as the matters of detail may hereafter be decided, and in rotation.

Three Pilots to be at all times on board each vessel, and to be placed and ply in the following order; and, for distinction, I will term one the outside boat, and the other the inside boat, and to begin with both boats outside in the morning, the outside boat having three Pilots, besides the Master of the vessel, making four Pilots on board.

The inside boat, having only her Master and crew on board, the three Pilots appointed to her having been called to Sydney to take three ships to sea, those Pilots having been sent up from the inside boat before she left her moorings, in the whaleboat from Camp Cove.

The outside boat will at once make an offing to windward, to the distance of eight or ten miles, or in such direction as the judgment and discretion of the Master and Pilots on board may consider best, keeping within sight of the Signal Station at South Head.

The vessel having on board a sufficient supply of water, stores, and provisions to last the time of her intended outside duties.

By keeping within signal distance, the Master and Pilots on board will know when, and in what direction, vessels may be seen from the Signal Station to approach the harbour, and shape their course accordingly.

The inside boat will cruise off the Heads, in readiness to take out the Pilots from the outward bound ships as they approach, sending the boat for them, and thus continue during the day.

Should no vessels requiring Pilots have arrived during the day, and all three Pilots have brought ships out, each vessel will have her full complement of Pilots on board.

As the night comes on the outside boat will close in towards the Heads, taking her station in such a position as the state of the weather will permit, and best calculated to see and intercept vessels making for the harbour, and will keep night signals out, as indicating her to be a Pilot Boat, and with a constant look out on the South Head, in case signals may be made.

The inside boat will at the same time make for her moorings at Watson's Bay or Camp Cove, as may be agreed on, and there remain for the night—that is, supposing no ships have arrived and three gone out.

I will now suppose three ships have arrived during the night, and all three Pilots from the outside vessel are in port. The inside vessel will proceed to her station as usual and put on board the outside the three pilots, and away as usual; the outward bound, if any, would be taken out by the Pilots which arrived the previous night.

The

The outside boat having made for her station in the offing, while the inside boat hold her station during the day and receive the Pilots from the outward-bound, or put them on board any vessel bound-in that may have arrived during the day from a different direction to where the outside boat may be cruising.

Should the outside boat have boarded all her Pilots, the inside boat will supply her before leaving the station for her moorings; and should a case occur when all the Pilots have been boarded, the inside boat will make signal for Pilots to come out to meet her, which must be done by the whaleboat taking them out, when she will make for the outer boat and supply her number, three Pilots, before she proceeds to her moorings, leaving the outside boat in charge of the inner station, and thus continue day by day.

It may be said the outside boat will be liable to be swept to the southward. This may happen in light airs, or, perhaps, during fiery north-easters (the latter not likely); but admitting such to be the case, she will be drifting nearer to ships coming from the southward, which cannot pass the Pilot Cutter under either circumstance, while the inner boat cannot lose her position between the Heads, and will at all times be ready to board vessels coming from the north or eastern direction, and on such occasions as when the outside boat cannot reach her station off the Heads, a look-out must be kept by the whaleboat's crew during the night, and in event of vessels appearing without Pilots then to hail the inside boat which must despatch her whaleboat with a Pilot (which is the present plan). As the worst that can happen, suppose the vessel is drawn from her station, the port is never in a worse position than with the present system at best.

Whaleboat.—The service of this boat is necessary for several purposes—in putting Pilots on board the outward-bound, and taking them out of ships as they arrive. It will also be the duty of the coxswain of the whaleboat to ascertain from the telegraph at night if any Pilots are wanted for outward-bound ships in the morning, which he must communicate to the Master of the cutter every night, having an order book for the purpose which he must have signed by the Master of the cutter, as proof of his duty having been done; and should the Pilots be required to supply the boats outside, the whaleboat will take them out to meet the sailing boat.

It may be asked, if a ship go out during the night, what is to become of the Pilot. The outside boat will take him out in the same way as he would put a Pilot on board a ship inward bound, being equally his duty; the outward bound Pilot making a preconcerted signal as he opens the Heads.

I think I have now met every point, and it may be a matter of detail if the outside vessel may not hang on her ground by a kedge and light warp in calms. Also signals between the boats and South Head station may be of great service.

APPENDIX B.

No. 52.

Drawings or tracings of Pilot Boats were enclosed in these papers and referred to by the Board, they appear to have been taken away, and are now required.

E. C. W.
27 March, 1862.

No. 53.

The tracings and specification were procured by Capt. Fox, who has no objection to give them up.

W. J. WILSHIRE,
Secretary.
4 April.

The Under Secretary.

No. 54.

*The Treasury, New South Wales,
2 April, 1862.*

MY DEAR SIR,

Messrs. Harvey and Sons, of Ipswich, England, in letter to Captain Fox, of 11 May, '60, state that they had written and addressed a letter to the "Pilot Committee of Sydney," on the subject of building Pilot Vessels.

The Treasurer wants to see the letter.

Most truly yours,
HENRY LANE.

W. J. Wilshire, Esq.,
Secretary.

No. 55.

Neither I nor Captain Fox have any recollection of a letter from *Harvey and Sons* to the Board. I think they must merely have enclosed the specification and tracings alone. I observe also that the registry number of this office in my handwriting is on Captain Fox's letter; had there been a letter from Harvey to the Board, that number should have been on it.

W. WILSHIRE,
4 April.

No. 56.

No. 56.

Fort-street, 3 April, 1862.

SIR,

As these plans, and the specifications which accompanied them, were procured from Messrs. Harvey and Son, entirely through the representations of a friend of mine, and at my request and statement that there was a probability of this Government requiring new pilot vessels; and as the papers were furnished by the above-named gentlemen, *bonâ fide*, for the purpose of offering to build these vessels, I trust I may be excused in expressing a hope that they may not be used for any other purpose, without first obtaining the permission of Messrs. Harvey and Son.

Henry Lane, Esq.

I have, &c.,

HENRY T. FOX.

No. 57.

*Halifax Yard,
Ipswich, 20 February, 1860.*

DEAR SIR,

We duly received your letter respecting two pilot vessels for Sydney, for which we are much obliged, and beg to return you drawing shewing cabin-fittings of the vessels we built for Pilot Service at Liverpool. The drawing is of the second one we built for there—not the one you fitted out, as you will see from the specification—this one was 111 tons and the first was 96 tons. We also built two for Hamburg, to ply outside the Elbe—these were first, 96 and next 111 tons; same models as for Liverpool. They, in both cases, like the large vessels the best. I also send you a diagram of their spars and sails, thinking these drawings would be the best way I could make it plain to the Pilot Service gents at Sydney, so with these, and the explanation you can give them, we consider you may arrive at conclusions what to do. You will see by the specification that we found for this vessel a double suit of new heavy canvas. This was the last Hamburg vessel, and I, thinking you would most likely fit out your new boats here, have, with a double suit, fit it up as for them. You will see this vessel we did not copper sheath, as they preferred her to sail first to Hamburg before being done; this of course would make a vessel of this size cost, at this time, £152 to £154 more, but we are ready to build a vessel, and find all as described in the specification, and copper sheath her 6 above her load line of floatation, and of the same dimensions, for £22 10s. 0d. per ton, or £2,497 10s. 0d. if ordered within four or five months from this date. No doubt if your Committee wants them before your return to England, they can refer us to some house in London, so that if agreeable to this specification and price we might proceed with the vessels, and they could be partly done when you arrive. If you decide not to have so large a vessel we should charge 5s. per ton more for a 96 tons vessel than for one 111 tons. You ask us to say what we know of you, and we are pleased to answer, not anything wrong, but on the contrary to be that of a steady industrious and persevering man, and have heard you always spoken of in these terms by those who have known you longer than us, and our knowledge of you extend over some number of years. Now we must say we trust you will bring us, or be the means of sending us, an order for the two Pilot vessels, and afterwards favouring us with your company as overseer of them. With best respects.

Capt. Elwood.

We are, &c.,

HARVEY & SONS.

P.S.—You will of course understand that if the vessel is more simply fitted below she will be less per ton.

H. & SONS.

10 March, 1860.

Finding the mails did not leave till the 12th of this month, I now have the pleasure of telling you that we have signed contract for the third new schooner to-day for Liverpool, viz.:—No. 12 Pilot Boat.

H. & SONS.

No. 58.

MEMORANDUM OF AGREEMENT made and entered into this _____ day of _____ one thousand eight hundred and sixty, between Thomas Harvey & Sons, shipbuilders, of Ipswich, in the County of Suffolk, and Wivenhoe, in the County of Essex, on the one part, and _____ on the other part.

SHEWETH,—

The aforesaid Harvey & Sons agree to lay down, build, and launch from their yard, at Ipswich, a new pilot schooner of not less than one hundred and eleven tons O.M., of the best materials and workmanship, in conformity with specification annexed, viz.:—

Keel and outside plank, up to light water-mark, to be of English elm. The entire frame and all other planking inside and out, to be of English oak. The beams, ledges, combings, windlass bits, mast bits, and cleats, to be of English oak.

The

The builders to find two red pine masts, and one bowsprit of red pine, and main boom of red pine. All other spars to be of Norway wood. To fit and fix a windlass, with purchase, and a purchase winch, to the mast. To find all iron work for masts, spars, and blocks, and also on hull. The rudder to be hung with metal pintle and braces, and to work in a round trunk at the deck.

To find one pair of boat's davits, with tackling thereto.

To find two iron pumps, buckets, &c., complete. To find hause, deck and stern pipes, all of which, with all iron work, to be galvanized. All staples and bolts for companion and sky-lights to be of copper on metal, all to be well done. To fit and fix a water closet on deck, aft, and to find a portable water closet for below.

To find two Rodgers' patent bower anchors, one of $5\frac{1}{2}$ cwt., and one of $4\frac{1}{2}$ cwt., and one kedge of $1\frac{1}{2}$ cwt., and 2 chains, one of 70 fathoms, and one of 65 fathoms, both of $\frac{7}{8}$ diameter; 40 fathoms of the chains to be galvanized, viz., 20 fathoms on each chain.

The internal fittings of the vessel to be a captain's cabin, a main cabin, with bed berths, a pantry, store room, as per plan annexed. To find a binnacle, with patent steering compass detached from skylight.

All the fittings below to be of deal or pine, and such to be painted carefully with 3 coats of paint, and main and captain's cabin to be grained. All locks and fastenings connected with fittings to be of brass or copper. To find a cooking apparatus for the forecabin, same as Liverpool Pilot vessels have. To find a stove for main cabin, and a bogie for captain's cabin. To fit to shape of vessel two tanks to hold 350 gallons each. The dining-table and lockers in main cabin to be of mahogany. The hull of the vessel and the deck to be thoroughly copper, on Muntz metal, fastened, and to use no treenails higher than under-part of wales.

Dimensions as follows, viz. :—

| | | |
|--|---------|-----------|
| Length of keel and fore rake..... | 73 feet | 0 inches. |
| Main breadth | 18 " | 4 " |
| Depth from top of ceiling to under side of deck | 10 " | 0 " |
| Depth from top of main cabin floor to under side of beams amidships, to be | 5 " | 10 " |

Scantling, &c., as follows, viz. :—

| | | | | | |
|--|--|--|------------------------------|---------------------------------|--------|
| Keel-sided $8\frac{1}{2}$ inches; moulded 11 inches. | | | Binding streak | 3 | thick. |
| Stem " 9 " " " 10 " | | | 3 streaks of wale | $3\frac{1}{2}$ | " |
| Floors " 7 " at FH " 6 " | | | Beam from wale to floor head | $2\frac{1}{4}$ | " |
| 1st Futtocks 6 " " " 6 " | | | From floor head to keel ... | $2\frac{1}{2}$ | " |
| 2nd do. $5\frac{1}{2}$ " " " $5\frac{1}{2}$ " | | | Clamp | $4\frac{1}{2}$ & $1\frac{1}{2}$ | " |
| Top timbers 5 " at gunwale " 4 " | | | Deck beams amidships ... | 7 × 6 | |
| Keelson $8\frac{1}{2}$ " " " 11 " | | | Deck red pine | $2\frac{1}{2}$ | " |

The vessel to be fitted with proper bits to fit the purchase windlass to, and such to be oak. To have a fine wash streak, and that to be fastened with Muntz's metal or copper bolts. To have inch pine bulwark and a good rail; also a monkey rail aft. To find seven hanging iron knees for each side of vessel. To find a sufficient number of blocks to set all the sails, and such, where required, to be internal iron bound. To find two skylights and a companion, the same to be made with pine slides and oak combings and stanchions. The bolts in shelf and waterway to be $\frac{3}{8}$, deadwood and keel bolts to be $\frac{3}{4}$ and $\frac{1}{2}$. Floor head bolts to be $\frac{3}{8}$, and to have two dump bolts in each bitt, and a through bolt in each butt, the timber before and aft of the butt below the wale in the body of the vessel.

Sails—To find two mainsails; two boom and two stay foresails of No. 1 East Coker canvass; four suitable jibs; one gaff topsail and one trysail, also of East Coker canvass.

Rigging—To be fitted complete with the best standing and running rigging, and to find 70 fathoms of 5 in. hawser, 70 fathoms of $3\frac{1}{2}$ in. hawser, and 70 fathoms of 2 in. working line.

Boat—To find a good 16 feet boat, copper fastened, 2 pairs of oars and boat-hook.

Ballast—To find a sufficient quantity of iron ballast to ballast vessel to line of floatation, and to get it small where required for stowage.

The tanks below to be fitted with connecting pipe, and to fit an engine to pump water into forecabin from them.

To find a mahogany table for captain's cabin, and sofa for the same cabin. To find 4 camp stools, a 40/ barometer, a 5/ thermometer; an oil cloth for captain's cabin, table, and floor; $\frac{1}{2}$ dozen of knives and forks, and 12 plates. To fit a place at after end of main cabin, on each side, to hang coats, &c., and to fit a place in forecabin for washing up.

The whole of the work to be done—as shipwrights, caulkers, riggers, painters, glaziers, plumbers, and smiths—in a sound workmanlike manner to the fulfilment of this agreement, and should any dispute arise it is to be settled by two arbitrators, one chosen by each party—the third to be chosen by them, and his decision to be final. The vessel to be ready for sea within six months from the date of this contract; and the within-mentioned owners agree

to

PILOT BOARD.

19

to pay for the said vessel at the rate of twenty-two pounds five shillings per ton, or two thousand four hundred and sixty-nine pounds fifteen shillings (£2,469 15s.), and to be paid in the following instalments, viz. :—

| | | | |
|------------------------------|--------|----|---|
| When keel is laid | 525 | 0 | 0 |
| „ in frame | 525 | 0 | 0 |
| „ planked | 725 | 0 | 0 |
| „ certificate is given | 694 | 15 | 0 |
| | <hr/> | | |
| | £2,469 | 15 | 0 |
| | <hr/> | | |

The whole to be executed under the special inspection and superintendence of her owners, or their agents, who have power to reject any timber or any other material not in accordance with this agreement.

Witness to signature of

No. 59.

Halifax Yard, Ipswich,
11 May, 1860.

HOND. SIR,

In February last I wrote Captain Elwood, of the brig "Tere," of Harwich, in answer to his enquiring of us full particulars of a pilot vessel, such as we have built for Liverpool and Hamburg. I did so, sending him drawings of the internal fittings, &c., and we have now a letter from him at Port Louis, Mauritius, requesting us to write you to say, if he is not home when the letter arrives from us to him, you are to open it, and therein you will see the particulars mentioned. We also wrote and addressed to the Pilot Committee of Sydney a letter therein stating that Captain Elwood had said his letters were to be opened by those gentlemen; so, no doubt, before receiving this, the letter and its contents have been seen by you.

We may say that, so far as experience in building the pilot boats, no one has had so much as ourselves; and, if I remember rightly, I mentioned that we had just received an order from Liverpool to build another one. That vessel we have now in frame, and she will be launched about the middle of July; and if you gentlemen please to give us an order for one or more boats, we will turn you them out so as not to be surpassed by any builder afloat.

Waiting your favor,

We, &c.,

HARVEY & SONS.

H. F. Fox, Esq.,
Surveyor, Mr. Lamb's Wharf,
Sydney, N. S. W.

APPENDIX C.

No. 60.

21st February, /62.

SIR,

Hearing that the Government require a vessel as a Sea Pilot, and that the "Sea Witch," schooner, has been recommended as one well suited for the purpose, I cannot but say that, in my opinion, she is ill suited for such a purpose. In the first place she is, I believe American build, built of soft wood, and is nearly flat bottomed, and most likely on a lee shore would go a wreck; and moreover, in a very short time she would go to pieces, as she is not faithfully built. The vessels suited for such a purpose must be built of strong wood, hardwood, or some other durable stuff, or else it is money thrown away. They must be very weatherly, for they will have to brave all kinds of weather. I have heard, from good authority, that interested parties from nothing but interested motives, are pushing this vessel on the Government.

It will, therefore, be well for the Government to look alive to their interests. There are two vessels trading from Sydney, well suited for this purpose in every respect, being faithfully built of hardwood, and are splendid sea-boats, and well fitted to weather any sea—indeed have all the qualities required for such a purpose. They are called the "Atlantic" and the "Pacific," but I do not know whether the owner would part with them. If the Government really require a vessel, they would do well to see to these vessels.

Yours, &c.,

WM. JOHNSON.

The Pilot Board beg to forward this letter to the Treasury, but to state that the writer is unknown to them.

W. J. WILSHIRE,

27 March, /62.

Put this with the other papers, for what it may be worth.

E. C. W.—27 March, /62.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

PILOT BOARD;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
7 October, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 3s. 11d.]

226—a

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 13. TUESDAY, 17 JUNE, 1862.

12. Pilot Board :—Mr. Samuel moved, pursuant to notice,—
- (1.) That a Select Committee, with power to send for Persons and Papers, be appointed to inquire into and report upon the Allegations contained in the Petition of Benjamin Darley, Charles Smith, and Henry T. Fox, lately Members of the Pilot Board, presented to this House on Tuesday, the 27th May.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Smart, Mr. Wilson, Mr. Dickson, Mr. Sadleir, Mr. Piddington, Capt. Moriarty, Mr. Weekes, Mr. Hay, Mr. Egan, and the Mover.
- Debate ensued.
- And Mr. Weekes requiring that the said Committee be appointed by Ballot,—
- Question,—
- That a Select Committee, with power to send for persons and papers, be appointed to inquire into and report upon the Allegations contained in the Petition of Benjamin Darley, Charles Smith, and Henry T. Fox, lately Members of the Pilot Board, presented to this House on Tuesday, the 27th May.
- Put and passed.
- Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed :—Mr. Samuel, Mr. Weekes, Mr. Smart, Mr. Dickson, Mr. Hay, Mr. Piddington, Mr. Sadleir, Mr. Wilson, Mr. Dick, and Captain Moriarty.

VOTES No. 47. THURSDAY, 14 AUGUST, 1862.

5. Pilot Board :—Mr. Samuel, *with the Concurrence of the House*, moved, (without notice),—
- (1.) That the Select Committee appointed to inquire into and report upon the Allegations contained in the Petition of Benjamin Darley, Charles Smith, and Henry T. Fox, lately Members of the Pilot Board, be authorized to make visits of inspection to the Schooner "Sea Witch."
- (2.) That the said Committee be authorized to have the services of a Short-hand Writer in such visits.
- Question put and passed.

VOTES No. 77. TUESDAY, 7 OCTOBER, 1862.

9. Pilot Board :—Mr. Samuel, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee on the Pilot Board.
- Ordered to be printed.

CONTENTS.

| | PAGE. |
|---|-------|
| Extracts from the Votes and Proceedings | 2 |
| Report | 3 |
| Proceedings of the Committee | 6 |
| List of Witnesses | 14 |
| List of Appendix | 15 |
| Minutes of Evidence | 1 |

1862.

PILOT BOARD.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 17th June last, "*to inquire into and report upon the Allegations contained in the Petition of Benjamin Darley, Charles Smith, and Henry T. Fox, lately members of the Pilot Board,*"—"*with power to send for persons and papers,*" have agreed to the following Report:—

The allegations contained in the Petition involving charges of a serious character against an administrative department of the Government, have induced your Committee to devote the most careful attention to the investigation of the subject referred for their consideration; and in order that they might arrive at a satisfactory conclusion on the various matters of which Petitioners complain, they have taken the evidence of thirty Witnesses—including the Petitioners—have examined Papers and Correspondence, and have also personally inspected the schooner "Sea Witch" in the Government Dry Dock at Cockatoo Island.

Your Committee are of opinion that the members of the late Pilot Board, from their position in the community, long experience in the Colony, and well-known professional skill, were well able to advise with the Government in all matters relating to the appointment of Pilots, the establishment of Light-houses, the management of the Ports of the Colony, the purchase and outfit of Vessels, and all other matters connected with the branch of the public service to which they belonged.

Whilst your Committee have inquired into the whole of the allegations contained in the Petition, greater prominence has been given to that relating to the purchase of the schooner "Sea Witch," for the outside Pilot Service, the circumstances connected with this purchase being of more recent occurrence, and having resulted in the removal of the Petitioners from their positions as members of the Pilot Board.

The purchase of the schooner "Sea Witch" was pressed upon the Minister by Captain Towns, who, though wholly unconnected with the Government, appears to have had sufficient influence to induce them to act upon his advice in preference to that of the Pilot Board.

Board. In a Minute to the Treasury, dated the 8th of March, from the Pilot Board, they state, "That the 'Sea Witch' is not only over-valued, but scarcely fit for the service;" and yet, within one week after receipt of this report, without any further reference to the Board, the vessel was purchased upon no other report or survey than that of Captain Towns and Mr. Cuthbert, the Government Shipwright Surveyor, the latter of whom gave a qualified opinion of her, and states in his evidence that he was never asked whether he considered her a suitable vessel for the Pilot Service, or whether she was over-valued, and did not, therefore, report on these points; but is of opinion that she is not only not a suitable model for a pilot vessel, but was purchased at a price considerably beyond her value.

The Petitioners state that, being determined to mark their sense of what they considered a wasteful expenditure of the public money, upon being requested to fit out the vessel for the service, they declined, and forwarded to the Minister a minute to this effect, with a strong remonstrance. The Minister treated their remonstrance as equivalent to a tender of their resignation, which he intimated his intention to accept. The Petitioners disclaimed the alleged intention to resign, whereupon they were summarily dismissed by the Government.

The weight of evidence taken before your Committee corroborates the opinion expressed by the Pilot Board previous to the purchase of the vessel, and has been fully borne out by her performances, which have proved her to be deficient in two most essential qualifications for a pilot vessel—she is not a weatherly craft, and will not stay in a rough sea under reduced canvas. To endeavour to remedy these defects during the time this inquiry was pending, she was placed in the Government Dry Dock, and has had from two to three feet added to her keel; her bowsprit has been shortened, her foremast shortened and moved further aft, and her ballast shifted. These alterations appear to have been made at the suggestion of Captain Rountree, who has very recently been appointed a member of the Pilot Board; and it may be here remarked, as a circumstance of a somewhat extraordinary character, that these alterations have been performed by Captain Rountree without any consultation having been first had with Mr. Cuthbert, the Government Shipwright Surveyor, as to whether they would have the contemplated effect of rendering the vessel fit for the service. Mr. Cuthbert believes they will not, and that the addition to the keel will strain her. She is an American vessel, eight years old, two years older than she was represented to the Government to be when they purchased her, and has cost with additions and alterations as much as a new vessel on the most approved model and construction could have been procured for from England, and more than if built in the Colony.

Your Committee cannot conclude this portion of their Report without referring to the conduct of Mr. Crook, the Harbour Master, who in giving his evidence stated that he had carefully examined the

“ Sea

“Sea Witch,” in dock, and that she had a curved keel, being very much deeper in midships than fore and aft, which would make her weatherly and turn quickly. From an examination in dock, your Committee ascertained that this statement was directly at variance with fact, the vessel having a straight keel. This very material part of Mr. Crook’s evidence having been proved to be inaccurate, your Committee regret they cannot attach that degree of importance to his statements which they would wish to do to the evidence of an officer in his position.

As some of the reports furnished since the purchase of the vessel have been apparently made on the assumption that she had a deep keel in midships, these reports cannot be considered of any value.

The circumstances connected with the erection of the Light-house near Jervis Bay had previously been the subject of Parliamentary investigation by a Select Committee of your Honorable House, whose Report has been referred to this Committee.

After a careful examination of the Report and Proceedings of that Committee, together with the Correspondence on the subject, and after maturely considering the additional evidence taken before your Committee, they are of opinion that the advice of the Pilot Board was sought as to the most eligible site for the Light-house. The Light-house was erected not in accordance with such advice, and the position, which is not that fixed by any of the authorities consulted, has since been found so objectionable that it has been determined to remove the Tower, thereby incurring a considerable expenditure, which might have been avoided, had the advice of a majority of the Pilot Board been acted upon, as they urged that the present site was not the “most eligible,” and advised that it should be erected on or in the vicinity of Crocodile Head, or the easternmost headland on the north side of Jervis Bay.

The Pilot Board is a department of great importance to the commercial and shipping interest; and the practice which has prevailed of taking the advice of persons unconnected with the Government in preference to the members of the Board, if permitted to be continued, must result in serious injury to the public service.

Your Committee have, after much anxious consideration, come to the conclusion that the Petitioners have, in the various matters at issue, reasonable grounds of complaint.

SAUL SAMUEL,
Chairman.

*Legislative Assembly Chamber,
Sydney, 7 October, 1862.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 24 JUNE, 1862.

MEMBERS PRESENT :—

| | | |
|-----------------|--|-------------------|
| Mr. Samuel, | \| | Mr. Wilson, |
| Mr. Piddington, | \| | Captain Moriarty, |
| Mr. Weekes, | \| | Mr. Dick, |

Mr. Dickson.

Mr. Samuel called to the Chair.

Resolution of the House appointing the Inquiry—*read*.

Printed copies of the following papers before the Committee :—

1. Petition from Messrs. Darley, Smith, and Fox, late Members of the Pilot Board.
2. Return to Order, in reference to the Pilot Board—Purchase of "Sea Witch"—laid upon the Table of the House, 3 June, 1862.

Committee deliberated as to their course of Procedure.

Resolved,—That Captain Smith and Captain Fox be summoned to give Evidence at the next meeting.

[Adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY, 26 JUNE, 1862.

MEMBERS PRESENT :—

| | | |
|-------------------|--|-------------|
| Mr. Weekes, | \| | Mr. Dick, |
| Captain Moriarty, | \| | Mr. Wilson, |
| Mr. Sadleir, | \| | Mr. Smart, |

Mr. Piddington.

Mr. Samuel in the Chair.

Captain Charles Smith called in and examined.

And, in the course of examination, Mr. Piddington objecting to the mode in which Mr. Weekes was conducting the evidence,—

Witness requested to withdraw.

Committee deliberated.

Witness recalled, and examination proceeded with.

Objection again being taken by Mr. Wilson to the style of examination adopted by Mr. Dick,—

Witness again requested to withdraw.

Committee deliberated.

Witness called in and examination resumed.

[Adjourned to To-morrow at *Eleven* o'clock.]

FRIDAY, 27 JUNE, 1862.

MEMBERS PRESENT :—

| | | |
|-----------------|--|--------------|
| Mr. Wilson, | \| | Mr. Dickson, |
| Mr. Piddington, | \| | Mr. Sadleir, |
|  | \| | Mr. Weekes. |

Mr. Samuel in the Chair.

Captain Smith called in and further examined.

And witness applying to have certain portions of his evidence expunged,—

Motion made (*Mr. Wilson*) and *Question*,—That, Captain Smith having applied for leave to expunge certain evidence, expressing opinion as to the qualification of certain persons not before the Committee—the Committee authorize the said evidence to be expunged—*agreed to*.

Examination continued.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 1 JULY, 1862.

MEMBERS PRESENT :—

| | | |
|-----------------|--|-------------------|
| Mr. Weekes, | \| | Captain Moriarty, |
| Mr. Piddington, | \| | Mr. Dick, |
| Mr. Sadleir, | \| | Mr. Wilson, |
|  | \| | Mr. Smart. |

Mr. Samuel in the Chair.

Letter from Captain Smith, dated 30 June, 1862, stating his inability, from unforeseen circumstances, to attend before the Committee to day,—*read*.

Previous

Previous to the witness being called in, Mr. Dick referring to the resolution of the Committee agreed to at the last meeting, in which certain portions of Captain Smith's evidence were, at the request of that witness, authorized to be expunged, and disputing the power of the Committee to take such action,—

Committee deliberated.

Motion made (*Mr. Dick*) and *Question*,—That the following *Point of Order* be reported by the Chairman to the House :—Whether it is competent for a Select Committee to expunge the evidence of any witness at the request of such witness, at a meeting held subsequently to such evidence being taken?

Committee deliberated.

Question put.

Committee divided.

| | |
|-------------------|-----------------|
| Ayes, 3. | Noes, 3. |
| Mr. Dick, | Mr. Wilson, |
| Mr. Weekes, | Mr. Piddington, |
| Captain Moriarty, | Mr. Sadleir. |

The Chairman gave his casting vote with the Noes,—

And so it passed in the negative.

Captain H. T. Fox then called in and examined.

[Adjourned to To-morrow at *Eleven o'clock.*]

WEDNESDAY, 2 JULY, 1862.

MEMBERS PRESENT :—

Mr. Samuel in the Chair.

| | |
|-------------------|-----------------|
| Mr. Weekes, | Mr. Wilson, |
| Captain Moriarty, | Mr. Dickson, |
| Mr. Dick, | Mr. Piddington, |
| Mr. Smart. | |

Captain Smith further examined.

And,—in the course of examination, objection being taken to the witness giving his evidence from a written statement,—

Witness requested to give purely *oral* evidence.

Examination continued.

Mr. Wilson objecting to a Question put by Mr. Dick to witness, with reference to the opinion expressed by him on the 26th June last, as to the qualification of certain persons not before the Committee,—

Witness withdrew, and

Committee deliberated.

Motion made (*Mr. Dick*) and *Question put*,—That the Question objected to be now put to witness, *viz.* :—“Do you entertain the same opinions now that you did then with reference to their capabilities, or, have you had reason to change them?”

Committee divided.

| | |
|-------------------|-----------------|
| Ayes, 3. | Noes, 3. |
| Mr. Weekes, | Mr. Wilson, |
| Mr. Dick, | Mr. Piddington, |
| Captain Moriarty, | Mr. Dickson. |

The Chairman voted with the Noes,—

And so it passed in the negative.

Witness recalled, and examination resumed.

Mr. Wilson again objecting to a question put to witness by Mr. Dick,—

Witness again withdrew, and

Committee deliberated.

Motion made (*Mr. Dick*) and *Question put*,—That the Question objected to, be now put to witness, *viz.* :—“Do you believe that Captain Norie is a gentleman of such experience “that any weight ought to be attached to his opinion as to what is or what is not a fit “vessel for a pilot service?”

Committee divided.

| | |
|-------------------|-----------------|
| Ayes, 3. | Noes, 3. |
| Mr. Weekes, | Mr. Wilson, |
| Mr. Dick, | Mr. Piddington, |
| Captain Moriarty, | Mr. Dickson. |

The Chairman again voted with the Noes,—

And so it passed in the negative.

Witness recalled, and examination resumed.

Witness handed in copy of a letter from Captains Smith and Fox, to H. H. Browne, Esq., dated Sydney, June 6, 1859. (*Vide list of Appendix.*)

Examination concluded.

[Adjourned to Friday next, at *Eleven o'clock.*]

FRIDAY,

FRIDAY, 4 JULY, 1862.

MEMBERS PRESENT :—

| | | |
|--------------|-------------|-------------------|
| Mr. Weekes, | \| | Captain Moriarty, |
| Mr. Sadleir, | \| | Mr. Piddington, |
| | Mr. Wilson. | |

Mr. Piddington took the Chair in the absence of Mr. Samuel.

Captain H. T. Fox further examined.

Strangers having withdrawn,—

The Chairman brought under the notice of the Committee certain portions of Evidence which Captain Smith had expunged, on revision, in accordance with the Resolution agreed to on the 27th ultimo.

Expunction of the same approved.

Mr. W. J. Wilshire to be summoned to give evidence at the next meeting, and to produce certain plans and charts having reference to the site of Jervis Bay Lighthouse, together with the Pilot Board Instructions.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 8 JULY, 1862.

MEMBERS PRESENT :—

Mr. Samuel in the Chair.

| | | |
|--------------|--------------|-------------------|
| Mr. Weekes, | \| | Captain Moriarty, |
| Mr. Sadleir, | \| | Mr. Wilson, |
| | Mr. Dickson. | |

At the request of the Chairman, Minutes of Proceedings at the last meeting, read by the Clerk.

Captain H. T. Fox further examined.

And, in the course of examination, witness requested temporarily to withdraw.

The Chairman then brought under the notice of the Committee a certain alteration in Captain Smith's last evidence, made by him, on revision.

Committee deliberated, and decided that the said alteration was inadmissible, without witness being cross-examined thereon.

Witness recalled and examination resumed.

And witness being again requested to withdraw,—

Committee deliberated.

Witness recalled, and examination concluded.

[Adjourned to To-morrow, at *Eleven* o'clock.]

WEDNESDAY, 9 JULY, 1862.

MEMBERS PRESENT :—

Mr. Samuel in the Chair.

| | | |
|-----------------|--|--------------|
| Mr. Piddington, | \| | Mr. Weekes, |
| Mr. Smart, | \| | Mr. Sadleir, |
| Mr. Wilson, | \| | Mr. Dickson. |

Mr. W. J. Wilshire, *Secretary to the "Pilot" and "Steam Navigation" Boards*, called in and examined.Witness *produced, for the temporary service of the Committee*, certain plans, &c, of the coast about Cape George, Jervis Bay, and handed in Copy of a Letter of Instructions to the Pilot Board, from the Colonial Secretary to Colonel Gibbes, dated August, 1849.(Vide *List of Appendix.*)

Witness requested to produce Minute Book of the Pilot Board,—

And, having retired in order to procure the same,—

Mr. J. Cuthbert, *Shipbuilder, and Shipwright Surveyor to the Steam Navigation Board*, called in and examined.Witness handed in a letter he had received from Mr. W. J. Wilshire, dated Pilot Board Office, 14th March, 1862. (Vide *List of Appendix.*)

And, in the course of examination, Mr. Piddington objecting to certain questions put to witness by Chairman,—

Witness requested to withdraw.

Committee deliberated.

Motion made (*Mr. Piddington*) and *Question*,—That the last two questions and answers taken down by the short-hand writer, be expunged from the Evidence.

Committee divided.

| | | |
|-----------------|--|-------------|
| Ayes, 5. | \| | No, 1. |
| Mr. Piddington, | \| | Mr. Weekes. |
| Mr. Smart, | \| |  |
| Mr. Wilson, | \| |  |
| Mr. Dickson, | \| |  |
| Mr. Sadleir. | \| |  |

Questions

Questions and answers expunged accordingly.
 Witness recalled and examination concluded.
 Mr. W. J. Russell, *Shipbuilder*, called in and examined.
 Letter from R. Towns to W. J. Russell, dated Sydney, 4th April, 1862, handed in
 by Witness. (*Vide List of Appendix.*)
 Witness withdrew, and
 Mr. Wilshire, being again in attendance, and having produced the Minute Book of
 the Pilot Board, as requested, further examined.
 [Adjourned to Tuesday next, at *Eleven o'clock.*]

TUESDAY, 15 JULY, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|---------------|--|-------------------|
| - Mr. Weekes, | \| | Mr. Piddington, |
| Mr. Wilson, | | Captain Moriarty, |
| Mr. Sadleir. | | |

The following witnesses severally examined:—
 Mr. William Clark, *Master of the "Sea Witch."*
 Mr. Thomas Chowne, *Shipbuilder.*
 Mr. Daniel James, *Chief Officer of the "Sea Witch."*
 Mr. John Jenkins, *Senior Pilot of Port Jackson.*
 [Adjourned to Thursday next, at *Eleven o'clock.*]

THURSDAY, 17 JULY, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------------|--|-----------------|
| Mr. Weekes, | \| | Mr. Piddington, |
| Captain Moriarty, | | Mr. Wilson. |

Mr. W. A. Duncan, *Collector of Customs*, examined.
 Witness handed in copy of Record of Bill of Sale of the "Sea Witch." (*Vide List
 of Appendix.*)
 Witness withdrew.
 Captain James Ross, Captain A. H. Taylor, Mr. T. Robinson, and Mr. J. Fullarton,
 severally examined.
 [Adjourned to Tuesday next, at *Eleven o'clock.*]

TUESDAY, 22 JULY, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|--------------|--|-------------------|
| Mr. Weekes, | \| | Mr. Wilson, |
| Mr. Dickson, | | Mr. Smart, |
| Mr. Sadleir, | | Captain Moriarty. |

Captain Thomas C. Kerr, Mr. E. Leavenworth, *U. S. Consul*, Mr. H. Gibson, Mr. J.
 Shanks, and Mr. J. Walsh, severally examined.
 [Adjourned to Thursday next, at *Eleven o'clock.*]

THURSDAY, 24 JULY, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------------|--|-----------------|
| Mr. Weekes, | \| | Mr. Piddington, |
| Captain Moriarty, | | Mr. Dickson, |
| Mr. Wilson. | | |

The Chairman laid before the Committee a letter from Mr. W. A. Duncan, *Collector
 of Customs*, returning his evidence, after revision, and requesting to be allowed to glance
 over the *proof*, lest the printer should not correctly decipher his amendments.
 Committee deliberated.
Ordered,—That Mr. Duncan's request be complied with.
 Captain R. Kelly and Captain Darley examined.

[Adjourned to To-morrow, at *Eleven o'clock.*]

FRIDAY, 25 JULY, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------------|--|--------------|
| Mr. Weekes, | \| | Mr. Sadleir, |
| Captain Moriarty, | \| | Mr. Wilson, |
| Mr. Piddington, | \| | Mr. Hay. |

Captain T. Watson called in and examined.

And, in the course of examination, Captain Moriarty objecting to a question put to witness by the Chairman,—

Witness requested to withdraw.

Committee deliberated.

Objection waived.

Witness recalled, and examination concluded.

Witness withdrew.

Captain R. Towns called in and examined.

Mr. H. Lane, *Under Secretary to Treasury*, to be summoned for next meeting, and to produce all papers and accounts relating to the cost of the repairs and outfit of the "Sea Witch."

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 1 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------------|--|-----------------|
| Mr. Weekes, | \| | Mr. Piddington, |
| Captain Moriarty, | \| | Mr. Dickson. |

Mr. H. Lane, *Under Secretary for Finance and Trade*, called in and examined.

Several papers handed in by witness. (*Vide List of Appendix.*)

Witness withdrew.

Captain John Crook, *Harbour Master*, and Mr. J. Barnett, *Superintendent of Government Boats*, examined.

[Adjourned to Friday next, at *Eleven* o'clock.]

FRIDAY, 8 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-----------------|--|-------------------|
| Mr. Weekes, | \| | Captain Moriarty, |
| Mr. Piddington, | \| | Mr. Hay, |
|  | \| | Mr. Sadleir. |

The Chairman brought under the notice of the Committee the evidence of Captain Towns, in which considerable alterations and additions had been made, on revision.

Committee deliberated.

Ordered,—That the additions and alterations be appended as foot notes to the evidence.

Certain letters, sent in by Captain Crook, in addition to those required by the Committee, ordered to be appended.

Captain Rountree called in and examined.

Witness produced a plan of the schooner "Sea Witch."

And, in the course of examination, objection being taken to a question put to Witness by Mr. Piddington,—

Witness requested to withdraw.

Committee deliberated.

Objection waived.

Witness re-called, and examination proceeded with.

[Adjourned to Tuesday next, at *Eleven* o'clock.]

TUESDAY, 12 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------|--|-------------------|
| Mr. Weekes, | \| | Mr. Piddington, |
| Mr. Smart, | \| | Captain Moriarty. |

Mr. R. D. Merrill called in and examined.

And the other Witnesses summoned for this day, not being in attendance,—

[Committee adjourned to Thursday next, at *Eleven* o'clock.]

THURSDAY,

THURSDAY, 14 AUGUST, 1862.

MEMBERS PRESENT:—

| | | |
|--------------|--|-------------|
| Mr. Weekes, | \| | Mr. Smart, |
| Mr. Sadleir, | \| | Mr. Wilson. |

Mr. Sadleir took the Chair in the absence of Mr. Samuel.

Capt. Plumer called in and examined.

Witness withdrew.

Capt. W. F. Norie called in and examined.

Witness withdrew.

Capt. W. Clark called in and further examined.

During the examination of witness—the Chairman entering the Committee Room,—Chair vacated by Mr. Sadleir, and taken by Mr. Samuel.

Witness withdrew.

Committee deliberated.

Ordered,—That the Chairman move in the House,—That the Committee be authorized,—

(1.) To make visits of inspection to the schooner "Sea Witch."

(2.) To have the services of a shorthand writer in such visits.

Re-assembling of the Committee to be arranged by the Chairman.

[Adjourned.]

THURSDAY, 28 AUGUST, 1862.

MEMBERS PRESENT:—

| | | |
|-------------------|--|--------------|
| Mr. Piddington, | \| | Mr. Dickson, |
| Captain Moriarty, | \| | Mr. Wilson. |

Committee met pursuant to summons.

Mr. Piddington took the Chair, in the absence of Mr. Samuel.

The Acting Chairman informed the Committee, from a letter just received by the Clerk, that Mr. Samuel is unable to meet them at the Assembly, but that he will be at the Circular Quay at ten minutes past eleven, to join them in their visit of inspection to the "Sea Witch."

Ordered,—That copies of printed Evidence be circulated amongst the Members of the Committee.

Committee then proceeded on a visit of inspection to the "Sea Witch."

(For further Proceedings, vide Minutes of Evidence.)

[Adjourned.]

FRIDAY, 5 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------------|--|-----------------|
| Mr. Weekes, | \| | Mr. Hay, |
| Mr. Dick, | \| | Mr. Sadleir, |
| Captain Moriarty, | \| | Mr. Piddington, |
|  | \| | Mr. Dickson. |

Committee met pursuant to summons.

The Chairman laid before the Committee a Draft Report.

Draft Report read 1^o.

Committee deliberated.

Motion made (*Captain Moriarty*) and *Question*,—That the Draft Report, as read, be printed and circulated prior to next meeting—agreed to.

[Adjourned to Friday next, at Eleven o'clock.]

FRIDAY, 12 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------------|--|-----------------|
| Mr. Weekes, | \| | Mr. Wilson, |
| Captain Moriarty, | \| | Mr. Sadleir, |
| Mr. Hay, | \| | Mr. Piddington. |
|  | \| | Mr. Dick. |

Printed copies of Draft Report circulated, during the interval of adjournment.

Committee deliberated.

Draft Report read 2^o, paragraph by paragraph.

Paragraph 1 read and agreed to.

Paragraph

Paragraph 2 read, amended, and agreed to.
 Paragraph 3 read and agreed to.
 Paragraphs 4, 5, and 6 postponed.
 Paragraph 7 read.
 Committee deliberated thereon.
 Paragraph then amended, and agreed to.
 Paragraph 8 read, *verbally* amended, and agreed to.
 Paragraph 9 read, amended, and agreed to.
 Committee deliberated, and

[Adjourned to Thursday, 25th instant, at *Eleven* o'clock.]

THURSDAY, 25 SEPTEMBER, 1862.

The meeting of the Committee, convened for this day, by direction of the Chairman,
 [Postponed to Tuesday, 30th September, at *Eleven* o'clock.]

TUESDAY, 30 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | | |
|-------------|-----------|-----------------|
| Mr. Weekes, | \| | Mr. Wilson, |
| Mr. Smart, | | Mr. Piddington, |
| | Mr. Dick. | |

Committee met pursuant to summons, and proceeded further to consider Draft Report.

Paragraph 10 read, and amended.

Question—That the paragraph, as amended, stand part of the proposed Report—*put*.
 Committee divided.

| | | |
|-----------------|--|-------------|
| Ayes, 3. | \| | Noes, 2. |
| Mr. Smart, | | Mr. Weekes, |
| Mr. Wilson, | | Mr. Dick. |
| Mr. Piddington, | | |

The same to be added to, and form a part of, preceding paragraph.

Remaining paragraphs postponed.

Postponed paragraph 4, further postponed.

Postponed paragraph 5 read and agreed to.

Postponed paragraph 6 read; viz.:—

“6. After a careful examination of the Report and Proceedings of that Committee, together with the Correspondence on the subject, and after maturely considering the additional evidence taken before your Committee, they are of opinion that the advice of the Pilot Board was sought, in the first instance, as to the most eligible site for the Light-house. The Light-house was erected not in accordance with such “advice,” and the position “has since been found so objectionable that it has been determined to remove it, thereby incurring a considerable expenditure, which might have been avoided, had the advice of a majority of the Pilot Board been acted upon, “as they urged that the present site was not the “most eligible,” and “advised that it should be erected on or in the vicinity of Crocodile Head, or “the easternmost headland on the north side of Jervis Bay.”

Committee deliberated.

Paragraph amended in the 5th line by the omission of the words “in the first instance.”

Further amendment proposed (*Mr. Smart*),—That after the word “advice,” in the 7th line, the following words be inserted, “but under the advice of a greater number of equally experienced persons.”

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

Committee divided.

| | | |
|-------------|--|-----------------|
| Ayes, 3. | \| | Noes, 2. |
| Mr. Weekes, | | Mr. Piddington, |
| Mr. Smart, | | Mr. Wilson. |
| Mr. Dick, | | |

Words inserted accordingly.

Committee further deliberated.

Motion made (*Mr. Smart*) and *Question*,—That the paragraph be reconsidered with the view of omitting the foregoing amendment—agreed to.

Paragraph reconsidered.

Motion

Motion made (*Mr. Smart*) and *Question*,—That the words “but under the advice of a greater number of equally experienced persons” be omitted from the proposed paragraph.

Question,—That the words proposed to be omitted stand part of the proposed paragraph,—*negatived*.

Words omitted accordingly.

The Committee then, on motion of Mr. Wilson,—

[Adjourned to Friday next, at *Eleven o'clock*.]

FRIDAY, 3 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Samuel in the Chair.

| | |
|-----------------|-------------------|
| Mr. Weekes, | Mr. Wilson, |
| Mr. Piddington, | Captain Moriarty, |
| Mr. Sadleir, | Mr. Hay. |

Paragraph 6 further considered and amended.

The same, as amended, read, as follows:—

6. “After a careful examination of the Report and Proceedings of that Committee, together with the Correspondence on the subject, and after maturely considering the additional evidence taken before your Committee, they are of opinion that the advice of the Pilot Board was sought as to the most eligible site for the Light-house. The Light-house was erected not in accordance with such advice, and the position, which is not that fixed by any of the authorities consulted, has since been found so objectionable that it has been determined to remove the Tower, thereby incurring a considerable expenditure, which might have been avoided, had the advice of a majority of the Pilot Board been acted upon, as they urged that the present site was not the ‘most eligible,’ and advised that it should be erected on or in the vicinity of Crocodile Head, or the easternmost headland on the north side of Jervis Bay.”

Question,—That the paragraph, as amended, stand part of the proposed Report—*put*. Committee divided.

Ayes, 4.

No, 1.

| | |
|-------------------|-------------|
| Mr. Piddington, | Mr. Weekes. |
| Mr. Wilson, | |
| Captain Moriarty, | |
| Mr. Sadleir. | |

Postponed paragraph 11 read.

Committee deliberated.

Question,—That the paragraph, as read, stand part of the proposed Report,—*put*. Committee divided.

Ayes, 4.

No, 1.

| | |
|-------------------|-------------|
| Mr. Piddington, | Mr. Weekes. |
| Mr. Wilson, | |
| Captain Moriarty, | |
| Mr. Sadleir. | |

Paragraph 12 read and agreed to.

Paragraph 13 read, verbally amended, and agreed to.

The same to be added to, and form a portion of the preceding paragraph.

Paragraph 14 read and agreed to.

Paragraph 15 read.

Committee deliberated.

Motion made (*Captain Moriarty*) and *Question*,—That all the words of this paragraph be omitted, with the view of inserting the following, viz.:—

“This very material part of Mr. Crook’s evidence having been proved to be inaccurate, your Committee regret they cannot attach that degree of importance to his statements which they would wish to do to the evidence of an officer in his position.”

Question,—That the words proposed to be omitted stand part of the proposed Report,—*negatived*.

Words omitted.

Question then,—That the words proposed to be inserted in place of the words omitted, be so inserted,—agreed to.

The same to be added to, and form a portion of paragraph 12.

Postponed paragraph 4 read, viz.:—

“Your Committee have, after much anxious consideration, come to the conclusion that ‘the allegations contained in the Petition are supported by the evidence produced before them, and that’ the Petitioners have, in the various matters at issue, reasonable grounds of complaint.”

Motion made (*Mr. Hay*) and *Question*,—That all the words from “the” in the 2nd line to “that” in the 3rd, be omitted.

Question,—That the words proposed to be omitted stand part of the proposed Report,—*negatived*.

Words omitted.

Question

Question then,—That the paragraph, as amended, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 5.
Mr. Piddington,
Mr. Wilson,
Captain Moriarty,
Mr. Sadleir,
Mr. Hay.

No, 1.
Mr. Weekes.

Paragraphs to be arranged by Chairman, in their proper sequence.

Motion made, and *Question put*,—That this be the Report of the Committee.

Committee divided.

Ayes, 4.
Mr. Piddington,
Mr. Wilson,
Captain Moriarty,
Mr. Sadleir.

No, 1.
Mr. Weekes.

Chairman to report.

LIST OF WITNESSES.

| | PAGE. |
|---|---------------|
| Barnett, Mr. John.. .. . | 149 |
| Chowne, Mr. Thomas | 80 |
| Clark, Mr. William | 73, 169 |
| Crook, Captain John | 137 |
| Cuthbert, Mr. John | 67, 172 |
| Darley, Benjamin, Esq. | 114 |
| Duncan, William Augustine, Esq. | 88, 172 |
| Fox, Captain Henry Thomas | 21, 44, 52 |
| Fullerton, Mr. John | 99 |
| Gibson, Mr. Henry | 104 |
| James, Mr. Daniel | 82 |
| Jenkins, Mr. John | 85 |
| Kelly, Captain Robert | 109 |
| Kerr, Captain Thomas C. | 101 |
| Lane, Henry, Esq. | 135 |
| Leavenworth, Edward, Esq. | 103 |
| Merrill, Robert Dodge, Esq. | 163 |
| Norie, Captain William Francis | 166 |
| Plumer, Captain David | 165 |
| Robinson, Mr. Thomas | 95 |
| Ross, Mr. James | 92 |
| Rountree, Captain Thomas Stephenson | 151, 171, 172 |
| Russell, Mr. John William | 70 |
| Shanks, Captain John | 107 |
| Smith, Mr. Charles | 1, 12, 33 |
| Taylor, Alexander Hector, Esq.. .. . | 94 |
| Towns, Captain Robert | 126 |
| Walsh, Captain Joseph | 109 |
| Watson, Captain Thomas | 119 |
| Wilshire, William James, Esq. | 65, 72 |

LIST OF APPENDIX.

| | PAGE. |
|---|-------|
| <i>(To Evidence given by Capt. C. Smith, 2 July, 1862.)</i> | |
| Addendum | 43 |
| Messrs. C. Smith and H. T. Fox to H. H. Browne, Esq. Sydney, 6 June, 1859 .. | 43 |
| <i>(To Evidence given by Mr. W. J. Wilshire, 9 July, 1862.)</i> | |
| E. Deas Thomson to Collector of Customs, and Chairman of the Pilot Board, Port Jackson, dated Colonial Secretary's Office, Sydney, 29 August, 1849 .. | 66 |
| <i>(To Evidence given by Mr. J. Cuthbert, 9 July, 1862.)</i> | |
| W. J. Wilshire to Shipwright Surveyor to S. N. Board, dated Pilot Board Office, 14 March, 1862 | 70 |
| <i>(To Evidence given by Mr. J. W. Russell, 9 July, 1862.)</i> | |
| R. Towns to Mr. Russell, dated Sydney, 4 April, 1862 | 72 |
| <i>(To Evidence given by Mr. W. A. Duncan, 17 July, 1862.)</i> | |
| Copy of Record of Bill of Sale of the "Sea Witch" | 91 |
| <i>(To Evidence given by Mr. H. Lane, 1 August, 1862.)</i> | |
| A. | |
| Abstract of Expenses incurred on account of the pilot schooner "Sea Witch," from 27 March to 31 July, 1862 | 135 |
| B. | |
| Messrs. Myhill, Harrold, and Bell, to R. Towns, Esq., dated Harbour Master's Office, Sydney, 8 April, 1862 | 136 |
| George S. Reyte to Mr. Crook, dated Sydney, 23 April, 1862 | 136 |
| A. Enright to same, dated Sydney, 3 April, 1862 | 136 |
| Certificate, signed John Martin, Master of the ship "Liberator" | 136 |
| Inventory of "Sea Witch" | 136 |
| <i>(To Evidence given by Capt. Crook, 1 August, 1862.)</i> | |
| A. | |
| Under Secretary for Finance and Trade to the Harbour Master, 21 March, 1862 .. | 148 |
| B. | |
| R. Towns to Mr. Crook, 10 March, 1862 | 148 |
| C. | |
| Same to same, 10 April, 1862 | 148 |
| D. | |
| Messrs. R. Towns and John Vine Hall to Harbour Master, 17 April, 1862 | 148 |
| E. | |
| Same to same, 18 April, 1862 | 148 |
| <i>(To Evidence given by Mr. J. Barnett, 1 August, 1862.)</i> | |
| John Barnett to Chairman of the Committee on Pilot Board, 3/3/62, forwarding— | |
| A Return shewing the number of Boatmen employed on board the "Sea Witch" | |
| Pilot Boat | 150 |
| Stores expended on the "Sea Witch" from Boat Establishment | 151 |
| The hired Carpenters on board "Sea Witch," at 12s. per diem | 151 |

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PILOT BOARD.

THURSDAY, 26 JUNE, 1862.

Present:—

MR. DICK,
CAPT. MORIARTY,
MR. PIDDINGTON,
MR. SADDLEIR,

MR. SAMUEL,
MR. SMART,
MR. WEEKES,
MR. WILSON.

SAUL SAMUEL, ESQ., IN THE CHAIR.

Charles Smith, Esq., called in and examined:—

1. *By the Chairman*: You are one of the petitioners, lately a member of the Pilot Board?
Yes.
2. You have been a commander in the Merchant Service? Yes.
3. And are, at present, a large shipowner? Yes, I own several vessels.
4. You have had great experience in all matters relating to shipping? Yes, I have had considerable experience.
5. Will you state how long you were a member of the Pilot Board? About three years.
6. Will you state what you considered your duties in connection with the office you held as a member of the Pilot Board? I consider that my duties there were to make the service as efficient as possible, at the least cost to the country.
7. Were your duties to advise with the Government in any particular matters? _____
8. *By Mr. Dick*: Were there any written instructions for the guidance of the Board? I am not aware of any.
9. You never saw any? I never saw any.
10. *By the Chairman*: Were matters in connection with the management of the Harbour generally referred to you for your advice or report? They were sometimes referred to us, and, I believe, sometimes to other parties.
11. Was it a part of your duty to examine pilots? Yes.
12. And to report upon their fitness? Yes, I considered it so.
13. Were you a member of the Pilot Board in January last? Yes.
14. Do you recollect the Government being desirous of purchasing a vessel for the Pilot Service? Yes.
15. Was your advice asked for on that occasion? Yes.
16. Have you seen the correspondence that has been laid upon the Table of the House, relating to the purchase of the schooner "Sea Witch"? Yes, I have seen that correspondence.
17. The Government being desirous of purchasing a vessel, was your advice asked for with regard to any particular vessel or vessels? In the first instance, regarding no particular vessel. We were asked to advertise for suitable vessels, so far as I recollect; and we applied

C. Smith,
Esq.

26 June, 1862.

C. Smith,
Esq.

26 June, 1862.

to be allowed to advertise in the adjacent Colonies as well as in Sydney, which was refused by the Treasurer.

18. *By Mr. Dick:* All these matters are in writing, I believe, are they not? Yes, I believe so.

19. *By the Chairman:* Will you refer to No. 6 of the printed Correspondence on the Table. It appears that several vessels were offered to the Government, in consequence of the tenders that were invited? Yes.

20. The "Pacific," "Kate Kearney," a vessel unnamed, and the "Vixen," were offered to the Government? Yes.

21. None of those vessels were considered suitable for the service? None of them were considered quite suitable for the service.

22. And you did not recommend any tenders to be accepted? Not at that time.

23. No. 7 was your answer on that occasion—"The Board beg to report that they do not consider any of the vessels offered in all respects eligible, and they think it desirable to advertise in the neighbouring Colonies before making any final recommendation"? Yes.

24. Your recommendation was not acted upon? It was not acted upon, so far as I know.

25. Subsequent to that some other vessels were offered. Look at No. 10 in the Correspondence: the following vessels were offered—"Jeanie Dove," "Beautiful Star," steamer, "Atlantic," and "Lola Montez"? Yes.

26. Will you look at No. 11, and say whether that was your recommendation? Yes, that was our recommendation to the Treasurer.

27. You say,— "With reference to the Minute of this date [14th February, 1862], the Pilot Board now recommend that the tenders for the 'Pacific' and 'Atlantic' should be accepted, as they consider that these vessels are the most suitable for the purpose belonging to the port, being in fair condition, commodious, and weatherly. Should it be found that they do not realize all that the Board anticipate, they will always sell for a price little less than the cost. Although the tenders amount to £3,200, the Board believe that in all probability the owner would accept £3,000 for the two vessels." You were a party to that recommendation? Yes.

28. Did you examine these vessels in any way? Yes; I went on board of them, and examined them as well as they could be examined then; they had their cargo on board at the time.

29. *By Mr. Dick:* Both of them? Yes; one had a part out, but you may say both were loaded at the time. Of course, before finally settling it, we should have had them overhauled more properly.

30. *By the Chairman:* Did you intend, in making that recommendation, that the vessels should be bought on that report, or was it contingent on any further survey? It is always usual, in purchasing vessels for the Government, to put them in dock to look at them, before the affair is finally settled.

31. Did you on that occasion see enough of these vessels to be able to form an opinion whether they were worth the money, or suited for the purpose? What the Board considered was this: the Treasurer wished the service to be immediately started, and we knew it would take some time before we could get vessels properly adapted for the service, but we considered these two would be the best we could get in the meantime, and that there would be very little loss on them when sold again. Instead of chartering vessels for a time, until proper ones could be built, we considered it more economical to buy these, as we believed they would realize, at the end of ten or twelve months, very nearly what the Government would have had to give for them.

32. Was any shipwright's opinion taken on that occasion? No shipwright's opinion was taken then.

33. The offer for these vessels was not accepted? No. I may state that within a month of this I bought nine hundred tons of shipping on my own account, and I required no carpenter nor any one else to satisfy me that the vessels I bought were worth the money I gave for them.

34. You have no doubt these vessels were worth the money? Yes, and would answer perhaps as well as any that could be got here.

35. *By Mr. Wilson:* Were you previously acquainted with the character of these two schooners? Yes.

36. *By Mr. Dick:* Are they traders on the coast? They are, and I see them every week passing my door.

37. *By the Chairman:* Was the fact of the cargo being on board an obstacle to your forming an opinion of their adaptability to the purpose required? Certainly not; I knew the build and qualities of the vessels long before I went to see them then.

38. They were not bought? They were not bought.

39. Who were the gentlemen who inspected the vessels? Captain Darley, Captain Watson, and myself.

40. Captain Watson is still a member of the Pilot Board? He is.

41. Do you recollect the "Sea Witch" being offered to the Government and your opinion being asked? Yes.

42. Will you look at No. 20 of the Correspondence; was that Minute written with your approval? Yes.

43. It appears by that Minute, that in the opinion of the Board the "Sea Witch" was "not only overvalued but scarcely fit for the service"? Yes.

44. You are aware that she has since been purchased? Yes. I may state that I have overhauled the Sea Witch myself, and also that Captain Watson and I had been to look at her, and then it was arranged that Captain Darley and Captain Fox should also go and inspect her, and that Captain Darley should take some of his carpenters, so as to fully overhaul her

her, which he did; and when he reported to the Board, this is the letter that was then written. C. Smith, Esq.

45. Will you be kind enough to state to the Committee your reasons for considering the "Sea Witch" overvalued at the price asked for her, £1,500? The full value of that vessel in the market at the time was £800. That was the value put upon her by Captain Towns, had he been going to buy her for himself. Mr. Russell, the shipwright, of Pymont, valued her at £700 when he inspected her. 26 June, 1862.

46. From your own experience in such matters, what do you believe to be the value of the vessel? I believe certainly not over £800.

47. *By Mr. Wilson:* Would you have given £800 for her? That would depend on the purpose I wanted her for; I had no business fit for her then.

48. *By the Chairman:* Do you know of any sales of vessels of that class about the time of her purchase? Yes; I bought a vessel pretty near that time—the "Burnett," and sold a much better vessel—the "Jeanie Dove"—for £1,100. I got the "Burnett" for £1,400; she was 140 tons register —

49. A larger vessel than the "Sea Witch"? Yes, more than double the size, Colonial built, and a superior vessel in every way—build, quality, and everything else.

50. The Pilot Board on this occasion say that the "Sea Witch" is "scarcely fit for the service"—will you give your reasons for forming that opinion, as far as you were concerned? She is too shallow; she has got a bottom almost flat, with a deep keel amidships. A vessel to be any good in a sea-way must have more rise of floor.

51. She had not sufficient hold of the water? Not only not sufficient hold of the water—they may give her hold of the water, but they cannot give her that quality that rise of floor gives to a vessel as compared with one that has a flat floor. This vessel, too, is six or eight years old, and principally iron-fastened; all the centre fastenings fore and aft are iron, and that has been coppered over since she was built; and every one acquainted with these matters knows that when copper is put over iron in that way, a vessel will not last more than seven years, to be depended upon.

52. Do you know where she was built? I forget.

53. Do you know whether she was English or American built? American.

54. How long are American built vessels supposed to last? That depends a good deal on the qualities of them, the timber they are built with, and how they are fastened.

55. Mr. Cuthbert gives us the timbers of the "Sea Witch," in No. 25 of this Correspondence—how long would a vessel of the build there described be supposed to last? A vessel of that build would not be classed in England, at the outside, over seven years.

56. Seven years on the first letter? On the first letter.

57. *By Captain Moriarty:* Would she be so long? I do not think she would; but that is certainly the extreme she could be classed for. She has also got a quality which is against her being classed well in England; her deck is cut in two—the deck is cut right across, and there is a rise aft; that of course weakens the vessel, because her stringers do not overlap sufficiently to make her strong.

58. *By the Chairman:* As far as I understand you, you base your opinion that she is not fit for the Pilot Service on the fact that she is too shallow, and I presume not sufficiently weatherly? And not strong enough for what is required of her.

59. At the meeting of the 8th March, when the Minute of that date was made, stating that the "Sea Witch" was "not only overvalued but scarcely fit for the service," who were the members of the Board present? The full Board was present, with the exception of Captain Deloitte, who has been sick for some time.

60. Was the decision of the Board on that occasion unanimous? Quite so.

61. You were called upon afterwards, I think, to fit her out. When was the next intimation you had of her purchase. No. 26 is to this effect:—"Pilot Board,—This vessel has been purchased by the Government for the outside Pilot Service, for the sum of £1,425, on condition that her bottom be sighted and found sound. The Board will direct the Harbour Master to ascertain the earliest period at which she can be docked in the Fitz Roy Dock. E. C. W., 15 March, /62." Was that Minute sent to the Pilot Board? Not that I am aware of; I never saw this Minute. In fact, I am not aware of any of the Board seeing this Minute until after the vessel had been docked and bought.

62. You did not see that Minute? I did not.

63. I see the vessel was docked on the 19th March. Were any members of the Pilot Board present when she was docked? Not that I am aware of.

64. Can you state the reason? I believe the reason was that we had no intimation that the vessel was going into dock. This Minute, No. 26, said to have been sent to the Board, so far as I know, never came to the Board.

65. Did you know anything of the vessel going into dock, or did the other members of the Board know? Not so far as I am aware.

66. Was she put into dock without any member of the Pilot Board knowing anything about it? I believe so.

67. *By Captain Moriarty:* Was not Mr. Crook, the Harbour Master, present when she was docked? I was not present, and therefore I do not know. I believe the Harbour Master took Captain Towns over to her in his boat, to inspect her in the dock.

68. *By Mr. Sadleir:* Mr. Crook is not a member of the Pilot Board? No.

69. *By the Chairman:* Were you present at the meeting of the Pilot Board, at which the Minute dated 21 March and signed "W. J. Wilshire, Secretary"—No. 31 in the Correspondence—was adopted? Yes.

70. Will you be kind enough to say who were present on that occasion? Myself, Captain Fox, Captain Darley, and the Chairman, Mr. Duncan. Captain Watson was not present, I recollect that.

- C. Smith, Esq. 71. In that Minute the Board decline to have anything to do with fitting-out the vessel?
 Yes.
- 26 June, 1862. 72. In consequence of that Minute, did the Government call upon you to resign? Yes.
73. You declined to tender your resignations? Yes.
74. Will you be kind enough to state why you determined on that course? We considered that by resigning our seats others would be put in our places, who, perhaps, would be more pliable to the Minister, and we should not have the opportunity of showing the country how the public money was being wasted, and the department carried out in the way it has been in many respects lately; and we adopted that course in order that it might be brought before the country, to shew how we were treated at the Board, and how the appointments had been made in many departments, which we did not approve of.
75. Are you acquainted in any way with the ownership of the "Sea Witch"? Yes, I have heard.
76. Are you aware who were the owners previous to the Government purchasing her? I heard that the captain was the owner—Captain Chapman.
77. *By Mr. Wilson*: "B. F. Chapman," whose name appears in this Correspondence? Yes.
78. *By the Chairman*: Will you look at No. 22, a letter from Captain Towns to the Treasurer, in which he recommends that the "Sea Witch" should be purchased, as "in every way suited to the purpose of a sea pilot boat * * * the perfect model of what we require, and with a very trifling expense may be sent to sea in a few hours, every way fit for the service." Are you aware how long it was from the time this vessel was purchased until the time she got to sea? I should think it must have been six or seven weeks.
79. From what you have stated, I presume you do not consider her a perfect model? Certainly not.
80. *By Mr. Sadleir*: Could she have been sent to sea in a few hours, to answer the purpose of a pilot boat? Certainly not; she is not sent in a proper state to answer the purpose of a Pilot boat now, according to my opinion.
81. *By Mr. Weekes*: You have stated that the Government refused to follow the advice of the Pilot Board in calling for tenders in the neighbouring Colonies, after having failed to obtain a suitable vessel here? Yes.
82. Do you remember a Minute I sent to the Board, to know how they intended to deal with the tenders for any vessels that might be offered in the neighbouring Colonies? I recollect such a Minute coming.
83. Turn to No. 8. After the Board had reported that none of the vessels then offered were in all respects eligible, they advised that the neighbouring Colonies should be tried,—I then sent down to the Board this Minute:—"In calling for tenders in the neighbouring Colonies, I should like to know the views of the Board. A vessel from description may appear suitable—is it intended to intrust the examination into her condition to some party at the port where she may be, and who will also be authorized to make a final arrangement; or, if her description is approved of, will the Board require her to be brought to Sydney for inspection? If the latter, there seems little probability of a compliance, on the uncertainty of an approval on arrival, and it will be simply so much time lost." Do you remember that Minute being sent? I do.
84. Do you recollect also, that in reply to that the Board sent this Minute, marked No. 9 here, signed by Mr. Wilshire:—"The Board purpose to refer tenders received from the Colonies to the Pilot Boards of the respective ports, who are no doubt competent to report satisfactorily. The Board will, however, examine the vessels tendered here during the week." You remember that likewise? Yes.
85. Then it was not an absolute refusal on my part to follow your advice on the matter, but I simply called for your intentions as to tenders that might be sent in from the neighbouring Colonies? Just so; but we never had any orders to advertise them.
86. Immediately after that, fresh tenders were submitted to the Board, and then came your recommendation of the "Atlantic" and the "Pacific"—so that up to that time there was no necessity to appeal to the neighbouring Colonies, your recommendation of the "Atlantic" and the "Pacific" having intervened? No, but if we had been authorized to advertise in the neighbouring Colonies, we should not have recommended the "Atlantic" and "Pacific" until we had known what we could find there.
87. But as a matter of fact you did recommend the "Atlantic" and "Pacific"? Yes, if they could be got at a certain price.
88. Your Minute, stating that the Board intended to refer to the Pilot Boards of the respective Colonies, is dated 14th February? Yes.
89. Now, if you turn to No. 11, you will see that your recommendation that the "Atlantic" and "Pacific" should be purchased also bears date on the 14th February—is that the case? So it appears; but so far as I recollect they were not done at the same time.
90. That of course is a matter of documentary evidence which can be settled hereafter; but so far as these printed papers go they bear even date? Yes.
91. Therefore that explains why no further steps were taken with regard to the other Colonies—that on the same day that you submitted your intention of referring to the Pilot Boards of the respective Colonies, you recommended that the "Atlantic" and "Pacific" should be bought?
(Mr. Piddington objected to the question. Witness requested to withdraw. Committee deliberated. Witness re-introduced.)
92. Would not the date of your Minute, No. 9, stating that you would leave the Pilot Boards of the neighbouring Colonies to select for this Government—would not the fact of that Minute bearing the same date, namely, 14th February, with that in which you advised the Government to buy two particular vessels, explain the reason why the Government did not

not advertise in the neighbouring Colonies? It would not explain it, for this reason, that I think you will find in one of the Treasurer's letters to the Board that he says he cannot see the use of advertising in the other Colonies, or something to that effect.

C. Smith,
Esq.

93. Do you allude to No. 3? No; there is something else, if my memory serves me. No. 26 June, 1862.
8, which you have just read, led us to presume you would not advertise in the neighbouring Colonies.

94. You reply to that, and say you propose to leave the selection to the Pilot Boards of the neighbouring Colonies; and then on the same day there is your communication recommending the "Atlantic" and the "Pacific"? Yes, it is the same date here, the 14th February; but your Minute of the 8th of February led us to believe you would not advertise in the other Colonies.

95. I believe the "Pacific" was first offered to you for your inspection and decision in the first batch of tenders? Yes.

96. In the list of vessels in No. 6? Yes.

97. Do you know what her tonnage is? Somewhere about 60 tons.

98. What was the price she was offered at? £1,200.

99. You rejected her at first? Yes.

100. As not being suitable? No doubt, as not being quite suitable.

101. Subsequently you recommended the "Pacific" and another vessel, the "Atlantic," to be purchased? We recommended them in this way: that they would do as substitutes for the present time, until proper vessels could be obtained.

102. Just so, but still you recommended their purchase? Yes, if they could be got for £3,000.

103. Although one of them had been previously rejected? Yes, no doubt.

104. What was the price at which the "Atlantic" was offered? £2,000 or £1,800. £3,200 the two, I think it was.

105. Will you refresh your memory by reference to the papers? The "Atlantic" was offered at £2,000.

106. Do you know her tonnage? 71 tons.

107. Do you know the tonnage of the "Sea Witch"? About 59 tons under her deck; she has a booby hatch that measures some three or four tons more.

108. I mean her registered tonnage? They have registered a little more in her than they generally do in other vessels; they state her at 63 tons.

109. You are very fortunate in your purchase of vessels, that is, you get good vessels at a moderate figure; for instance, the "Burnett," of 140 tons, new, I think you said? No, I said she was Colonial built.

110. And in good order? Yes.

111. You bought her for £1,400? Yes,

112. I suppose you must be considered a fortunate man in getting so good a vessel for so cheap a price? I make the best bargain I can, of course.

113. While you could buy for yourself a good vessel of 140 tons for £1,400, you recommended that the Government should buy a vessel of 71 tons for £2,000? Yes.

114. So that the Government were not driving so good a bargain as you made yourself? Perhaps not so good, but as good a bargain as could be made for the vessel required.

115. Is it not the fact that Governments are made to pay more than private individuals? So far as my experience goes they generally do.

116. Does not the market rise when the Government are buyers? Generally so.

117. And therefore that induced you to recommend a vessel of 71 tons for £2,000? No, the "Atlantic" is a peculiar vessel, perhaps the only vessel of her class in Sydney.

118. Do you know where she was built? In New Zealand.

119. Was the "Pacific" built there too? Yes.

120. Do you know the age of the "Pacific"? About six years.

121. *By Mr. Wilson*: The tender says she was built in 1857? Yes.

122. *By Mr. Weekes*: Considering the prices at which the Board recommended these two vessels—the "Pacific," of 60 tons, at £1,200, and the "Atlantic," of 71 tons, at £2,000—do you think it anything very much out of the way that the "Sea Witch," of 63 tons, should be bought at £1,425? Certainly, a good deal out of the way. The "Sea Witch" had most of her rigging gone; she had no sails; she was not found in any way in comparison with the "Atlantic" or the "Pacific;" and she is a vessel that would not be so well adapted for general purposes as either of these vessels are—therefore she is not of so much value in the market in comparison.

123. Did you see her inventory? The captain told me what she had.

124. Did you see the inventory of the "Atlantic" and "Pacific"? The captain of her also told me what was to be had with her.

125. *By Captain Moriarty*: And you are under the conviction that the information derived from those sources was accurate? Yes.

126. *By Mr. Weekes*: When a matter is referred to the Pilot Board, and when their recommendation is sent back, and intended to be acted upon, does not the approval of the Minister complete the transaction and make it binding? I presume so.

127. Then, on these tenders being referred to you, when the Board, after inspecting the "Atlantic" and "Pacific," recommended that they should be bought for £3,200, although they believed £3,000 might be accepted, if the Government had approved of that suggestion, would not that have been conclusive and closed the purchase? No; we would have required to be satisfied that the vessels were all right when the cargoes were out.

128. Did you intimate that to the Government? No.

129. Was not yours an absolute recommendation for their purchase? We took it for granted

C. Smith,
Esq.

26 June, 1862.

granted that a survey would be held, because it is always done in such matters when the Government is buying.

130. *By Mr. Smart*: At what price did you recommend the purchase of the vessels spoken of? We said if they could be got at £3,000 there would be little loss to the Government on their re-sale, after they had been used, when others were got.

131. *By Mr. Weekes*: You were prepared to recommend that they should be bought for the sum at which they were offered, although you believed they might be sold for £3,000? When you have got the Minute that was written at the Board, I think you will find that the reasons given were more full than what is here in print.

132. Are you aware that the course, on this proposition being approved, would be, that the parties would be communicated with by the Treasury, and informed that the offer was accepted? On the vessels being sighted, I presume.

133. But the Board do not recommend that necessary ordeal to be gone through? They thought it quite superfluous to do so, because it is done in all cases where the Government buy vessels.

134. Would it not be the proper course, when a matter of this kind is submitted to the Board for their investigation, and when the Government are depending on their advice, that when that recommendation is given in the Government would have every confidence that the Board had taken all precautions, as prudent men, before they recommended a final settlement? No doubt the Government would be satisfied that the Board would take the necessary precautions, and the Board would have done so.

135. If the Government had communicated to the owners of these vessels that their tender was accepted, would not the bargain have been completed? No doubt; but we told the captain, when we were on board, that we should again overhaul them after the cargo was out; therefore they were recognizing that we should again call to see them.

136. The Board did not call the attention of the Government to that precaution? No, they did not think it necessary.

137. Then it might have been that by the acceptance of the Government, on their recommendation, the bargain would have been finally closed? It might have been.

138. *By Mr. Piddington*: The bargain would not have been concluded without the Pilot Board insisting on another inspection? Certainly not.

139. *By Mr. Weekes*: You left the Government in the dark with respect to that precaution? It is a precaution always taken, and we took it for granted the Government would know that we would take the necessary steps. Our Minute, I take it, merely intimates that we thought that the vessels might be bought for £3,000, and that the Government would lose little by them if they were afterwards sold when other properly qualified vessels were obtained. Of course we would take the necessary steps to see that they were all right before closing the bargain.

140. Will you be kind enough to read my Minute, No. 12—"What would be the cost of building in the Colony per ton? I should like to see the report of survey on these vessels. "E. C. W., 15 Feb., '62." So that, on receiving your recommendation, I communicated with you further on the subject? Yes.

141. Will you refer to No. 13, and state what was the reply of the Board? "The Board beg to state that Captains Smith, Darley, and Watson were deputed to inspect the vessels, and, although no report was made in writing, the Board are satisfied, from the verbal report of these gentlemen, that the 'Pacific' and 'Atlantic' are the most suitable vessels in port, and worth the price asked. Mr. Cuthbert informed a member of the Board, that it would cost £3,000 to build one vessel here. If they are to be built the Board would recommend that they should be built in England. Should this become necessary, they beg to report that the vessels named could afterwards be sold at a price little less than the cost. "W. J. WILSHIRE, 20 Feb."

142. You say nothing in that additional communication of the intention of the Board to submit these vessels to further examination? No, there is nothing of that kind mentioned in it.

143. Will you have the goodness to look at No. 14—does it not appear from that that I required a precaution to be observed which you had not recommended? No doubt we had not recommended that to you.

144. In No. 20, dated 8th March, on the subject of the "Sea Witch," does that Minute condemn her absolutely, or do you merely state that she is "scarcely fit for the service"? Scarcely fit for the service.

145. Is not that almost in the same terms as the opinion you gave when the "Pacific" was first offered? No doubt, and the "Atlantic" also.

146. That Minute, in using the phrase "scarcely fit for the service," conveyed no intimation to the Government that the "Sea Witch" was the exceedingly unfit vessel which you subsequently stated her to be? Well, it is very hard to hit upon the exact phrase that is applicable to a vessel in such circumstances. We did not consider any of the vessels eligible in all respects, and we only recommended the "Atlantic" and "Pacific" to be purchased till we could get others built.

147. Then the result of it is, that the "Atlantic," "Pacific," and "Sea Witch" are all ineligible, but the "Sea Witch," in your opinion, the most ineligible of the three? We have stated her to be the most ineligible.

148. Is that the case—you state that the "Pacific" and "Atlantic" are ineligible? But not so ineligible as the "Sea Witch."

149. You stated it, on the 8th March, as the unanimous opinion of the Board, that she is scarcely fit for the service? Yes.

150. Are you sure that the four gentlemen you have named, Captains Watson, Fox, Darley, and yourself, were present? Yes, quite certain.

151. You have stated that, as far as your knowledge went, the Board had no notification of the "Sea Witch" being directed to be placed in the Dry Dock? The Board had no notice of it till after it had been done and she was out again.

C. Smith,
Esq.

152. Do I understand you to say that my Minute, printed as No. 26, never reached the Pilot Board? Not so far as I am aware. If you will allow me, I will explain how I know it did not reach the Board until their meeting on the next Thursday.

26 June, 1862.

153. How often do they meet? Once a week. This had been after we had been at the Board, and the Chairman told us when we met again that he had acted upon it—that he had sent the Harbour Master to have her docked, but there were none of us called to see her in the dock, though other parties were taken to see her in place of us.

154. When a communication of that kind is sent to the Pilot Board, the necessary steps are taken on their own motion, are they not? On the motion of the Pilot Board—yes.

155. It is not customary for the Government to send down an additional notice, and ask the Board to go and look at the vessel? No; but it is the custom to call the Board together when anything is to be done in which they are interested.

156. Does not the omission to do that depend on some internal mismanagement in the Pilot Board Department itself—was it not by some faulty arrangements of the Board itself that the members were not invited to look at the vessel in dock after the notification to have her docked was sent down? No; the arrangement was that they should be called together when anything of consequence occurred, but in this instance they were not called together, for what reason I do not know.

157. As far as the Government were concerned they took the ordinary course? I do not know what steps the Government took.

158. They sent the Minute to the Board, which you say was acted on by the Chairman? Yes.

159. Then was it by neglect on the part of the Chairman that the Board were not apprised of what was being done? I do not know what instructions the Chairman may have had.

160. You have stated that there were only three members of the Pilot Board present besides the Chairman when the resolution was arrived at declining to fit out the "Sea Witch"? Yes.

161. Yourself, Captain Fox, and Captain Darley? Yes.

162. Would it not have been consistent with your position as members of the Pilot Board to have protested against the purchase of this vessel, leaving the responsibility in the proper quarter—with the Government? We had no opportunity of protesting—she was purchased before our knowledge.

163. I mean that you might have protested against her appropriation to the Pilot Service, instead of refusing to fit her out, throwing the responsibility from your own shoulders to those of the Government? That is what we intended to do by our letter to the Government.

164. If you intended to do it your intention was not carried into effect; instead of protesting did you not decline to fit her out? Certainly.

165. *By Mr. Sadleir*: You mean this as a protest? Yes.

166. *By the Chairman*: Did you consider that throwing the responsibility on the Government? Certainly.

167. *By Mr. Weekes*: Would it not have been throwing the responsibility on the Government if you had simply protested, without declining to fit out the vessel, leaving to the Government the responsibility of employing her in that service? We declined to identify ourselves with a vessel that we knew would prove a failure.

168. Supposing you had been acting as the head of the Pilot Establishment individually, would you have felt it your duty to have declined to carry out an instruction of the Government? Certainly I would, if I knew it would only prove a failure—I would decline to be identified with it.

169. You would not have communicated your views to the Government, and left the responsibility on their shoulders? We did communicate our views.

170. But you declined to carry out your instructions? We did, because we did not wish to be identified with a matter that we disapproved of.

171. Do you not think that in taking the course they did the Pilot Board were assuming the functions of the Government? No.

172. Who is to be master? The Government certainly. The Board had given the Government notice not to purchase the vessel, and I conceive they were quite right in declining to carry out a system that they knew must prove a failure.

173. The notice you allude to was contained in the words "scarcely fit for the service"? Yes.

174. That was the warning—you protested no further before the vessel was bought? We recommended the Government not to purchase.

175. Your protest is embraced in these two phrases—"not only overvalued, but scarcely fit for the service"? Yes, just so.

176. The "Pacific" having been previously rejected on somewhat similar grounds, that she was scarcely fit for the service? Not on similar grounds at all, because for the one the Government could get the same value, but for the other not half the money, if they were sold again.

177. I suppose the value of a vessel varies in the estimation of different people? Yes.

178. Did you happen to have heard that there was a party prepared to buy the "Sea Witch" at the price which the Government have given for her, with a reasonable addition for the alterations? No, I did not that I am aware of.

179. *By Captain Moriarty*: Have you ever seen any general instructions for the guidance of the Pilot Board, from the time you were first appointed a member of it up to the time you were superseded? No.

C. Smith,
Esq.
26 June, 1862.

180. Did you never hear that there were general instructions? No. I understood that the Pilot Board was constituted in this manner—that there was a letter from the Government requesting the members of the Steam Navigation Board to act as a Pilot Board also; but that was long before my time. I understood that was the only constitution that the Pilot Board had. I am only speaking of what I have been told.

181. You were left to your own surmises as to what your duties really were? In some measure.

182. *By Mr Sadleir*: You say that the questions referred to you were often referred to to other persons also? Yes.

183. Who are the other persons you allude to—persons connected with the Government? Yes, the Harbour Master very often undertakes to do things that are sent down to the Board; in fact he did it for a long time without consulting the Board at all. Latterly there has not been so much of that. Still in this instance the Harbour Master took other advice, but never came to any member of the Pilot Board; in fact we did not know the vessel had been in dock at all until the next Thursday, when this Minute came down to fit her out.

184. *By Captain Moriarty*: Is the Harbour Master under the Pilot Board? I believe very little under the Pilot Board; he reports to the Treasurer in all matters.

185. *By Mr. Weekes*: The Board only meets once a week? Yes.

186. Do you not consider it absolutely necessary that there should be some authority to act in any emergency? Certainly, such as a vessel getting ashore, or anything of that kind; but buying a pilot vessel is a different matter altogether; there was no such necessity for haste in that matter but that he could have communicated with us; twenty-four hours must have elapsed, at all events, before the docking could be done.

187. Do you mean to say that proper notification was not made to the Pilot Board of this vessel going into dock? I mean to say the three members now dismissed from the Board had no notice of it till the vessel was out of the dock and we met on the next Thursday.

188. Was the ordinary notice sent to the Board? I can only state what the Chairman said when we met.

189. *By Mr. Wilson*: Was there any necessity for the vessel being docked before the Board could have had cognizance of it? Certainly not.

190. *By Captain Moriarty*: Was the Harbour Master in any one way under the orders of the Pilot Board—subject to them in any way; are not his duties as Harbour Master clearly distinct from those which any Pilot Board can assume? They are distinct in some respects, not in others; for instance, he has got the looking after the pilots, and the people connected with the Light-houses; they are called before the Board for examination when anything occurs, and in that respect he may be said to be acting under the Board; but in other respects he acts independently of the Board: and in a case some time ago I recollect we had occasion to call the Minister's attention to the fact that Mr. Crook and the Board could not act together, and that he had better hand the matter over to one or the other, and we got a notice that that department was under Mr. Crook, and that we had no occasion to interfere.

191. *By Mr. Weekes*: Was that with respect to the boat-shed? Yes.

192. *By Mr. Dick*: You say you have been a number of years a shipmaster—how many years? Some fifteen years, I think.

193. You have also described this vessel, and stated that a vessel of that character would only be classed for seven years in England? Certainly not over that; I question if so much.

194. Are you a marine surveyor? No.

195. Have you ever had any experience of classing vessels in England? I have seen them classed there, I may say, and I know all the classes of vessels—what constitutes one class, and what constitutes another.

196. You know from having seen other vessels classed how this vessel would be classed? Yes; she would have been off the letter now at all events.

197. How long is it since you saw vessels classed in England? I have not been in England these thirty years, but I see vessels coming out every day and inspect them, and I know from Lloyd's rules how they must be constituted to obtain a certain class.

198. You state that you saw no written instructions when you became a member of the Pilot Board? Yes.

199. And you considered it your duty to make the service as efficient as possible, with as little expense to the public? Yes.

200. What further evidence can you give beyond what is contained in this Correspondence as to this vessel being unsuitable for a pilot boat? Captain Sustenance informed me that he was acting as pilot of her during her last voyage among the Islands, and that he nearly lost her on one of the Friendly Islands; she missed stays two or three times, and eventually he found that she refused stays so often in anything like a sea-way, that he gave up staying her at all, and took to wearing her round.

201. *By Mr. Weekes*: Is not that the customary way of treating fore-and-aft schooners—sailing them round? No, they stay them round.

202. *By Mr. Dick*: How long is it since Captain Sustenance told you so—since you left the Pilot Board? Yes.

203. Have you any other evidence? Only the reports I hear about town every day.

204. Will you look at the Minute No. 7, where you state that you do not consider any of the vessels offered in all respects eligible—will you state specifically what the Board did to arrive at that conclusion? They inspected the vessels offered.

205. Where were the vessels you inspected? This new vessel. I may state that our reason for not taking her was that she was too shallow; we considered she would not hold the wind.

206. What did you do before the 7th February, before you made that Minute. We have your opinion embodied here. I want to know what the Board did to justify that opinion? I presume you are all aware that the members of the Board were acquainted with all the vessels belonging to the harbour; you have only to name a vessel belonging to the harbour to me, and I can tell you her character pretty nearly, and everything about her, and so could the other members of the Board; therefore, when the Board were asked about a vessel they may perhaps not have required to go and look at her.

C. Smith,
Esq.

26 June, 1862.

207. Then you mean to say that when a vessel was named the Board immediately understood all about her without examination? Yes, if she was a vessel belonging to the port, a considerable time sailing out of it.

208. Did the Board know all these vessels that were offered? Certainly.

209. Do you speak for yourself? For myself, Captain Fox, and Captain Darley.

210. How do you know that Captain Fox knows all the vessels belonging to the port? For the simple reason that he is a surveyor, and knows all about them.

211. Is there only one surveyor? There are many; but he keeps a book, in which he enters all particulars respecting vessels, what has been done to them, and so on.

212. Do you know whether any of the Board had surveyed the "Pacific" at the time this report was made? I do not think they had specially surveyed her for this purpose, but I believe all knew the "Pacific."

213. Will you tell the Committee what you mean by being acquainted with her—what was the process of introduction? We knew she was a fast vessel, because we had opportunities of seeing how often she went up and down to Newcastle; we knew where she was built, the materials she was built of, and we had often seen her; therefore we could judge of her character.

214. Did you go on board her before you made the Minute of the 7th of February, 1862? Not at that time—not between these tenders coming in and making that Minute, but I had been often on board that vessel.

215. Am I right in understanding that, on the 7th February, when this Minute was made, the Board had not personally inspected these vessels, but came to this conclusion from their general knowledge of them? Just so.

216. When you purchase a vessel on your own account, do you buy her from repute or inspection? I buy her from both.

217. Do you ever conclude a bargain before you inspected her? No, I do not.

218. Do you not think it was your duty as a member of the Board to take the same precaution on behalf of the Government as for yourself? Certainly, I have always done so.

219. How was it that immediately the "Sea Witch" was reported upon, you altered your opinions, and recommended these tenders to be accepted? Immediately the "Sea Witch" was reported on?

220. Yes? I am not aware of that exactly. I believe it was after we found that £3,000 would not be taken for these vessels that we recommended that the "Sea Witch" should not be purchased.

221. In Minute No. 11, you recommend that the tender for the "Atlantic" and "Pacific" should be accepted, and you suggest that the vessels might be purchased for £3,000—that is on the 14th February? Yes.

222. On the 8th March, Minute No. 20, you recommend that vessels should be built? Yes.

223. And you there state that the "Sea Witch" is scarcely fit for the service? Yes.

224. How was it you did not make that recommendation for building before the "Sea Witch" was named? If you perceive, we wanted to advertise in the other Colonies; the system was required to be begun at once, and we wanted to advertise in the other Colonies, but the Treasurer would not allow us to do that; we were looking out for the best vessels we could get here, and we recommended the Government to purchase these two in the meantime, until others could be built, if they could be got for £3,000.

225. You state that the Treasurer would not allow you to advertise in the other Colonies? It appears he did not sanction it.

226. You say he would not allow it—how does that appear? It is in No. 8, and also in No. 3 he says there would be so much time lost.

227. When you state that he refused, you refer to that Minute? Yes.

228. Holding such a strong opinion about the "Sea Witch," and knowing as the Board did every vessel in the harbour, how was it you did not report before she was purchased that she would prove a failure? Because we never expected the Treasurer would purchase her after we recommended her not to be purchased.

229. I ask if you were so conversant with all the vessels, and knew she would prove a failure on the 21st March, how was it you did not represent it on the 8th? We recommended the Treasurer not to purchase her.

230. When you stated that she was overvalued and scarcely fit for the service, did you mean that she would prove a failure? We recommended the Treasurer not to purchase her, and never expected he would do it. It was the first time we were called upon to express that opinion.

231. Did the Board on the 8th March entertain the opinion that the "Sea Witch" would prove a failure? Yes.

232. Did they ever represent that to the Government, except as mentioned in the letter of the 8th March? We recommended the Government not to purchase her.

233. Did the Board ever state that opinion to the Government, except as stated in the letter of the 8th March? Yes, in No. 20; that is where we state it.

234.

- C. Smith,
Esq.
26 June, 1862.
234. In the letter of the 21st March you state that the Board consider that the vessel will prove a failure, and you also state that that was the opinion of the Board on the 8th March—now I ask you whether you ever made any representation to the Government that the “Sea Witch” would prove a failure, except as mentioned in the letter of the 8th March? We gave no specific reasons, further than recommending the Government not to purchase her.
235. Did you make any other representation that she would prove a failure than is contained in your letter of 8th March, previous to her being bought? This is the only representation we made to the Government previous to her being bought.
236. At the date of that letter the Board were all of opinion that she would prove a failure? The Board were of opinion that she was not the proper vessel to be there.
237. Were you of opinion on the 8th March that she would prove a failure? We were quite satisfied she was not properly adapted to the service, neither were any of these other vessels; no vessel in the port was fully adapted to the service, and to get them adapted to it we were fully alive to the necessity of having them built.
238. I should esteem it a favour if you would answer me the question? ———
(*Mr. Wilson objected to the mode of examination. Witness requested to withdraw. Committee deliberated. Witness recalled.*)
239. On the 8th March, the date of the Minute No. 20, were the Board of opinion that the “Sea Witch” would prove a failure? Yes; that she would prove unfit for the service; it amounts to much the same thing.
240. I want an answer to my question whether she would prove a failure? Yes, the Board were quite of opinion that unless we had efficient vessels the service would not answer at all.
241. What was the first intimation the Board had of the “Sea Witch” being offered? I think when No. 18 was sent to the Board.
242. What drew from the Board their Minute of the 8th March, 1862? I think there must be something wanting here in the correspondence; there must have been some other letter that ought to go in here. I know we were two or three days overhauling the vessel. Captain Watson and I went down one day, and I went down myself another, and then Captains Darley and Fox were deputed to go and overhaul her, with carpenters, and then next morning this Minute was written; that was at an extra meeting of the Board.
243. At the time this letter of the 8th March was written, the Board had the letter of the 3rd March before them? Yes, I presume so; I have no doubt of it.
244. You then recommend that two vessels should be built, one in the Colony, and one elsewhere? Yes.
245. Supposing one had been built in the Colony, and one in England, one must have been finished a considerable time before the other? One would have been here before the other, I presume.
246. Supposing one vessel had been built in the Colony, and one had been ordered from home, would one vessel have been completed any time before the other? Not a great deal, I think. Probably they would do the work much quicker at home, and then the vessel would have the passage to make out here.
247. You have stated that the Colonial Treasurer was the first to suggest that the vessel should be surveyed? I did not state so—the “Sea Witch” do you mean?
248. All the vessels? I never said the Treasurer was the first to suggest it. The Treasurer did suggest to us that they should be surveyed.
249. You stated that the Board did not want any survey, but that they took it for granted —? We took it for granted that there would be a survey.
250. Do the Board usually take things of that kind for granted? Certainly; it is in the usual course of business.
251. If, at the date of the recommendation in No. 11, the Treasurer had accepted the tender, the matter would have been concluded without a survey, would it not? No, I do not know that it would; the Treasurer would only have concluded it on our being satisfied that the vessels were all right.
252. By that letter you recommended that the tenders for the “Pacific” and “Atlantic” should be accepted? For the £3,000.
253. It does not say for £3,000, but the same letter suggests that they might be got for £3,000? No doubt; and in the meantime we would look to them ourselves.
254. If a letter had been addressed from the Treasurer’s office, stating that £3,000 would be given, and the parties had accepted it, would not the contract have been concluded without a survey? No, it would not; for this reason, that we told the captain we would see them when their cargoes were out of them.
255. Is the captain the owner? We told him to tell the owner.
256. Who were the parties that tendered? Broomfield and Whittaker.
257. Were they the owners? They were representing the owner.
258. Can you tell us the name of the owner of the “Pacific”? Mr. Kelly.
259. And the “Atlantic”? The same.
260. Who was the owner of the “Sea Witch”? Captain Chapman.
261. Has Mr. Kelly been a long time in the Colony? Yes.
262. Was he personally known to the members of the Board? Yes.
263. You state that these vessels—the “Pacific” and “Atlantic”—have been a long time trading to Newcastle? Yes.
264. Have they been successful in their voyages? Yes, more so than most others.
265. I suppose the success of such vessels depends to a great extent upon the capabilities of the masters, as well as upon the qualities of the vessels? Yes.
266. Do you know the “H. M. Warfield”? Yes.
267. Is she not a most successful trader between here and Newcastle? No doubt.

268. Is not that owing to the perseverance of the captain? To his perseverance, and to the qualities of the vessel. That vessel is well suited to the trade.
269. A great deal does depend on the masters of the vessels? No doubt of it.
270. You know Captain Rountree? Yes.
271. Do you not think him competent to give an opinion? I believe he is competent to give an opinion.
272. Do you know Mr. Cuthbert? Yes.
273. He is a shipbuilder? Yes.
274. Is he a man whose opinions in such matters are entitled to weight? I think so, in some respects.
275. In judging of a pilot boat? I think he ought to have some idea of a vessel even for that, but I consider his opinion as regards the construction of a vessel ought to be very good.
276. I am speaking of his opinion as to the qualities of a pilot boat? I am not aware what practice he has had in that way.
277. Perhaps you will be good enough to state what practice you have had in that way? I have been master of vessels of various kinds—cutters and schooners, as well as others.
278. You think that the opinion of the Pilot Board is of greater weight than Mr. Cuthbert's? I consider the opinion of myself and the other two gentlemen who have been removed from the Pilot Board, as to the seagoing qualities of a vessel, is of more weight than that of Mr. Cuthbert.
279. Who is a practical shipbuilder? Who is a practical shipbuilder.
280. And of greater weight than that of Captain Rountree? Or Captain Rountree either. I consider that we have had more experience than either of them in sailing different classes of vessels.
281. Do you know anything of Captain Rountree's experience? I do not, further than what I know of him here.
282. He was commander of a vessel, was he not? I am not aware.
283. Did he not bring out the vessel that Captain M'Kinlay had to Launceston? I am not aware.
284. Does Captain Towns know anything about vessels? He ought to.
285. He is a large shipowner? Yes.
286. As large as yourself? Larger.
287. Has he had any experience of pilot boats? I am not aware.
288. Do you know Captain Livingstone? Yes.
289. Is his opinion of any weight? It depends a good deal on how he has to give his opinion; he is one of Captain Towns's captains.
290. Then the weight of Captain Towns is on his shoulders you think? No doubt of it.
291. Do you know Captain Vine Hall? Yes.
292. Did he command the "Great Eastern"? Yes.
293. Do you think his opinion is entitled to any weight? I do not know anything of his antecedents.
294. It does not follow because he commanded the "Great Eastern" that he knows anything of a pilot boat? Not necessarily.
295. Do you know Mr. Owen? I do not know him at all.
296. Do you know Captain Norie? Yes.
297. I think he is at present a member of the Board? Yes, so is Captain Hall.
298. Do you think Captain Norie's opinion entitled to any weight? I do not know his antecedents at all.
299. Was he not master of one of the P. and O. boats? Yes.
300. From your knowledge of the commanders in the P. and O. Service, are they not generally men of great experience? They are.
301. Are not the best men generally sought for as masters of the P. and O. steamers? Yes.
302. You state that you bought a vessel called the "Burnett" for £1,400? Yes.
303. What was her tonnage? 139 or 140.
304. And you recommended the purchase of the "Atlantic" of 71 tons for £2,000? Yes.
305. It does not follow that because a vessel is double the size she is double the value? No.
306. There are other things to be taken into consideration besides size? No doubt.
307. What was your object in telling the Committee that you bought such a large vessel for such a sum, if size is no guide to value? They were asking me as to my experience, and I stated that I had bought eight hundred or nine hundred tons of shipping during that month, and if I was competent to do that I ought to know something about vessels.
308. Then I was wrong in understanding that you gave that as an instance to show that this vessel was overvalued? I did not mention it for that purpose at all.
309. How did you arrive at the opinion that the "Sea Witch" was worth no more than £800, if you did not go on board? I did go on board.
310. When? At Campbell's Wharf.
311. Before the 8th March? Yes, decidedly. It was in consequence of what we got from the Treasurer that I went down to overhaul her.
312. Your opinion of her was, that you would not give more than £800 for her? Yes.
313. Do you know whether the vessel was offered for sale about that time? I am not aware.
314. Had she been in the market before? I am not aware.
315. Is it not the fact that vessels are much dearer now than they were two years ago? Yes, or twelve months ago.
316. When you stated you would not have given more than £800 for her, you also said you had no employment for her? Just so.

C. Smith,
Esq.

26 June, 1862

- C. Smith, Esq.
26 June, 1862.
317. Supposing you had had suitable employment for her? I would have considered then that £800 was a good, fair, full value for that vessel in the market.
318. What you stated was, that you would not give more than £800 for her; but that was when you had no employment for her. Is that all she would be worth to a person who had employment for her to which she was suited? Circumstances might arise when a man might give a little more than he otherwise would do, if he had a particular object to which she was well adapted.
319. In that case she would bring a higher price? Very little higher.
320. Do you believe a schooner is a proper vessel for a pilot boat? I believe a schooner is as proper as a cutter is.
321. There is no preference to be given to cutters? I think not.
322. Are pilot boats usually cutters or schooners in England? They are both; out of Liverpool, where they have got the best pilot boats in the world, some are cutters and some schooners.
323. What is about their tonnage? About 80 tons.
324. Can you tell the Committee what is their cost in building? About £22 a ton.
325. What would be the additional expense of bringing such a vessel out? £150 perhaps.
326. Wages and provisions included? Yes; not over £200.
327. Then a vessel of that class would cost about £2,000? They charge builders' measurement, which is about one-half more; a vessel of 80 tons register would measure 110 tons builders' measurement, and you would have to pay according to the long measurement.
328. Then a vessel like that would cost nearly £3,000, which was the whole sum voted for two vessels? No doubt.
329. Is it your opinion that the service can be carried out effectually with one vessel? No; I believe the service cannot be carried out at all unless there are two vessels.

FRIDAY, 27 JUNE, 1862.

Present:—

| | | |
|-----------------|--|--------------|
| MR. DICKSON, | \| | MR. SADLEIR, |
| MR. PIDDINGTON, | \| | MR. WEEKES, |
| MR. WILSON. | | |

SAUL SAMUEL, Esq., IN THE CHAIR.

Charles Smith, Esq., called in and further examined:—

- C. Smith, Esq.
7 June, 1862.
330. *By Mr. Piddington:* I believe you were recently one of the members of the Pilot Board? Yes.
331. How many members constitute that Board? There were six in all, but Captain Deloitte has been sick for some time and has not attended the Board.
332. Six, including the Chairman? Including the Chairman.
333. Are the members paid officers by salaries, or are they honorary officers? Only the Chairman is a Government officer; the others are paid by fees—one guinea each time.
334. Do you know what the average amount of fees per annum paid to each honorary Member of the Pilot Board amounts to? Somewhere about £50—£50 to £55—the Board meets usually once a week.
335. Are the members of the Pilot Board chiefly gentlemen connected with the mercantile marine of the port? Yes.
336. Have you any doubt whether the Board, of which you were a member, could give a sound opinion upon the fitness of vessels for the Pilot Service? I believe they are well qualified to give a sound opinion.
337. If the opinion of the Pilot Board upon a professional question is not authoritative, what utility is there in a Pilot Board for any purpose whatever? No utility whatever.
338. Turn to No. 20, if you please. When the Board sent their Minute to the Treasury, dated the 8th March, 1862, in which Minute they convey their opinion that the "Sea Witch" is not only overvalued but scarcely fit for the service, was the Board of opinion then that the vessel was unsuitable for a pilot boat? Yes.
339. Then the Board, I presume, at that time was of opinion that the "Sea Witch" would prove a failure in the Pilot Service? Certainly, we were of opinion that she would not act in bad weather.
340. I presume then that you did convey to the Treasurer, on the 8th March, your opinion that the "Sea Witch" would prove a failure, inasmuch as she was not fit for the service? Certainly.
341. Did the Board do everything in their power to protect the Government against purchasing the "Sea Witch"? Everything in their power.
342. Did the Board caution the Government against purchasing the "Sea Witch" upon the ground that she would be unfit? Yes.
343. Did the Board caution the Government against purchasing the "Sea Witch" on the ground that she was overvalued? Yes.
344. The Pilot Board, in their Minute of the 21st March, respectfully declined to fit out the "Sea Witch" for the Pilot Service—did they not? Yes.

345. When the Board declined to fit out the "Sea Witch," was it, in your opinion, an act of insubordination against the Government? Certainly not.
346. You were aware that no one member of the Board, except the Chairman, was a paid officer of the Government? Yes.
347. Was that one of your reasons for believing that the Board did not exhibit, in their Minute of 21st March, any symptoms of insubordination? That is one reason; there were other reasons. I consider that when I was appointed to the Board, I was appointed there to watch the interests of the port and the shipping, and of the public money also. I consider that we were called upon to see that anything we instituted was fit for the work, and established at the least cost possible to the country.
348. Do you believe that the tender of Mr. Chapman, to the Government, of the "Sea Witch," was referred to the Pilot Board for consideration—No. 18? I think it was.
349. In consequence of that reference did the Pilot Board do all you considered they could do, in order to convey to the Government their opinion as to the expediency of purchasing the "Sea Witch"? They did all they considered necessary to convey to the Government their opinion on it.
350. And you are of opinion that they conveyed to the Government, on the 8th March, their opinion that the vessel would prove a failure? Yes.
351. *By Mr. Weekes*: In what terms did you convey that? In the terms of this Minute, dated 8th March, signed "W. J. Wilshire, Secretary"—"as the 'Sea Witch' is not only "overvalued but scarcely fit for the service, they see no better course than to recommend "that the vessels for the service should be ordered to be built in England."
352. *By Mr. Piddington*: Was it your opinion that those terms—"not only overvalued but scarcely fit for the service"—were equivalent to a statement that the vessel would prove a failure? Yes.
353. *By Mr. Wilson*: By referring to No. 30, in these papers, you will see a Minute of Mr. Weekes, in which he requested that "the necessary steps should be taken for transferring this vessel to the Government, and fitting her out for the outside Pilot Service." You have already stated that you did not believe that she was fit for the Pilot Service, and it was in consequence of this opinion that the Minute of the 21st March, signed "W. J. Wilshire, Secretary," was written, in which the Pilot Board declined to fit this vessel out? Yes.
354. Were the Pilot Board at that time of opinion that no repairs that could be put on this vessel would fit her for the Pilot Service? Certainly.
355. *By Mr. Weekes*: Did they say so? It was said so at the Board, and as much was conveyed. That Minute of the 21st March states that we consider she will prove a failure in the service.
356. *By Mr. Wilson*: When you stated that she would prove a failure, that was taking into consideration any repairs it was possible to give her? Certainly.
357. By turning further over, to No. 39, to an opinion that appears to be given by "Thomas T. Rountree, Shipbuilder," and "William Livingstone, Practical Shipwright, and Commander 'Royal Saxon,'" you will see it stated that it is customary in England at times to put four feet of hanging keel on yachts of 80 to 100 tons measurement, for the purpose of going to windward. If such a plan had been adopted with regard to the "Sea Witch," would it have made her weatherly and fit for the service? It would not have made her fit for the service.
358. Would it have made her more weatherly? It would. I may know, and if the Committee wishes, I should have no objection to state to Mr. Sadleir, who understands these affairs, what would make that vessel a little better than she is.
359. Do you think that by putting four feet of hanging keel on the "Sea Witch" it would have made her fit for the Pilot Service? No, certainly not.
360. When you recommended to the Government to advertise in the other Colonies for vessels suitable for this Pilot Service, I believe you also recommended that the Pilot Boards of the various localities should be requested to inspect any vessels that might be offered, as to their capabilities for the service? Yes.
361. Did you think those Boards were capable of forming an opinion on the matter? Quite so.
362. Are you aware on whose recommendation, as it appears in the printed documents, the Government acted in purchasing this vessel? It would appear to have been done on Captain Towns's recommendation.
363. Did Captain Towns recommend the Government to have this vessel thoroughly inspected before she was bought? I am not aware.
364. Will you look at No. 22—the letter of Captain Towns recommending the "Sea Witch"—and say if you see there anything to that effect? Certainly not in this.
365. But you believe the members of the Pilot Boards in the various Colonies are equally as good judges as Captain Towns, individually, as to the capabilities of a vessel for the Pilot Service? Certainly.
366. When you recommended the Government to purchase the "Pacific" and "Atlantic," you did not expressly recommend that these vessels should be surveyed before acceptance of the tender? No.
367. Did you suppose the Government would do so as a matter of course? Yes, certainly.
368. As was done also in the case of the "Sea Witch," purchased on the recommendation of Captain Towns? Yes.
369. After the owner of the "Atlantic" and "Pacific" had refused the offer of the Government, the Government even then might have advertised in the other Colonies? Certainly.
370. Are you aware that any vessels at all suitable have been offered to the Government for this

C. Smith,
Esq.

27 June, 1862.

C. Smith,
Esq.

27 June, 1862.

this Pilot Service, from other Colonies, since that date? There has been a vessel offered from Adelaide; I am not aware whether she was suitable or not.

371. *By Mr. Weekes*: Offered to whom? To the Pilot Board.

372. The question was whether any had been offered to the Government? I am not aware whether the offer was transmitted to the Government.

373. *By the Chairman*: Do you know it of your own knowledge? Yes.

374. *By Mr. Wilson*: Consequently, if this plan had been adopted, even the offer of this vessel shows that there would have been a greater choice at the command of the Government? Yes.

375. Was there any very great necessity that this vessel should be bought on a particular day or a particular week? None.

376. Was there any absolute necessity for the Government immediately surveying the "Sea Witch," without the knowledge of the Pilot Board?

(*Mr. Weekes objected to the Question.*)

377. Were the members of the Pilot Board, or any of them, called to examine the "Sea Witch" in dock? None of them to my knowledge.

378. There was a certain intimation sent to the Chairman of the Pilot Board that she was to be docked and examined? Yes, it appears so.

379. Was there any necessity, on the part of the Government, to have the vessel docked before laying this document before the Pilot Board? I believe not.

380. The public service would not have been damaged if they had delayed that proceeding for a few days? I should think not.

381. When tenders were originally called for, I think by referring to No. 6 we will see that four vessels were offered to the Government? Yes.

382. And the Pilot Board in their communication to the Under Secretary for Finance and Trade, dated 7th February, in speaking of these vessels, state that "they do not consider any of the vessels offered in all respects eligible." Were they all equally ineligible? Certainly not.

383. Some of the vessels were less suitable than others? More ineligible than others.

384. Are you aware which of them the Pilot Board considered the most eligible? They considered the "Pacific" the most eligible.

385. Supposing there are two vessels of equal tonnage and both seaworthy, cannot one vessel be of much greater value in the market than the other? Yes, certainly.

386. Almost to double the value? Yes.

387. Turning to communication No. 25, signed "John Cuthbert," does he give any opinion as to the fitness of the "Sea Witch" for the pilot service? No.

388. What does he give an opinion about? He says—"I consider her to be a good substantial vessel for her age and build"—which may be said of any vessel in fact, taking her age and build into consideration.

389. Would you look upon that as being equivalent to saying a vessel was seaworthy? Yes, I should say, looking at the whole of this, that she is seaworthy, but not speaking as to her qualities for the service she is intended for.

390. Did the Pilot Board think she was seaworthy? Yes; I believe the vessel is seaworthy, that is, she is safe to go to sea.

391. Am I right in supposing that a pilot vessel is liable to be strained in heavy weather much more than an ordinary merchantman? Certainly. If you look at the specification from England, No. 58 of these papers, page 18, you will find that the pilot vessels built there are to be "thoroughly copper or Muntz metal fastened, and to use no treenails higher than the under part of wales"—that is, she was to be thoroughly bolted with copper all above the water. That is the same specification as for the Liverpool pilot boats at home.

392. Then by stating to any particular person the tonnage of a vessel and her seaworthiness, it is no indication of the value of that vessel? No; what she has got on board, and the condition she is in aloft, are all taken into consideration in the value of a vessel—sails, spars, rigging, everything belonging to the vessel.

393. I think you stated in a previous part of your evidence, that the "Sea Witch" was not worth more than £800 in your opinion? That is the outside value I should place upon her.

394. The Government stated to you that she was offered to them for £1,500? Yes.

395. If this vessel had been offered to the Government for £800, would it have been any inducement to the Pilot Board to have recommended her purchase for the pilot service? The Board would not have considered her fit for the service.

396. That would not have induced them to recommend her to the Government? Not for that service. In fact no vessel here was in all respects fit for the service, although we might have made a temporary shift with them.

397. You stated also, in a previous part of your evidence, that you had bought a vessel called the "Burnett," of 140 tons, for £1,400—was she seaworthy? Yes.

398. Was she comparatively in as good condition as the "Sea Witch"? Twice as good, both in build and materials.

399. And twice the size? Yes, more than twice the size.

400. And during the same month you purchased her for £1,400, while the Government gave £1,425 for the "Sea Witch"? Yes.

401. You also stated that in England a vessel of the build of the "Sea Witch" would not be classed on the first letter for more than seven years? The "Sea Witch" would not be classed on the first letter for so long as that, but certainly no American built vessel is classed over seven years—vessels much superior fastened to her in every respect.

402. Are you aware of her age now? She was built in 1854.

403. For how many years are the Liverpool pilot boats classed? These pilot boats are classed for fourteen years, and they may wear fourteen years more.
404. Consequently, even supposing the Government had given £2,400 for an English pilot boat, and £800 for the "Sea Witch," it would have been more profitable to the country to have bought the English vessel than the "Sea Witch"? No doubt of it whatever.
405. With regard to this Pilot Service, do you think that if properly built efficient boats were got, they could, not in the severest gales that blow here but in ordinary gales, do their duty outside the Heads? No doubt of it; but to do so you must have really good vessels.
406. Are there some gales that blow outside here so severe that they would have to run for shelter? I think there are; it would be advisable to run in in some gales.
407. *By Mr. Weekes*: Even the best vessels? Even the best vessels. If they staid out they could not put a pilot on board a ship.
408. *By Mr. Wilson*: In ordinary gales they could do their duty outside the Heads? Yes.
409. Such a gale as blew last week, for instance? Decidedly, they should be out in it.
410. *By Mr. Saddleir*: Can you inform us what is the breadth and length of this vessel, the "Sea Witch"? I cannot exactly say from memory; I think she is about sixty feet long, with a good beam, but what it is I could not state.
411. You do not know the proportions? No, I do not know the exact proportions. So near as I can recollect her beam is a little less than one-third her length.
412. Do you think such a proportion is suited for working a vessel to windward in a heavy sea? Certainly not.
413. Do you think she would be likely to stay in a heavy sea with such proportions? I do not think she can ever be made to stay in a heavy sea.
414. Do you think shifting her masts in any way would make her stay in a heavy sea? No.
415. What can be done to improve her in that respect? They might make her better, but they can never make her suitable for the Pilot Service.
416. Do you mean by cutting her in two, and so lengthening her? No, because she has got a shallow bottom already.
417. She will not stay in a heavy sea because she has got too flat a bottom? No.
418. What would be the effect of putting on four feet of hanging keel, which is said to be not unusual in England? That is put on flat-bottomed vessels to make them hold a better wind.
419. Would that make her stay better? It would help a little.
420. And make her more weatherly? It would make her more weatherly.
421. Would it make her more crank or more stable in the water? It would give her rather more stability in the water, but she has got too much stability now in fact, that is, she is too stiff in the water. The ballast is put into her so as to get her down in the water and to try to make her hold the wind, and it makes her too stiff, so that she is very uncomfortable, no doubt.
422. Turning to Captain Towns's letter, he says she is a "perfect model"—do you think she is a perfect model? For a bar harbour.
423. Do you consider she is a "perfect model of what we require" as a pilot boat? Certainly not; she is about the worst class of vessel that can be found.
424. She is spoken of in another document as a good vessel for her construction and age? Yes, she is in good condition for her class and age.
425. You consider her seaworthy? Yes.
426. Do you not consider that a vessel that might be a complete lubberly vessel might still be seaworthy? Yes, certainly.
427. Mere seaworthiness does not make her fit for a pilot boat? No.
428. Have you seen the pilot boats in the Channel and off Liverpool? Yes.
429. They can remain at sea in any weather? Yes; in fact the Liverpool pilot boats never come in through stress of weather.
430. Do you consider that a pilot boat should remain out in any weather off this coast? I do not think she should in all weathers; not that she would not be quite safe at sea, but she might not be able to lower her boat and put a man on board a vessel in a very heavy gale of wind.
431. Would she be able to keep off the coast? Certainly, if she was a proper vessel.
432. This vessel—the "Sea Witch" I mean? Certainly not; I consider her a dangerous vessel on a lee shore in a breeze of wind.
433. Do you consider that your letter to Mr. Weekes of the 21st March, No. 31, is a resignation? No, I do not consider it a resignation.
434. What do you consider it to be—a remonstrance, or what? I consider it a remonstrance with the Minister.
435. In No. 33, I think, you deny its being a resignation—in the latter part of it? Yes.
436. Therefore this letter was not a resignation? No.
437. You complain in No. 33 of other persons interfering with you, and particularly that, in this instance, the Harbour Master was employed to commence operations without the knowledge of the Board at all? Yes.
438. You suppose the Board ought to have been consulted before the Harbour Master, finally? Certainly.
439. He is not connected with the Board at all? He is not connected with it—he is no member of the Board.
440. Still he was called in without your knowledge? Without our knowledge certainly.
441. *By the Chairman*: No. 26, a Minute addressed to the Pilot Board, I think you state you never saw, and it was your impression that it was never sent to the Pilot Board? The Chairman communicated at our next meeting, a week after, that this Minute had been sent down,

C. Smith,
Esq.

27 June, 1862.

- C. Smith, Esq.
27 June, 1862.
- down, if I recollect right, with instructions to the Harbour Master to put the vessel in dock, but the three petitioners knew nothing of it.
442. Now, look at No. 23, a Minute signed "E. C. W., 13 March, 1862."—"The Shipwright Surveyor should be requested to inspect this vessel forthwith, and report on her condition. It is so desirable to commence this system, that should the report warrant it the vessel should be bought, and I am informed that an offer of £1,400 would be accepted." That Minute does not appear to be addressed to any one. Are you aware whether it came to the Pilot Board? I am not aware of it.
443. Did you ever see it? I never saw it.
444. Was it your desire, in taking the course you did with regard to this vessel, that the Government should not pay more for her than private individuals would have to pay? Yes; and not only that, but after one or two consultations we were of opinion that to attempt the service with such a vessel as this would be only to do away with it altogether; in fact we felt convinced it would not answer with such a vessel as this.
445. You were a member of the Steam Navigation Board as well as the Pilot Board? Yes, I am still a member of the Steam Navigation Board.
446. *By Mr. Weekes*: Has not Captain Watson, a member of the Pilot Board, always approved of the "Sea Witch"? No, he was at the Board when that Minute No. 20 was written, and he was a consenting party; in fact we were quite unanimous to recommend the Government not to purchase her.
447. He took the same view as the other members of the Board? Yes.
448. Are you quite sure of that? Quite certain.
449. Do you consider the Pilot Board a supreme authority, independent of both Government and Parliament, in matters relating to its own office? I do not.
450. To whom is it responsible? I think we were responsible to the country.
451. Is there no more direct responsibility than is implied in the vague term "responsible to the country,"—are they not in fact responsible to the Government of the country, which in fact represents the country? No doubt it represents the country; but I consider that if I initiate a thing and make a failure, I have got a character to lose independently of the Government.
452. You considered yourself responsible, as a member of the Pilot Board, to the Government? No doubt.
453. Is it not proper that where there is responsibility there should also be power? No doubt.
454. Does not the power reside with the Government of objecting to the recommendations of the Pilot Board? Yes; but I do not think it very properly rests with the Government to initiate that which the Pilot Board consider unfit for a service in its own department.
455. Supposing the Government happen to take a view differing, in whatever matter it might be, from the view of the Pilot Board, should not the Government have the power of carrying out their own views? They should have the power of carrying out their own views, but they ought not to request the Board to carry those views out with materials that the Board are satisfied are incompetent for the purpose.
456. Then would not the business of the country come to a dead lock, it being the particular province of the Board to fit out vessels for this service, if they refuse to carry out the instructions of the Government? Certainly not.
457. In No. 31 the Board state, that "if they are qualified to hold seats at the Pilot Board, they must certainly be competent to give an opinion on the fitness of a pilot boat; but if the Government think otherwise, it were better that the services of the Pilot Board should be dispensed with"—Do you not consider that a contingent resignation in the way you put it,—if the Government thought the Board not competent to select a pilot boat it would be better their services should be dispensed with? No doubt they ought to have dismissed us if that was their opinion.
458. Then it was a resignation contingent on the Government arriving at the opinion that the Board was not competent? Just so.
459. You state that you would not like to have given more than £800 for the "Sea Witch"? Yes.
460. Would you have been prepared to have given £1,200 for the "Pacific"? Somewhere about that.
461. Would you have been prepared to have given £2,000 for the "Atlantic"? Yes, she would have brought nearly that in the market, I should think.
462. Are you aware whether these vessels are treenailed not higher than the wales—one of the qualifications you have stated in the home-made boats? I know that they are, but we only looked on these vessels as temporary.
463. They are treenailed in the wales, as in the case of the "Sea Witch"? They are.
464. And in that respect the "Atlantic," "Pacific," and "Sea Witch" are of the same construction? Yes.
465. Do you know of your own knowledge whether either of those vessels has any iron fastenings? They have got iron fastenings in several places.
466. Can you state where? I could not state exactly all the places where they are iron-fastened.
467. Can you state some? Yes, they are iron-fastened in their topsides.
468. Are their centre fastenings iron? That I am not aware of.
469. Then you do not know whether they are not in the same condition, so far as iron fastenings are concerned, as the "Sea Witch"? No, I do not.
470. In answer to Dr. Wilson's question, you stated that the Government had bought the "Sea Witch" on the recommendation of Captain Towns? Yes, it appears so from the papers.
- 471.

471. I suppose you did not mean to convey that they took no other steps to ascertain her condition than the letter of Captain Towns? I am not aware what steps they took, as I have already stated. C. Smith,
Esq.
472. Will you look to No. 23, a Minute of mine, requiring the Shipwright Surveyor to report on her condition, and afterwards you will find that Nos. 24 and 25 are the reports of Mr. Cuthbert, the Shipwright Surveyor of the Government, as to her condition, which preceded her purchase? I have already stated that this No. 23 I was not cognizant of. 27 June, 1862.
473. It would appear, from the question Dr. Wilson asked you, and your reply, that the Government took no steps but the recommendation of Captain Towns; these documents I refer to show that the Government had other reports on her condition? Yes.
474. You state that even the "Atlantic" and "Pacific" were only proposed to be bought as a temporary shift? Yes.
475. Is £2,000 a price you could advise the Government to give as a temporary shift? Yes, because I considered that the Government would get nearly that for the vessel when others were obtained.
476. You gave £1,400 for the "Burnett"? Yes.
477. What did you say was her tonnage? 140 tons.
478. That is twice the tonnage of the "Atlantic," a 71-ton vessel, for which you advised the Government to give £2,000? Yes.
479. You are, I believe, a strong advocate, and have reported so several times, of this outside Pilot Service? Well, I have reported, when I was examined before the former Board some four or five years ago, when Captain Lamb was Chairman, in 1857, that the pilots as we formerly had them always worked best here, but that I thought outside pilot vessels would be far preferable to the way in which they are managed now.
480. Has the pilot system improved since that examination in 1857? Not a great deal; they have got a little better certainly.
481. Do you remember recommending at that period that the whole of the then pilots should be dismissed? Yes, I thought that was the best way.
482. You stated that the gale of Sunday night and Monday was of a very ordinary character? It was what I would term a strong double-reefed topsail breeze.
483. Are you aware that some of the most powerful steamers in the harbour made an attempt for a considerable time to go through the Heads against that gale of wind, and were driven back? I am not aware of it.
484. You were not aware that that appeared in the papers of the day as an event which took place; that after trying in vain to stem the wind and sea on those days, they were obliged to put back to the wharf in Sydney? I certainly never heard of it before.
485. *By Mr. Wilson:* Do the captains of steamers in general make many and strenuous attempts to get out, or do they make up their minds at once, from the appearance of things, whether it will be prudent to go out in a gale of wind? They generally make up their minds at once. If they are going to Wollongong, or other places on the coast, they make up their minds not to start if there is a good deal of wind and sea, because it would be difficult to get in there.
486. *By the Chairman:* Are marine surveyors usually old captains in the Merchant Service? Generally so.
487. *By Mr. Piddington:* Are you of opinion that every Government Board ought to be subordinate to the Government? Certainly.
488. If the Pilot Board reported to the Minister on a purely professional question, ought their opinion to be rejected by the Minister? I think not.
489. *By Mr. Dickson:* You have stated that the gale on Sunday night was an ordinary double-reefed topsail breeze? I should think so; I was not down at the Heads myself.
490. You know the Hunter River boats? Yes.
491. Would an ordinary double-reefed topsail breeze prevent their going out? Not unless there was a great deal of sea.
492. You know the steamer Telegraph? Yes.
493. Would such a breeze as you speak of prevent her going to the northward? Certainly not.
494. *By Mr. Sadleir:* In No. 33 the Board state, that in "a Minute of the Honorable the Treasurer, dated 27 September, 1860, that Minister informs the Board, that 'to protect the public expenditure is the first duty of every department'"—do you consider that in No. 31 you were carrying out that duty and protecting the public expenditure? Certainly.
495. Was it with that object you wrote that letter, No. 31? Yes.
496. You also allude to the interference of the Harbour Master without the knowledge of the Board—do you consider that that interference virtually superseded you as a Board? Yes, in many respects.
497. *By Mr. Weekes:* A Board that meets only once a week cannot give daily superintendence? No, but in any case of emergency we were generally to be found.
498. In ordinary matters? Not in ordinary matters.
499. *By the Chairman:* You have been called together more than once a week? Yes; when there is any urgent business it is the duty of the Secretary to call the Board together.
500. *By Mr. Piddington:* Is there anything to prevent the Board being called together oftener than once a week? Nothing.
501. *By Mr. Sadleir:* You specify this case of the "Sea Witch" particularly, as an instance in which the interference you complain of took place? Yes.
502. *By the Chairman:* Now I desire to call your attention to the other allegations in your petition. The last paragraph of the petition is this:—"Your petitioners, therefore, feeling that they would have been morally guilty of a breach of trust to the public if they had acted

- C. Smith,
Esq.
27 June, 1862.
- “acted otherwise than they did, and as they have suffered this indignity by resisting a practice which they believe, if permitted to be continued, will prove highly detrimental to the best interests of the country, as has already occurred by the erection of the Light-house near Jervis Bay, the appointment of pilots and lightkeepers, and other matters, on which the advice of your petitioners has been ignored—pray,” &c. Now, if I understand that allegation correctly, it is, that in other instances as well as this the public interest has suffered in consequence of the advice of the Pilot Board having been ignored—perhaps you will state, as shortly as you can, in what way your advice on other occasions has been ignored? The first case I shall take is the Jervis Bay Light-house. When I found that our late Chairman, Captain Browne, and another member of the Board, who were in the habit of obtaining the views of the Minister somewhere away from the Board, and bringing them there to be paraded before us, were so determined, in opposition to the majority of the Board, to place the Light-house on a certain point of the coast —
503. *By Mr. Weekes*: Are not all the facts you are now about to state already given in evidence and printed? Some of them; but I wish to bring forward some other facts that have not yet been printed. I got a party to call on the Treasurer, and represent the matter fully to him —
504. *By the Chairman*: You had better mention his name? Captain Williamson. This induced the Treasurer’s note to the Board, of the 26th July, 1859, wherein he quotes almost my own words—that the light ought to be placed where the greatest benefit can be derived from it. Captain Williamson pointed out to Mr. Weekes that certain parties were against the matter, and that he ought to take evidence on the subject, which would be so preponderating —
505. *By Mr. Weekes*: You say Captain Williamson told you that he told me something? Just so.
506. That is mere hearsay evidence? I have merely to say, that had these suggestions been carried out they would have saved the country some £5,000 or £6,000.
507. *By Mr. Piddington*: In what document are these suggestions contained—did you convey these suggestions in some document on the part of the Pilot Board? No; I alluded to the note from the Treasurer, dated 26th July, 1859, wherein he quotes almost my own words. Perhaps some member here recollects that there was an erasure in one of our Minutes, that a great deal was said about, and I wish to point out that this note from Mr. Weekes was after that erasure; so that he must have had the full facts before him.
508. *By Mr. Weekes*: What do you mean by the full facts? The fact that the majority of the Pilot Board were against the Light-house being erected there.
509. *By the Chairman*: Where is the letter to which you refer? It is in the “Correspondence, &c., connected with the erection of the Light-house near Jervis Bay,” ordered to be printed, 23 October, 1860.
510. Which is the letter to which you refer that the erasure was in? It is dated 4th July, 1859.
511. What was the erasure? “And they therefore approve of the tower being erected as recommended by you.” That our Chairman put in without the approval of the Board, and we made him erase it from the Minute book, and we understood that the alteration had been communicated to the Treasurer; but it never was.
512. *By Mr. Weekes*: Is it not proved by the evidence before the Committee on the subject of the Light-house at Jervis Bay, that the fact of the erasure was never communicated to the Government? Yes, I believe it is.
513. Therefore the Government received a Minute from the Pilot Board which was not in fact the opinion of the Board? No doubt.
514. And when the Pilot Board ascertained the error they never advised the Government of it? They ordered it to be advised.
515. They never did advise the Government of it? So it has been said. I wish to point out that the site of the light had not then been fixed according to your note.
516. *By Mr. Piddington*: Did the Board direct the Chairman to advise the Government of their opinion? Yes.
517. *By Mr. Weekes*: Will you refer to the evidence on the Jervis Bay Light-house, and point out where that statement appears? I do not know that it appears in the evidence.
518. *By the Chairman*: Look at the letter dated 30 July, 1859, signed “W. J. Wilshire, Secretary”? Yes, here is a letter from the Board, dated 30 July, four days after the Treasurer’s note to us—you will see that then we compelled the Chairman to report to the Treasurer the real facts as to our opinions.
519. That was subsequent to the Minute in which the erasure was made? Yes.
520. Is the Light-house on the spot indicated by the Board there? No, it is not on that spot.
521. *By Mr. Weekes*: The difference of opinion as to the position of the Light-house, referred to in this communication of the Board, was, whether it should be to the southward or the northward of Jervis Bay; not as between any one point on Cape St. George and another point of Cape St. George, but between Cape St. George and Point Perpendicular or Crocodile Head? Just so.
522. Are you aware that the site to the southward of Jervis Bay, to erect the Light-house upon, was the recommendation appointed from all the Colonies to investigate the question of Light-houses for all the Australian Coasts? It was the recommendation of that Commission, but the evidence, if it is analyzed, will not bear it out.
523. Are you aware, that out of eighteen witnesses examined before that Commission, fourteen are in favour of its being to the southward of Jervis Bay, and four only to its being to the northward? No, that is not the fact.

524. Does it not appear from the evidence of your late Chairman, Captain Browne, before the Committee on the Light-house at Jervis Bay, that the following witnesses, examined before the Light-house Commission at Melbourne, gave their evidence in favour of the Light-house being placed at Cape St. George, viz.:—R. G. Gilmore, of the "Wonga Wonga"; W. H. Saunders, of the "Royal Shepherd"; Arthur Devlin, late Master Mariner; R. T. Moodie, of the "City of Sydney"; Joseph Walsh, of the schooner "Eagle"; Charles Ferguson, Harbour Master, Melbourne; C. Pasco, R.N., late of H.M.S. "Beagle"; Thomas Wing, of the "Pioneer"; George Kelly, of the "Monarch"; Francis Rozea, of the "Wanderer"; William Watts, of the "London"; G. V. Bentley, of the "City of Hobart"; George Gilmore, of the "Telegraph"; Bloomfield Douglas, Master of Trinity House, Adelaide, and a Member of the Commission; and that only four witnesses were in favour of Point Perpendicular, viz.:—James Rusden, R.N., of H.M.S. "Electra"; Henry Tulloch, of the "Water Lily"; William Bell, of the "Yarra Yarra"; and Colin Brown, no vessel? I have perused the evidence that was given before the Commission, and I am aware that is not the fact that is stated there.

C. Smith,
Esq.
27 June, 1862.

525. *By the Chairman*: You mean that in his evidence before the Committee on the Light-house at Jervis Bay, Captain Browne has not stated correctly what the evidence before the Light-house Commission that sat at Melbourne discloses? Yes.

526. *By Mr. Weekes*: Was it not the recommendation of the Light-house Commission that it should be at Cape St. George? Yes.

527. And they examined on the occasion a large number of competent witnesses? No doubt; but their evidence does not point to Cape St. George, when it comes to be analyzed.

528. Your complaint is, that the advice of four members of the Pilot Board not being taken caused the Light-house to be erected in the wrong place? Yes.

529. Was not the question submitted to you then whether the Light-house should be on the Cape St. George side or on Crocodile Head? No, it was not, only by your note.

530. That is what I mean? I wish to refer to where the erasure is made, some few days before, when the Chairman brought it before us, whether the Light-house should be on one of two sites marked S and T; he would not allow us to go into any other question.

531. Whatever took place between the Board and their Chairman the Government could have nothing to do with? This is what I wished the Committee to take most notice of, that our Chairman, and a certain other member, who got their cue I presume from the Minister, would come down to us and try to warp our judgments.

532. On what question? On this question.

533. *By the Chairman*: If you will look at the letter of the 30th July, 1859, you will see a Minute at the bottom of it:—"I have consulted Commodore Loring upon this subject, and he is clearly of opinion that the best site for the Light-house is that originally proposed, namely, Cape St. George. W. D., 3 Aug., '59." Was that the late Governor General, Sir William Denison? Yes.

534. Whereabouts is the Light-house placed on the Cape? It is not placed on the Cape at all.

535. Where was it intended to be placed? It was presumed it was to be placed on Cape St. George.

536. Cape St. George is not the place you recommend? No.

537. *By Mr. Weekes*: You recommend no place to the southward? No.

538. My Minute requested your report whether it should be placed to the southward or the northward? Yes.

539. *By the Chairman*: Are you aware of anything that has occurred since the erection of the Light-house respecting its removal? Yes, the majority of this Board also recommended its not being lighted.

540. Are you aware that it is about to be removed, or that it has been recommended to be removed? I have heard so.

541. Is it proposed, are you aware, to remove it to the site you originally recommended? That I am not aware of.

542. *By Mr. Weekes*: Your recommendation being Crocodile Head or Point Perpendicular? Crocodile Head.

543. *By Mr. Piddington*: In the Minute signed "E. C. W., 26 July, 1859," the first paragraph is:—"Before the site for the Light-house about to be erected at Jervis Bay is finally determined upon, I should be glad to be favoured by the Pilot Board with their views as to the most suitable locality on which the light should be placed." I ask you whether, on the strength of that paragraph, you are of opinion that the Pilot Board was authorized to give an opinion to the Minister with regard to the most suitable locality for the Light-house? Yes.

544. There was a Light-house Commission sitting at Melbourne, was there not? Some two or three years before that.

545. Was the Pilot Board in Sydney in any way subordinate to the Light-house Commission at Melbourne? Not that I am aware of.

546. At the time this Minute was referred to the Pilot Board, was the Board fully authorized to give an opinion with regard to the position of the Light-house? Yes, I believe so.

547. Did the Pilot Board state, in any Minute addressed to the Government, that they were of opinion that a certain spot was the most eligible site for the erection of the Light-house? Yes, in their Minute of 30th July, 1859.

548. *By Mr. Weekes*: Do they not state in that Minute the four members of the Board are in favour of Crocodile Head, and two against it, preferring Cape St. George? Yes.

549. *By Mr. Piddington*: Is it not the practice in the Pilot Board, as in others, that the voice of the majority is the authoritative mode of arriving at the opinion of the Board? Yes.

C. Smith,
Esq.
27 June, 1862.

550. Is not that the invariable rule with regard to all Boards? Yes, wherever I have acted.
551. *By Mr. Weekes*: Still, it is the fact that this particular Minute does make that distinction, that four were for it and two against it? Yes.
552. *By Mr. Piddington*: Does that in any way invalidate the authority of that Minute? I should think not.
553. Who was Chairman of the Pilot Board on the 30th July, 1859? Captain Browne.
554. Refer, if you please, to page 8 of the Evidence before the Committee on the Light-house at Jervis Bay, and to question 136. That question was put to Captain Browne, who was then under examination, and you will see, by the answer to it, that Captain Browne then condemned the position of the Light-house? Yes.
555. You cannot explain how it was that the condemnation of the Pilot Board, the majority, which Captain Browne afterwards concurred in by the answer to that question, was not conveyed to the Government? No.
556. Was the Pilot Board in any way restricted by the Government to a consideration of only two points as suitable sites for a Light-house? Yes; through the Chairman they were.
557. Do you think that was justifiable on the part of the Government? I think not.
558. Then the Pilot Board in fact were restricted by the Government to the consideration whether one or other of two points was the most eligible for the Light-house? Yes; we were called upon to decide which of the two points was the most eligible, according to a plan before us.
559. Under that restricted form of inquiry did the Pilot Board arrive at a decision with respect to the suitability of either? Yes; that neither of them was eligible.
560. Did they arrive at any decision as to whether either of these two points was the more eligible? Yes; they arrived at a decision that one was more eligible than the other.
561. Was that decision arrived at under the restrictions imposed by the Government on the Board? Imposed by the Government through the Chairman.
562. *By Mr. Weekes*: Are you speaking of your own knowledge that the Government directed the Chairman to take a certain course?—(*Mr. Piddington*: With regard to the sites)—I do not know with regard to the sites, but he spoke it so authoritatively that we thought he was directed so by the Government.
563. *By Mr. Piddington*: Had you not authorized plans laid before you on which only these two sites, S and T, were shown? Yes.
564. And were not those plans authorized by the signature of Mr. Millington, an officer of the Government? Yes.
565. Seeing that they had these plans before them, had the Board any reason to doubt that restriction in question was imposed by the authority of the Government? None whatever.
566. Was the Pilot Board then in a position to give the Government the benefit of their views as to the proper position for the Light-house? We were not.
567. *By the Chairman*: The majority of the Pilot Board on that occasion consisted of Captains Deloitte, Smith, Darley, and Fox? Yes.
568. Are three of them the petitioners at present? Yes.
569. *By Mr. Wilson*: It is stated in the evidence of Captain Browne, before the Committee, that fourteen witnesses examined by the Light-house Commission at Melbourne, were in favour of Cape St. George, and only four in favour of Point Perpendicular? Yes; but, as I have stated, that is not borne out by the facts.
570. Who was the Commissioner sent to Melbourne on behalf of this Colony? Captain Browne.
571. Are you aware whether Captain Browne had very strong personal views on this matter himself? He had very strong personal views on it.
572. Arising from —? Arising from his getting his ship embayed to the southward of Jervis Bay and nearly lost there; and he wanted the light put on Cape St. George in order to guard against that danger.
573. *By Mr. Weekes*: Is not that a thing likely to make a strong impression on a man's mind? No doubt; but if he had been as often along the coast as I have been he would find there was one to the northward equally dangerous as that.
574. *By Mr. Wilson*: Are you under the impression that Captain Browne was in this false position on account of any strong current? Certainly not. The fact is, the coast was wrongly laid down, till Captain Stokes ran along it; and it was that misled him.
575. *By Mr. Piddington*: Was Captain Browne in this dangerous position previous to the Admiralty Chart being constructed? Yes, previous to Captain Stokes correcting it.
576. *By Mr. Weekes*: As a fact, have not vessels been wrecked there? Yes, and to the northward also.
577. *By Mr. Piddington*: Would not the most eastern point of Jervis Bay be the best point for the erection of a Light-house, with a view to the preservation of ships from the dangers of Wreck Bay? Yes, that is decidedly my opinion.
578. *By Mr. Wilson*: And also for the small harbours to the north? Yes.
579. *By Mr. Piddington*: If the Light-house were erected at Crocodile Head, is there not high land intervening between Crocodile Head and Wreck Bay that would intercept the light? Yes, when you are down in the bottom of the bay it would intercept it; but from a light on Crocodile Head you would see further into the bay than from where the light is now placed.
580. If there is high land intervening between Crocodile Head and Wreck Bay, would not the light be useless with regard to warning the mariner against the dangers of Wreck Bay? No, because he would catch the light before he ran into the bay.
581. *By Mr. Weekes*: Will you turn to a Minute of the Pilot Board of the 4th July, 1859—does it state there that the Board “approve of the tower being erected as recommended

mended by you"? Yes, it states that there; that is the erasure that so much has been said about, and which was rectified by our Minute of the 30th July.

582. *By Mr. Piddington*: Then your Minute of 30th July contradicts, to some extent, the one of the 4th July? Yes.

583. *By the Chairman*: Was it intended to correct that Minute? Yes.

584. At that time the Light-house had not been erected? No, not for a long time after.

585. *By Mr. Weekes*: Had the Light-house been erected on Cape St George, which it is not, would it not have been in conformity with the evidence of the majority of witnesses examined by the Light-house Commission at Melbourne? I have already stated that the majority is not in favour of that site, when the evidence comes to be examined.

586. Are you prepared to say that the majority are against putting it there? I mean to say that, when you come to analyze the evidence, the preponderance would be against it, because those in favour of it give reasons that would not bear out their opinion, on looking at the land.

587. They may have been a set of ignorant witnesses—is that what you imply? Some of them were very good witnesses.

588. At all events the recommendation of the Report was in favour of having it to the southward in preference to the northward? Yes.

589. Your recommendation was to the effect that it should be to the northward? Yes.

590. Everybody, I believe, condemns its present position, whether they advocate its being placed to the southward or to the northward of Jervis Bay? No doubt of it.

591. By some error it was placed on a spot that nobody intended? No doubt of it.

592. *By the Chairman*: Did the Government act on the advice of the Commission, or did they refer the matter entirely to the Pilot Board? They referred the matter entirely to us, according to the Treasurer's Minute of the 26th July, 1859.

593. Did they on that occasion take the advice of any one totally unconnected with the Government? I see by one of the Minutes here, that the advice of Commodore Loring was taken.

594. That advice was in opposition to the advice of a majority of the Board? Yes.

595. Is the light now presumed to be on Cape St. George? No, it is not presumed to be there.

596. When the Light-house was ordered to be erected by the Government, was it intended to be on Cape St. George? Yes, I believe it was.

C. Smith,
Esq.

27 June, 1862.

TUESDAY, 1 JULY, 1862.

Present:—

| | | |
|-----------------|--|--------------|
| MR. DICK, | | MR. SADLEIR, |
| CAPT. MORIARTY, | \| | MR. SMART, |
| MR. PIDDINGTON, | \| | MR. WILSON, |
| | | MR. WEEKES. |

SAUL SAMUEL, ESQ., IN THE CHAIR.

Captain Henry Thomas Fox called in and examined:—

597. *By the Chairman*: You were, I believe, lately a member of the Pilot Board of Sydney? Yes.

598. And are one of the petitioners? Yes.

599. Will you be kind enough to state whether you were a member of the Pilot Board in January last? I was.

600. How long have you been a member of the Pilot Board? Rather more than three years—in March, 1859, I was appointed.

601. Will you state what you considered to be your particular duties as a member of the Pilot Board? To advise the Government on matters appertaining to the Pilot Service, to Light-houses, and matters of that sort generally, I imagine.

602. *By Captain Moriarty*: You "imagine" so? Yes; I had no written instructions.

603. *By the Chairman*: What were the duties you were generally called upon to exercise? The appointment of pilots, and the granting of certificates to shipmasters in the Colonial trade who wished to be exempted from the obligation to take pilots—I think the latter took up most of our time, and gave us the greatest amount of work; the establishment of Light-houses, and the business of the Pilot Service generally: these are the principal matters that occur to me now.

604. What has been your experience in relation to nautical matters? I was at sea twenty-one years; I was master of vessels sailing out of Sydney twelve years; I have been a great deal in small vessels.

605. *By Mr. Wilson*: Fore-and-aft vessels? In fore-and-aft vessels a good deal—schooners (not what are exactly understood as fore-and-aft vessels), but topsail schooners.

606. *By the Chairman*: Are you connected with marine surveying in any way? Yes; I have been a surveyor of shipping in Sydney eight years, five of which I have been in connection with the Australian General Assurance Company.

Captain
H. T. Fox.

1 July, 1862.

Captain
H. T. Fox.
1 July, 1862.

607. Do you recollect the Colonial Treasurer first calling the attention of the Pilot Board—there is the Correspondence before you—to the necessity of taking measures for the securing of vessels for the outside Pilot Service? Yes; I think it is No. 1 of this Correspondence. I recollect the Minute very well.

608. In consequence of that Minute, addressed to the Pilot Board, what steps were taken for carrying out the wishes of the Colonial Treasurer? The next step is No. 2, in which the Secretary writes—"In compliance with the Honorable the Treasurer's Minute, the Board beg "to submit the accompanying draft advertisement for tenders for two vessels for the service, "and which they recommend should be inserted in the daily papers here, and at Melbourne, "Hobart Town, and Auckland. The Board also report, as requested, that this is the first "step taken in the matter."

609. What was done next? The draft advertisement which follows was sent to the Treasury, and upon that a Minute came back from the Treasury, saying, "I think it would "be better that the advertisements for tenders should apply, at first, only to New South "Wales, and for this a week's notice would suffice. If this produces no suitable offers, the "neighbouring Colonies may be tried." The Board were of opinion that if we had advertised in the neighbouring Colonies, there would have been much greater opportunities of selection than if we were confined to Sydney only. I may say that, from my own knowledge, there were many smart vessels in Adelaide, in Hobart Town, and Auckland, and also in the Pilot Service at Melbourne.

610. In consequence of that advertisement were any vessels offered? You will please to notice that in No. 4 we fall in with the Colonial Treasurer's suggestion, and the advertisement was issued referring only to Sydney, which will be found in No. 5.

611. That advertisement was inserted? That advertisement was inserted, and several tenders were sent in.

612. Look at No. 6? Here is a schedule of the vessels—the "Pacific," the "Kate Kearney," a vessel unnamed about 85 tons, and the "Vixen." These tenders were considered, and on the 7th February, this letter, No. 7, was written:—"The Board beg to "report that they do not consider any of the vessels offered in all respects eligible, and "they think it desirable to advertise in the neighbouring Colonies before making any "final recommendation."

613. Will you, before you go any further, state what you mean by "they do not consider any of the vessels offered in all respects eligible?" That, in fact, none of them were perfect pilot boats; some of them might have done as makeshifts, but some were not fit at all.

614. Were any vessels subsequently offered? Yes, sometime after, but on the 7th February we recommended the Colonial Treasurer to advertise in the neighbouring Colonies; that suggestion was not fallen in with at all. Following that, comes a note from the Colonial Treasurer, dated the 8th, in which he says:—"In calling for tenders in the "neighbouring Colonies, I should like to know the views of the Board. A vessel from "description may appear suitable—is it intended to intrust the examination into her "condition to some party at the port where she may be, and who will also be authorized to "make a final arrangement; or, if her description is approved of, will the Board require her "to be brought to Sydney for inspection? If the latter, there seems little probability of a "compliance, on the uncertainty of an approval on arrival, and it will be simply so much "time lost." The Treasurer there puts a question and answers it himself; and I would with deference almost say, it was absurd to say that the Board could suppose parties would bring a vessel here under such circumstances. We never contemplated such a thing. This is the question put by the Colonial Treasurer, and answered in the most rational way by himself.

615. What was the reply? "The Board purpose to refer tenders received from the Colonies "to the Pilot Boards of the respective ports, who are no doubt competent to report "satisfactorily. The Board will, however, examine the vessels tendered here during the "week." That is dated 14th February. I may state that I was not present at the meeting when that Minute was made. I therefore simply read the Minute.

616. Vessels were subsequently offered—look at No. 10? Yes, the "Jeanie Dove," "Beautiful Star," "Atlantic," and "Lola Montez."

617. Were any of those vessels recommended by the Board? I see a recommendation was made on the 14th February, at a meeting when I was not present, and of which I know only from the paper here, and from having heard it read at the subsequent meeting. This meeting on the 14th February was a special one, purposely to examine these vessels.

618. Do you approve of that recommendation? When it came before me—I was present when it was read at the subsequent meeting:—"With reference to the Minute of this date "upon the above-named subject, the Pilot Board now recommend that the tenders for the "'Pacific' and 'Atlantic' should be accepted, as they consider that these vessels are the "most suitable for the purpose belonging to the port, being in fair condition, commodious, "and weatherly. Should it be found that they do not realize all that the Board anticipate, "they will always sell for a price little less than the cost. Although the tenders amount to "£3,200, the Board believe that, in all probability, the owners would accept £3,000 for the "two vessels." All that I coincide with.

619. Was an offer made for these vessels? The next Minute I come to is from the Colonial Treasurer:—"I consider the price of these vessels to be high, but as they are very "strongly recommended by the Board, and it is desirable that the new system should be "brought into operation as soon as possible, I approve of the purchase if it can be effected "for the amount voted by Parliament, say £3,000; provided however that the vessels are "first taken on the slip, and their condition certified to by the Shipwright Surveyor." That seems to have come down on the 22nd, and there is a subsequent Minute, dated 24th:—"I

" am

" am induced to this course, because I have heard that one of these vessels has taken the ground some time since, and as there is a Shipwright Surveyor attached to the Steam Navigation and Pilot Board, it is desirable that his certificate as to the condition of the vessels should be obtained. The earliest attention should be given to this."

Captain
H. T. Fox.
1 July, 1862.

620. What do you consider is meant by " I am induced to take this course " ? The course that the vessel should be first taken on the slip.

621. And in consequence of the Colonial Treasurer having heard — ? That the ship had been on the ground.

622. Are you aware whether the offer for these vessels was accepted or made ? I cannot recollect the wording of the Minute—this letter was written by Mr. Wilshire, but it seems to have been framed in accordance with the Minute.

623. *By Captain Moriarty* : Was Mr. Wilshire authorized to make this communication ? No doubt he was. I have no doubt the letter was framed upon the wording of the Minute.

624. *By the Chairman* : If these vessels had been purchased, would it as an inevitable consequence have been on condition that they should have gone on the slip ? Yes.

625. *By Mr. Weekes* : According to my Minute was that ? It was your suggestion clearly.

626. Not the recommendation of the Board ? Not the recommendation of the Board.

627. *By Mr. Wilson* : Was it the intention of the Board that they should go on ? I was not present when the recommendation was made that these vessels should be purchased—the subsequent Minute of Mr. Weekes, to which he now refers, I took to be in consequence of the Minute of the Pilot Board, No. 11, at which meeting I was not present, consequently I do not know what the intention was.

628. *By Mr. Weekes* : You adopted this at the ensuing meeting ? Yes.

629. Although you were not present at the first meeting, at the ensuing one you did adopt this ? Yes. There was no report made in writing, but we adopted it in so far as the wording of this letter, No. 15, can be called the adoption of it.

630. *By the Chairman* : You, as one of the Board, were satisfied with the report of Captains Smith, Darley, and Watson ? Yes.

631. *By Captain Moriarty* : It is impossible that No. 13, dated 20th, can be affected by what occurred on the 22nd and 24th ? No, these Minutes were made upon the document of the 20th.

632. *By Mr. Piddington* : Are you of opinion that the Board would have authorized the purchase of these vessels without directing that they should have been placed upon the slip ? No, I think they would have had them put upon the slip.

633. Of their own authority ? I think so ; I do not imagine they would have been purchased before they had been put on the slip.

634. Are you of opinion that the Board, in recommending the purchase of these vessels, considered that this was —

635. *By Mr. Weekes* : Did you inform me that this was a contingent recommendation ? Contingent upon what ?

636. Upon their being docked ? I think not.

637. The tenders having been referred to the Board for their investigation and report, did not the Minute, No. 11, convey to me their opinion that these tenders should be accepted, without saying that they should be first sighted in dock ? The wording conveys that, but I do not think it would convey more than that the vessels should be purchased, subject to such an examination.

638. Is it not the fact that they recommended to me that these vessels should be accepted, and would not my acceptance of them have been final without their having been taken into dock ? Yes, if you had done so, but it would have been most injudicious ; it is what no ship-owner would have done.

639. Were not the Board supposed to take all the preliminary steps before advising me to accept these vessels ? Yes, I presume that they were to take most of the preliminary steps.

640. *By Mr. Piddington* : With respect to the Minute dated 14th February, was the recommendation absolute, or conditional upon a proper inspection of the vessels ? I was not present at that meeting, and therefore I cannot tell what discussion may have arisen.

641. Is it the practice, according to your knowledge of the Board, to recommend an absolute purchase before an —

642. *By Mr. Weekes* : Has there ever been an instance of a similar kind before the Board ? There never has.

643. *By Captain Moriarty* : Have the Board any power to place a vessel upon the slip without reference to the Minister ? No.

644. They have no money to pay the expense ? Certainly not.

645. *By the Chairman* : In No. 15 there is an offer made of £3,000 for the two vessels ? Yes, on the condition that they are satisfactorily reported upon by the Shipwright Surveyor.

646. Were these vessels purchased ? No, the owners refused to take the price. In fact Mr. Broomfield said afterwards, Mr. Kelly was very glad the Government did not take them ; he said they should not have them for the money at which they were originally tendered, afterwards.

647. Do you recollect the " Sea Witch " being offered to the Government ? Yes, No. 18.

648. Will you state the circumstances under which your advice was sought, and the objections you made to her purchase ? The first intimation I know of, that the " Sea Witch " was offered, is that contained in No. 18, dated 3rd March. The letter states that " She is a fast sailer, and a perfect sea boat. She is in every respect well found, and her sails are in good order, and would be well suited for this purpose." I believe Captains Smith and Watson examined the vessel first, and afterwards Captain Darley and myself, and Captain Darley's foreman carpenter ; and upon our making our report to the Board we objected

Captain
H. T. Fox.
1 July, 1862.

objected to her so much that it was decided to refuse to have her. We found not only her model defective, according to our ideas of what was necessary for the qualities of a pilot boat, but also disapproved of her construction and condition, and considered the price asked far too much.

649. *By Captain Moriarty*: Where did you see her? I went with Captain Darley and one of his carpenters on board the ship at Campbell's Wharf; she had a great deal of ballast in her, and we could see only the two ends, and part of the midships. The model is defective for the purpose, too short in proportion to her beam, and she has too little draught of water. Those are the principal faults in her model. The principal fastenings are iron—

650. *By Mr. Weekes*: The principal ones? The principal ones—the centre ones. I could see a few copper bolts, but not many. All the topsides are fastened with iron. She has one great element of weakness; she is cut across in midships just before the mainmast; the maindeck planks come aft as far as just before the mainmast; there is a small rise; the poopdeck planks abut at the same place, at the same beam, instead of the planks being carried fore and aft, as they should be. That is one great element of weakness. I consider, I always find, breaks in decks, even where they are further aft, leak, and in midships is the weakest part.

651. Did you notice any sign of weakness? I noticed water had been running in there.

652. An ordinary leak? An ordinary leak; I never saw a break deck that did not leak. The letter says:—"She is in every respect well found, and her sails are in good order." Her forestay was gone, and the captain said she had only one mainsail. She was badly found in sails.

653. *By Captain Moriarty*: In point of fact the letter was untrue in many particulars? The letter was untrue in many particulars. He said she would be well suited for the purpose; that was his opinion, I suppose; but I was of opinion, from my knowledge of schooners and fore-and-aft vessels generally, that the vessel would not keep to windward in a sea-way.

654. *By Mr. Sadleir*: Do you think she would be safe to stay in a heavy sea? No; I think her dimensions are out of proportion; her length is a little more than three and a half times her beam.

655. *By Mr. Weekes*: Give us her size? Her length from the fore part of her stem to the after part of her stern-post is sixty-nine feet, her breadth outside the planking is nineteen feet two-tenths, her depth is seven feet seven-tenths. These proportions you will find on calculation make her length a little more than three and a half times her beam.

656. Could you remedy this defect in her model? By lengthening her.

657. *By the Chairman*: Do you think she is worth lengthening? No. I contend that a vessel of her model cannot be weatherly in bad weather; her depth of hold is very little; she is too shallow to hold to windward.

658. *By Captain Moriarty*: Is she sharp or flat floored? The principal part of the floor I could not see.

659. *By Mr. Weekes*: Do you know her present draught of water? If you turn to No. 25 you will see that Mr. Cuthbert states that she draws five feet forward and six and a half feet abaft in ballast.

660. Do you know her draught in sailing trim? No.

661. *By Captain Moriarty*: She would draw more than that? She could not a great deal.

662. *By Mr. Weekes*: Are you aware whether she draws nine feet in midships? I do not know; I did not see her; but I do not think it likely.

663. *By the Chairman*: What is your opinion of her suitability for a pilot boat? I do not think her suitable for a pilot boat.

664. *By Mr. Weekes*: Do you think her a good sea boat? No doubt; I should not be afraid to go round the world in her. I commanded a vessel of 65 tons from Sydney to Manila and back to Sydney.

665. *By the Chairman*: In your letter of the 8th of March you say the vessel was over-valued? Yes.

666. Why? Because I considered at that time, looking to the state of the market, if she were sold, she would not fetch more than £800 or £900. Captain Towns came to me before the vessel was bought, and asked me not to oppose the purchase of her. He said, "I am going to recommend the vessel to the Government, do not oppose it." I said, "She is not fit for the service." He replied, "She is the only thing we can get, and if we do not get this we shall not get the service started." I said, "Captain Towns, would you give £1,000 for her?" He said, "No, I would not."

667. *By Mr. Weekes*: I think it right to tell the witness that Captain Smith, a previous witness, gave some evidence affecting persons not immediately before the Committee, and that he afterwards asked to have it expunged? I should be sorry to say anything that would wound the feelings of Captain Towns, but having been asked a question about the value of the vessel, it occurred to me that Captain Towns had spoken to me about it at the time.

668. *By Mr. Piddington*: Did Captain Towns, at that time, say anything about the qualifications of the vessel—you state that he said it was the only thing you could get? I am not aware.

669. *By the Chairman*: Are you aware whether the vessel was offered in the market previously to having been offered to Government? I am not aware.

670. Will you be kind enough to look at No. 22—you will see there a letter from Captain Towns? Yes.

671. Will you read that letter, and state whether the representations there made are in accordance with what has come to your knowledge, both as to the suitability of this vessel, the time at which she could be sent to sea, and the expense of fitting her? (*The witness read the letter.*) "This vessel is the perfect model of what we require." I maintain that she

she is not a perfect model of what we require, and that Captain Towns does not believe her now to be a perfect model. I can give you a reason for thinking so, and it is this—Tenders are now invited for a new vessel, and Captain Towns has chosen a model which is diametrically the opposite of this; it is as different as possible from the "Sea Witch," and if she were everything that could be required why was not her model adopted in choosing a new boat. Then he says, "with a very trifling expense." I expect when the accounts come in, the expense will be found to be something more than trifling. That this is not correct—"may be sent to sea in a few hours"—is proved by the fact that she was purchased on the 15th March, and did not go to sea until the 1st of June.

Captain
H. T. Fox.
1 July, 1862.

672. *By Mr. Weekes*: Is not Captain Towns a sanguine man? Yes, I think that is possible; but if you turn to our Minute No. 20, you will see that we said "much additional expense would be necessary before the vessels could be made available," which seems to have been taken no notice of whatever.

673. Just go a little above that—what is it you there say about the "Sea Witch"? "Scarcely fit for the service. After considering the whole of the most eligible tenders the Board are of opinion that the prices asked are excessive, seeing that much additional expense would be necessary before the vessels —"

674. To what ships did that refer? To all the tenders.

675. To the "Pacific," the "Atlantic," the "Sea Witch"—all? Yes, but you must read it with the context, "seeing that much additional expense would be necessary before the vessels could be made available;" but in Captain Towns's letter, which has over-riden our recommendation, he says it can be done at a very trifling expense and in a few hours. I believe that the Board's opinion will be borne out by the facts rather than that of Captain Towns. The Minute concludes with, "as they have all been built for other purposes, they would even then be far inferior to vessels built specially for the Pilot Service,"—the Board clearly shewing that they did not consider any of them strictly fit, but only as makeshifts, or substitutes for proper pilot boats. Then there is this Minute of the Colonial Treasurer—"The Shipwright Surveyor should be requested to inspect this vessel forthwith, and report on her condition. It is so desirable to commence this system, that should the report warrant it the vessel should be bought, and I am informed that an offer of £1,400 would be accepted."

676. Who is that Minute addressed to? It does not appear to be addressed to any one.

677. Did that Minute ever reach you or the Pilot Board? I have some doubt about it. I think I heard that Minute read afterwards, but not until after the ship had been purchased. I think I have Minutes of the meetings we attended. (*The witness referred to some papers.*)

678. *By Captain Moriarty*: Do you say the Pilot Board did not see that Minute till after the vessel was bought? I will not be positive about that—I was present at the meeting on the 13th, but I am not sure but that that Minute must have been sent after the meeting had been held. I do not think that came to us; it might have come to the Chairman. My impression is that we did not see that till after the vessel had been purchased.

679. Would it be competent for the Chairman to order that to be done in the absence of the Board? Seeing the Chairman was not a nautical man I think it would have been very imprudent.

680. Is it competent for the Chairman to act without the concurrence of the Board? No, except in cases of emergency.

681. *By Mr. Weekes*: Does that Minute, No. 23, contain a prudent suggestion that, in contemplation of her being purchased, the Shipwright Surveyor should be required to inspect her? I think there is no objection to that, but —

682. Is it not an ordinary step to take? Government might be inclined to take it, but I do not think that Captains Smith, Darley, or myself, if we purchased a vessel, would care whether a Shipwright Surveyor had seen it or not.

683. *By the Chairman*: Will you look at No. 26—did that come to the Pilot Board—? It did not come till after the ship was purchased I am quite certain.

684. *By Mr. Weekes*: It bears upon the face of it that the ship was purchased? Yes; it says it was purchased conditionally; I say it was not until it was absolutely purchased that it came to us.

685. Do you know when it did come? Not till the next weekly meeting.

686. Will you say when it did come? I cannot. I only know that it did not come to the Board.

687. Are you prepared to say that it did not come to the Board on the day on which it bears date? I cannot say that it did not come to the Chairman.

688. If the Board were not sitting? I presume it would come to the Chairman.

689. That would be the ordinary course? Yes, I should not find fault with that, but that we were not made aware of it.

690. *By the Chairman*: Look at No. 28? "I have to inform you that I have this day examined the bottom of the schooner 'Sea Witch,' laying in the Fitz Roy Dock, and found a few pieces of the metal sheathing worn off the keel and part of her bottom. The defective parts having been repaired, I consider her to be in good order and condition."

691. Were you present when that examination was made, or were any members of the Pilot Board present? I am not aware that any of them were present; Captain Towns, I am told, was there.

692. *By Mr. Weekes*: Are you sure Captain Towns was present? I heard so from Mr. Cuthbert, I think.

693. *By the Chairman*: Can you state how it was that the members of the Pilot Board were not present? Simply because they had no notice.

Captain
H. T. Fox.
1 July, 1862.

694. *By Captain Moriarty*: Whose fault was that? I presume it was the duty of the Chairman, if he thought it necessary, to issue notices. It seems an unaccountable thing that Mr. Crook should have gone in his boat, as I am informed by a credible person, to Towns's Wharf, and have taken Captain Towns to the dock, and yet never have made any member of the Pilot Board aware of the fact that there was to be an examination, though Captain Smith lives next door to Mr. Crook. It looks as if he did not use any endeavours to let us see the vessel; and if you read No. 29, you will see that Mr. Crook, instead of reporting to the Board by whom he was put in motion, reported direct to the Colonial Treasurer.
695. Is he set in motion by the Pilot Board? I apprehend so.
696. *By Mr. Weekes*: How would a Minute sent to the Pilot Board be sent to Mr. Crook to carry out? I presume by a letter from the Chairman, or from the Secretary, directing him to carry it out.
697. Representing the Pilot Board for the time being? Representing the Pilot Board for the time being.
698. *By the Chairman*: If the Pilot Board, through the Chairman, instructed Mr. Crook to report, to whom would he report? To the Pilot Board, but instead of that he reported direct to the Treasurer.
699. *By Captain Moriarty*: Do you know that he was ever set in motion by the Pilot Board? I presume that is the fact. I take, as a most remarkable fact, that Mr. Crook does report to the Colonial Treasurer instead of to the Pilot Board, and that he ignores the Board altogether.
700. Is Mr. Crook in any respect amenable to the orders of the Pilot Board? Certainly not.
701. Why, then, should he not report to the Minister? If he is set in motion by the Board—
702. That is your assumption? I believe it to be the fact.
703. *By the Chairman*: To whom are the Minutes from the Minister addressed? Sometimes to the Board—sometimes to Mr. Wilshire, the Secretary.
704. Look at the Minute in this particular case—to whom is this Minute addressed? To the Pilot Board, 15th March. I do not mean to say that that Minute did not come down at once, but I presume that it was received by the Chairman, and that he moved the Harbour Master to put the vessel in dock.
705. *By Mr. Weekes*: It would be the Harbour Master's natural duty to put the vessel in dock? He is the most fitting person.
706. *By Mr. Piddington*: In the Minute from the Treasurer, you see the Board are instructed "to direct the Harbour Master to ascertain the earliest period at which she can be docked"? Clearly, and we should have seen it to be our duty to move the Harbour Master to do it.
707. That Minute is signed E. C. W., and dated 15th March? Yes.
708. *By the Chairman*: In consequence of the Government having purchased this vessel in opposition to the advice of the Pilot Board, will you state what course the Board then took? The course they took is explained in Minute No. 31.
709. That Minute was written in consequence of the directions to the Board—? That Minute was written in consequence of the directions to the Board under No. 30.
710. Directing you to take the necessary steps "for transferring this vessel to the Government, and for fitting her for the outside Pilot Service"? Yes. There are two propositions in this Minute, the first as to the transference of the vessel, and the other as to the advisability of commencing the service with one vessel.
711. You declined to have anything to do with fitting her out? Yes, because we believed she would prove a failure for the service required.
712. Did the Government in consequence of this Minute dispense with your services? Yes; there was some little correspondence before that took place, but ultimately our services were dispensed with, I presume, in consequence of that.
713. Did you consider your Minute No. 31 as conveying your resignations? No.
714. *By Mr. Weekes*: Not contingently? No.
715. If the Government thought you unfit to select a pilot boat—? If the Government thought us unfit. The meaning of this Minute is not that if the individuals who formed the Pilot Board were thought to be unfit, but that if a Pilot Board were not "competent to give an opinion on the fitness of a pilot boat," it would be better that the services of such a Board should be dispensed with altogether.
716. Your services were then dispensed with by the Government? Yes, after some little correspondence between us—there was some little correspondence paving the way.
717. *By the Chairman*: Do you still continue a member of the Steam Navigation Board? Yes—that is formed under a separate Act.
718. *By Mr. Weekes*: What powers do you imagine a Pilot Board to have—a power superior to Government? No, certainly not.
719. Supposing the Pilot Board and the Government differ in their views on any particular subject, which do you think should give way? I presume the Pilot Board will give way.
720. Would it not have been quite consistent with their position as a Board to have protested against the purchase of the vessel, leaving the responsibility of buying an ineligible vessel on the Government, where it should properly rest? I imagine that they did almost the same thing. They protested against its being purchased, and they afterwards declined to fit it out.
721. But when the vessel had been purchased on such authority as the Government thought sufficient, you absolutely declined to fit her out? We believed it would be a wasting of the public money.

722. Was it not your peculiar province to fit her out when she was bought? I suppose so; but there were so many things we thought our province referred to Mr. Crook, that it is hardly possible to say. We should have expected to fit her out under ordinary circumstances, but we thought we should be made the scape-goats if there were any failure, and we therefore declined to have anything to do with her.

Captain
H. T. Fox.
1 July, 1862.

723. How would the responsibility have rested with you if the vessel had been bought contrary to your advice—would not the responsibility have been taken off your shoulders and have rested upon the Government? Yes; but we felt that we were there not only as servants of the Government but as servants of the public, and we did not like to see the public money squandered away in the purchase of a vessel unsuited to the purpose for which it was required.

724. Is the Pilot Board any more than any other department of Government in that position? I am so little acquainted with Government departments that I can hardly say, but I imagine that this is a Board of advice more than of anything else.

725. You do not consider it at all part of their duty to dictate to the Government? No, but to advise as forcibly as they could, and to resist if they thought proper a wasteful expenditure of the public money.

726. Would not that have been properly done by protesting against this purchase? I question if the public would then have known anything of the matter.

727. If the Government insisted upon your fitting out outside pilot boats, you should after a protest have acted according to your instructions, and left the responsibility of the purchase upon the Government? I fancy we took the proper and most straightforward course—we refused to identify ourselves with a wasteful expenditure of the public money in the purchase of a vessel unsuited to the requirements of the service.

728. Would it be possible for any head of a department to be suffered to remain in his position if he absolutely refused to carry out the wishes and instructions of Government? Before I answer that question, may I ask if any other department of Government has a position analogous to that of the Pilot Board?

729. That is a question of opinion; if you want my opinion, it is, that the Pilot Board was appointed as the most convenient mode of carrying on that department? I know so little of Government matters that I can hardly answer the question. I know it would not be possible in private life; I do not know about Government. I think they do queer things.

730. The only report that was made to the Government on the "Sea Witch," previous to her being bought, was, that she was "not only overvalued but was scarcely fit for the service"? Yes, but we followed that up by this—"The Board are of opinion that the prices asked are excessive, seeing that much additional expense would be necessary before the vessels could be made available." Therefore, we considered it was not advisable to have either of them.

731. But still, holding the view that the prices asked were excessive in every case, you had previously recommended the Government to purchase the "Pacific" and "Atlantic" at these excessive prices? Yes, but with the knowledge that these vessels could be sold directly afterwards at prices little less than those asked for them.

732. *By the Chairman:* Is that mentioned anywhere? Yes.

733. *By Mr. Weekes:* That was afterwards —

734. *By the Chairman:* It is mentioned in No. 18? Exactly; and, as a proof of that, the owners afterwards refused to accept the price that was first offered.

735. *By Mr. Weekes:* If you had been a buyer of vessels, would you have objected to have given £2,000 for the "Atlantic"? It would depend upon what I wanted her for. I would not have objected if I had wanted her.

736. Would you object to pay £1,200 for the "Pacific"? No, if I wanted her. These vessels are so extremely fast that they would make more than other vessels in consequence.

737. As you recommended these vessels—one at £2,000—? You will remember that I was not present at that meeting.

738. Still you adopted the Minute at the subsequent meeting, and that is tantamount to having been present—you do not wish to say that you did not agree with it? No, I do not.

739. Do you think there is anything unreasonable on the part of the Government in giving £1,400 for a vessel of 62 tons when you recommended that they should give £2,000 for the "Atlantic" of 71 tons, and £1,200 for the "Pacific" of 60 tons? Ships are not bought by the ton, as railway iron; you can buy new ships in England at from £7 to £22 or £23 a ton.

740. When you recommended the "Atlantic" and "Pacific" as what you call make-shifts for this service, at the respective prices of £2,000 and £1,200, what examination had you made? I had made none.

741. What examination had the Board made? A verbal report was made by Captain Watson, who is still a member of the Board, by Captains Smith and Darley. I knew the vessels myself, therefore I had no need to make an examination.

742. Are you aware that, when these three gentlemen—Captains Smith, Darley, and Watson—went on board to report upon these vessels, they were full of coals? You are the first person from whom I heard so.

743. I am asking the fact? I am not. I believe they had coals on board, but there were places fore and aft where they could see the vessels.

744. Do you know the state of the vessels as to their fastenings? I have been on board the "Pacific" but not the "Atlantic."

745. You are unaware then to what extent they are iron-fastened? I am.

746. They may, then, be more iron-fastened than the "Sea Witch"? They may be. I do not know whether they are or not.

747. Did these gentlemen report that they had examined, or that they had not examined, the

Captain
H. T. Fox.
1 July, 1862.

the fastenings? You must bear in mind that I was only present when the Minute was made with reference to a previous Minute of your own—No. 12. I was not present when they made the recommendation No. 11. There is a Minute of your own, No. 12, and in consequence of that the Board made the Minute you now speak of. I, as a member of the Board, took it for granted, so good an opinion had I of the judgment of Captains Smith, Darley, and Watson, that I was satisfied to take their report that the vessels were worth the price asked.

748. You did not inquire of them what they had done? No, I did not. I was satisfied with their recommendation—I had so good an opinion of their judgment.

749. As far as your own knowledge went, you were not aware of their condition? No, but I was aware of their qualities; I knew that the "Atlantic" had made five voyages to Newcastle in a month, which I suppose very few other vessels have done, and I am told that she made one voyage to Newcastle and back in twenty-five hours.

750. But a vessel may swim to the last, she may be a fast vessel until she goes down? I may say that I know the man who built these, and I am sure he would not put bad work out.

751. But you did not know to what extent she was copper or iron fastened? No, as far as her build and fastenings were concerned, I went on the opinion of Captains Smith, Darley, and Watson.

752. Did you know how long their copper had been on? No.

753. Or whether it had ever been renewed since they were built? No.

754. Do you know how old the copper was on board the "Sea Witch"? No. I see the report upon it, but I do not know whether it is to be believed, for Captain Chapman, who recommended her to the Government, says she was newly coppered in 1861; he also says that she was built in 1856; but as he is incorrect in his statement that she was built in 1856, he may be also in his statement that she was newly coppered in 1861.

755. Are you aware, of your own knowledge, that she was not built in 1856? I have been informed that she was built in 1854.

756. You do not know that of your own knowledge? No. I went to the Custom House and looked at the registry book there, and I found that in the column "Where Built" it is stated that she was built at Connecticut; but that the date had been expunged or left out for some unaccountable reason.

757. *By Captain Moriarty*: Is not that a very extraordinary fact? Yes.

758. Have you ever known any similar instance? No, I have known instances where both the place of building and the date have been unknown; but have never known a case where the place has been entered and the date omitted. The information as to the place must have been obtained from the register, or from some other document, and in the register both the place and the date would have been stated. I have been informed she was built in 1854.

759. *By Mr. Weekes*: Do you know when the "Pacific" was built? The "Pacific" was built in 1856.

760. The "Pacific" and "Atlantic" were offered to the Government in pursuance of an advertisement calling for tenders? Yes.

761. These were referred to the Board in the ordinary way for their report on them? Yes.

762. In No. 11 the Board advises the Government that the tenders for the "Pacific" and "Atlantic" should be accepted? Yes.

763. They do not state, provided that an inspection of them be made on the slip or in the dock? No, but I was not present at that meeting.

764. Had the Government acted upon that recommendation of the Board, and communicated to the tenderers that their offers had been accepted, that would have been binding and conclusive? You asked me that question before, and I stated that I thought if the Government had so communicated to them it would have been very injudicious.

765. Would not that be the ordinary course—the vessels having been submitted to the Board for their examination and report, and the Board having recommended their purchase, would it not have been the ordinary course for the Government to have accepted the offers? I do not know the ordinary course, but I know it would have been injudicious. The Board simply recommend that the tenders be accepted, as they consider the vessels the most suitable that have been offered.

766. They do not say, provided further examination of them be made? No.

767. Then, if the Government had been so far misled by this report of the Board as to have purchased the vessels there and then, absolutely, they would not have been carrying out the views of the Board, which were that they should have further examination? I cannot tell what the views of the Board were, as I was not present on that day.

768. It is a recommendation absolutely to accept them? Yes; and the worst that could have happened, if their bottoms were found to be wrong, would have been, that whatever cost their repair might have required would have been borne by the Government; but we knew that the owner of these vessels took care to keep them in good order.

769. The Government adopted the views of the Board in respect to these two vessels, until the Minute No. 20, of the 8th March, when the Board recommended that vessels should be built in England—up to that time had not the Government gone with the views of the Board? With the exception of advertising in the other Colonies, which had been refused from the first.

770. What was the reason of that refusal? That there would be a loss of time.

771. And that the final decision would be left to an irresponsible party in the other Colonies? I do not think we were favoured with the opinion of the Colonial Treasurer upon that at all.

772. I made the inquiry? I think there is no reply to that.

773. The Board mention that it should be left "to the Pilot Boards of the respective ports"? There is no reply to that.

774. *By the Chairman*: "Who are no doubt competent to report satisfactorily"? Yes.

775. *By Mr. Weekes*: You said, in a previous part of your examination, that of course the Board did not intend to have the vessels sent to Sydney, and therefore you would have been bound to depend upon the reports of the Pilot Boards of the respective ports? But we should not have been bound to purchase.

776. There would have been no other means? No; unless some person had been sent down specially for the purpose.

777. *By the Chairman*: It would have been possible to have made a conditional offer of a price, subject to approval? Yes.

778. *By Mr. Weekes*: Up to this period, that is, until you recommended that two vessels should be built in England, had not the Government gone with your suggestion as to the purchase of these vessels? Yes, with the exception of advertising in the neighbouring Colonies. The Board refer to that in No. 11. They say they "recommend that the tenders "for the 'Pacific' and 'Atlantic' should be accepted, as they consider that these vessels are "the most suitable for the purpose—." There is a dash there which ought not to have been put in, the sentence ought to have run on "belonging to the port."

779. In fact all the vessels that were offered to you you consider ineligible? I consider ineligible as thorough and definite pilot boats.

780. Although you recommended that vessels should be purchased at that price you still considered the price excessive? Excessive for pilot boats, seeing that additional expense must have been incurred before they could have been made available.

781. Even at the high prices you have named, you state in No. 20 Minute, that much additional expense would be necessary before they could be made available for the service? Yes.

782. Therefore, in excess of the £2,000 for the "Atlantic," a very considerable expense would have had to be incurred before she could have been fit for service? If they were to be made for definite pilot boats, but it was never our intention that they should be so. You were anxious that the service should be entered upon at once, and we wanted to obtain make-shifts, as we were prevented from advertising in the neighbouring Colonies, where I had heard there were suitable vessels, so that we were narrowed down to the half-dozen vessels in Sydney.

783. Did you urge upon the Government the propriety of advertising for them in the neighbouring Colonies after I had doubted the propriety of doing so, or did you simply recommend us in No. 20 that the vessels should be built in England? In No. 4 it is stated—"The object of the Board was to save time, but if eligible tenders can be had here, that object will be attained in the manner suggested by the Treasurer; if otherwise, a week's delay can matter but little."

784. *By the Chairman*: Is that a Minute of the Board? It is a Minute of the Chairman, and I have no doubt it is a Minute of the Board. Mr. Weekes says, in No. 3, "I think it would be better that the advertisements for tenders should apply at first only to New South Wales, and for this a week's notice would suffice. If this produces no effect the neighbouring Colonies may be tried." In No. 7, the Board, evidently referring to this Minute, say, "they do not consider any of the vessels offered in all respects eligible, and they think it desirable to advertise in the neighbouring Colonies—"

785. *By Mr. Weekes*: Then, in my Minute No. 8, do I not express a doubt of the propriety of so advertising? You suggest a very improbable thing, that the Board should for a moment suppose that vessels would be sent up here for inspection.

786. Do I not inquire in that Minute whether it would be left to some party at the port where the vessel might be to decide? "Is it intended to intrust the examination into her condition to some party at the port where she may be, and who will be authorized to make a final arrangement;" and the answer to that is—"The Board propose to refer tenders received from the Colonies to the Pilot Boards of the respective ports, who are no doubt competent to report satisfactorily."

787. Then, up to that period when you advise that these two vessels should be built in England, the Government had gone with the recommendation of the Board as to the purchase of the "Atlantic" and the "Pacific"? Yes; but not with their views as to advertising in other Colonies; we considered that we were narrowed down to the few tenders we received, and we therefore took them to provide for the service at once, but as mere makeshifts; and we were of opinion that the Government would lose nothing, or a mere trifle, by selling them afterwards. If you refer to No. 20 you will find that we discussed the subject in all its bearings. At one time some of the members of the Board thought it desirable to charter vessels; but upon going into detail we found that the cost of chartering would be more than would be sustained by the purchase and re-sale of these vessels.

788. Before the Government decided upon purchasing the "Sea Witch," had the Pilot Board done more than to state that she was overvalued and "scarcely fit for the service"? You must take that with the context, that "much additional expense would be necessary—"

789. Which applied generally to all the vessels? Yes; but there is this difference—that the "Sea Witch" would not sell for the same amount—

790. That is a matter of opinion? It is a matter of fact, because the owner of the "Atlantic" and "Pacific" would not take £3,000 for them afterwards, and withdrew their offer altogether.

791. The system of outside pilot boats I believe is a recommendation of yours? With others I was examined before the Pilot Board when Captain Lamb was Chairman, several years ago, when I entered into some calculations—

Captain
H. T. Fox.

1 July, 1862.

Captain
H. T. Fox.
1 July, 1862.

792. It is a recommendation of your Board as a Board? Yes, of the majority.
793. You are still of opinion that the outside service would be an advantage? If proper vessels are employed. I base that opinion upon my knowledge of what small vessels will do if properly handled.
794. Do you believe that, in some states of the weather, any pilot boats could hold their position outside the Heads? I believe we sometimes have weather when no vessel could do so; but I believe there are fewer days here than in England where a boat could not keep the sea, and the vessels employed upon the coast of England keep the sea in almost all weather.
795. *By the Chairman*: What is the object of outside pilot boats? In order that pilots may be put on board ships before they get into difficulty. The captains of ships used to complain that they did not receive the pilots until the ship was just inside the Heads, the courses were hauled up, main yard backed, and she was out of command; whereas if the pilot boarded outside, the ship would come in under command, with her tacks down and sails properly set, and would often be able to come up instead of being obliged to anchor as is now frequently the case.
796. Is that object more necessary in boisterous than in fine weather? Generally; in excessively boisterous weather the pilot boat could run a-head and lead the way in.
797. In pilot boats is it usual to lower boats from davits? In some it is; but many English pilot vessels put a pilot on board in a dingy launched off the deck.
798. *By Mr. Piddington*: Do you view members of the Pilot Board as paid officers of the Government, or as honorary officers? We receive fees from Government. I do not look upon us as fixed officers of the Government, in the same position as a clerk would be, or a person who gives up the whole of his time to the Government.
799. You view members of the Pilot Board more as honorary than as paid officers? Yes.
800. Are the members of the Pilot Board paid fixed salaries? No, they get a guinea a sitting.
801. They are not paid officers of Government with fixed salaries? No, our salaries may be more or they —
802. Is it a salary or a fee they receive? I beg pardon, I should have said fee. The amount received by a member in a year is dependent upon the number of meetings he has attended.
803. Is not that a similar principle to that applied to directors of banks or insurance companies? Yes.
804. The directors of banks are not viewed as the executive officers of banks? Certainly not.
805. For what object is the Pilot Board appointed—from what class of men are the members of the Board usually taken—what is their professional character? I should imagine that they should be men of great local knowledge, of considerable experience in shipping, and those matters which generally would come before them. One of the principal duties of the Board, as at present constituted, is to examine pilots and to examine masters of vessels, and in order to do that properly these men should have great experience in such matters. For myself I do not know why I was selected, but I presume it was because I had had great experience in bringing vessels in and out of this port for twelve years, and during that time I had scarcely ever a pilot on board, and never cost the insurance offices a shilling. Captains Smith and Darley have also had a great deal of experience, though not so much of this harbour as myself.
806. With reference to an opinion as to the suitability of a vessel for the Pilot Service on this coast, do you think a Board composed of such men competent to give an opinion? I think, without danger of being charged with egotism, I may safely say yes. I have had great experience for twelve years, Captain Darley I think for as long, and Captain Smith for a great many years was sailing ships on the coast.
807. You have sufficient confidence in your own knowledge to be satisfied with reference to any ship you wished to purchase for yourself, by an examination of it, without going to a surveyor? Certainly.
808. If the opinion of a Board, constituted as you have described, were rejected by the Government on a professional question, can you tell me of what use the Board would be to the country or to the Government? I cannot tell. If you refer to No. 31 you will see that the Board say, "if they are qualified to hold seats at the Pilot Board they must certainly be competent to give an opinion on the fitness of a pilot boat; but if the Government think otherwise, it were better that the services of the Pilot Board were dispensed with"—meaning that it would be better that there should be no Board at all. We did not understand being made the scape-goats when things went wrong, if our opinions were not acted upon.
809. The Board were of opinion that it was desirable to advertise for the two proposed boats in the neighbouring Colonies? Yes.
810. Do you think you would have had a far larger number of vessels to have selected from if that had been carried out? No doubt; I have heard since that vessels would have been tendered.
811. Are you of opinion that the decision of the Government not to take the opinion of the Board in this matter was injudicious? Yes; because it narrowed their choice to the few vessels in Sydney.
812. The Board after first recommending, on the 24th January, that advertisements should be published in the neighbouring Colonies, repeated that recommendation on the 7th February? Yes, none of the vessels offered being in all respects eligible.
813. Was the Board warranted in your opinion in relying upon the preliminary report of the Pilot

Pilot Boards of the neighbouring Colonies, with reference to the suitability of vessels offered in those ports? I think the course would have been to have advertised for tenders, and that upon these being sent in the Pilot Board should have reported to us as to the age, build, and suitability of the vessels, and that we should have then sent back instructions to purchase, subject to their being sound.

Captain
H. T. Fox.
1 July, 1862.

814. You have no reason to doubt the competency of the Pilot Boards in the neighbouring Colonies to carry out such a matter? Certainly not; I know the Chairman of the Pilot Board at Adelaide, Captain Douglas, who commanded the "Bosphorus," a man of undoubted ability; Captain Ferguson is the Chairman of the Board at Victoria, and Captain Gilmore, a man well known here, was Chairman of the Board at Launceston; all men of standing—men in whom their respective Governments place the fullest confidence.

815. In the Minute of the Pilot Board, dated 14th February, No. 11, the Pilot Board advise that the tenders for the "Pacific" and "Atlantic" should be accepted? You will bear in mind that I was not present at that meeting.

816. Do you view that as an absolute recommendation, without reference to examination? I should think it was conditional; I should expect from the caution Mr. Weekes always exercises that he would refer the matter back to the Board before it was finally decided.

817. Without expecting Mr. Weekes to do anything—do you think the Board considered this as absolute? I can only say what they told me afterwards, as I was not present at that meeting—I was present when the Minute, No. 13, was adopted.

818. When you agreed to the Minute, No. 13, dated 20th February, you were fully satisfied of the seaworthiness and general condition of the "Pacific" and "Atlantic"? Yes, and that they were worth the price asked.

819. At the present time you have no reason to alter the opinion you then expressed? No, and I still think it would be better to have vessels built in England.

820. In the Minute of the Board, No. 20, the Pilot Board appear to express their opinion in regard to the "Sea Witch," not only that she is overvalued, but that she is scarcely fit for the service—do you regard that as a declaration, in other words, that the vessel would be a failure if she were purchased? They say she is not fit for the service.

821. *By Mr. Weekes:* Scarcely? Yes, but I say the context must be regarded—"seeing that much additional expense would be necessary before the vessels could be made available."

822. *By Mr. Piddington:* Is that declaration respecting the "Sea Witch" equivalent to saying that she would prove a failure if purchased? If purchased for a definite pilot boat she would be a failure, and it was not advisable to purchase her as a makeshift because she would cost so much.

823. She was purchased for the purpose of a pilot vessel? Yes.

824. *By Mr. Weekes:* A makeshift that would cost £2,000 would not be too high priced? No, because you would get the money back again—there is the difference. In the other case you could not get half.

825. Generally speaking, if you want to get rid of a vessel you cannot expect to get so much for her as you have given? You cannot generally, but these vessels are so well known, that they would always sell.

826. *By Mr. Piddington:* The Pilot Board were aware, when they recommended the purchase of these vessels, of their character in the market? Yes; they are vessels that I see every day that they are in Sydney. There is never a week that they do not pass up or down the harbour; even my children know them, they are such remarkable vessels.

827. I imagine, then, you are of opinion that this letter signed R. Towns, and dated the 11th March, is, with respect to the "Sea Witch," entirely incorrect? I think I referred to that very fully before.

828. You consider that on the 8th March the Board advised the Government that the "Sea Witch," if purchased, would prove a failure? Yes.

829. *By Mr. Weekes:* Did you say so? The words were that she was "scarcely fit for the service."

830. *By Mr. Piddington:* At what period after the 8th March do you find that the Government actually had purchased? On the 15th we were informed that she had been purchased conditionally upon the copper being found right on her bottom.

831. One week after the Pilot Board recommended the Government not to purchase the "Sea Witch" the Government did purchase her? Yes, but in the interim this letter had been written by Captain Towns.

832. *By Mr. Weekes:* In the interim had not a survey been made by Mr. Cuthbert as to her condition? Yes, but not as to her capability.

833. As to her condition? Yes.

834. And in the interim he had made his report? Yes, and there is a very remarkable passage in the report, which upsets the whole.

835. "I consider her to be a good substantial vessel"? "For her age and build," which may mean anything.

836. *By Captain Moriarty:* You, as a sailor and marine surveyor, would interpret that in a different way from a shore-going person? Yes; I understand it in this way, that Mr. Cuthbert considered her age and build were objectionable.

837. *By Mr. Piddington:* Have you reason to suppose that this letter of Captain Towns had a considerable influence upon the Government? I find no other recommendation as to her fitness, except that from Captain Towns.

838. *By Mr. Weekes:* Previously to her purchase? Previously to her purchase.

839. *By Mr. Piddington:* Do you find in No. 27 that the Government refer prominently to Captain Towns? Yes.

840. *By Mr. Weekes:* He is a man of large experience is he not? Very.

- Captain
H. T. Fox.
- 1 July, 1862.
841. And a thorough sailor? Yes.
842. *By Mr. Wilson*: Is he a sailor now? He has been on shore a good while.
843. *By Mr. Weekes*: Are you a sailor now? I believe I am; I do not go to sea now.
844. *By Mr. Wilson*: What occupation does Captain Towns follow now? He is a merchant and shipowner.
845. *By Mr. Piddington*: In the Minute of the Pilot Board dated 21st March, do you conceive that the Pilot Board resigned their situations or offices? No, certainly not.
846. Does that contain the resignation of your offices? No, I have explained that before; we did not say that as individual members of the Board that we should be dismissed, but that if the Board were thought incompetent to decide upon such a matter as the choice of a pilot boat, it would be better that there should be no Pilot Board at all.
847. That view is also contained in a Minute dated 27th March? Yes. "The Board feel, moreover, that on so many similar occasions their opinions had been ignored by the Minister, and those of other persons adopted, and that frequently the Harbour Master, as in this instance, had been permitted to commence operations without the knowledge of the Board, that if they were to be in any way responsible for the success or failure of the new system of pilotage about to be initiated, they ought not, in justice, be asked to carry it out with materials which, in their opinion, were unfit."
848. In your opinion, therefore, I take it the Board had been treated with some degree of neglect by the Minister? I think our opinions have been ignored constantly.
849. Supposing the "Sea Witch" were exposed to a gale on a lee shore, do you think she would be safe? I should not like to be in her.
850. *By Mr. Weekes*: It is rather an awkward place to be in at any time in any vessel I presume? Yes.
851. *By Mr. Piddington*: From your opinion of the "Sea Witch," do you think she would be particularly unsafe? She belongs to a class of vessels that would be more unsafe than such vessels as the "Atlantic," or the "Pacific," or than a Liverpool pilot boat would be.
852. *By Mr. Weekes*: You would go round the world in her nevertheless? I should have no hesitation, for a consideration. I believe she is a safe sea boat, but I should give the land a wide berth.
853. Every sailor does that I presume? Yes, but a pilot boat ought to be able to go near the land.
854. *By Mr. Wilson*: I would refer you to your Minute of the 20th February, No. 13, in which you state that the "Pacific" and the "Atlantic" are the most suitable vessels in the port, and again I would refer you to the answer of Messrs. Broomfield and Whittaker, where they refuse to accept the offer of the Board? Yes.
855. That is dated the 3rd of March? Yes.
856. Will you tell me, referring to No. 20, which is dated the 8th March, when you state that the prices are excessive do you allude to the "Pacific" and "Atlantic," or to the vessels then under tender? We mean that the prices are excessive for pilot boats generally.
857. Did you allude to the "Pacific" and the "Atlantic"? Yes, I think they meant that the prices for the "Pacific" and "Atlantic" were excessive as well, but we must not be held responsible for the precise words of this, as it was drawn up by the Secretary; we meant that the prices were excessive for pilot boats.
858. *By Captain Moriarty*: Are not the words of the report drawn up in the presence of the Board by the Secretary? The Minutes are drawn up in the presence of the Board, and I dare say this was so, and this letter is based upon the Minute. If you read the last paragraph you will find that we say, "seeing that much additional expense would be necessary before the vessels could be made available"—but we had before said that these vessels could be sold again for the same money.
859. *By Mr. Wilson*: You say the "Sea Witch" was built in 1854? Yes.
860. How long would such a vessel as the "Sea Witch" be in the first letter? Certainly not more than seven years.
861. Are these North American vessels, built of pine, on the first letter so long as seven years —?
862. *By Mr. Weekes*: Was her frame or were her timbers of pine? No, of American oak; but I have seen American oak rot faster than pine.
863. *By Mr. Wilson*: The American oak of which she is built is not equal to English oak? Certainly not.
864. Can you state the age of the "Pacific"? I see from a note of Mr. Weekes that she was built in 1856.
865. How long would such a vessel as the "Pacific" be classed in the first letter? I should say eight or nine years. I do not know of a vessel of that class having gone home.
866. She is a superior vessel? Yes, and is built of New Zealand timber.
867. Do you think her a more substantial and better class of vessel than the "Sea Witch"? Yes.
868. With regard to the "Atlantic," are you at all acquainted with the construction and build of the "Atlantic"? Just as I know the "Pacific." I know the man who built her, and I am sure from the character he bears he would not turn out bad work.
869. From what you personally know of both vessels, you believe them to be better and more substantial than the "Sea Witch"? Yes, the man who built them would not turn out bad work; he also built the "Moa" and "Maukin," vessels well known in the New Zealand trade.
870. There is also a vessel unnamed, about 85 tons—do you know her? That vessel was not in Sydney, she was on the stocks at Brisbane Water. Her draught of water was too little.
871. Did you know anything of the build of that vessel? No; the objection on the part of the Board was not to her build but to her model; her build may be the best in the world, but her model was not.

WEDNESDAY, 2 JULY, 1862.

Present:—

| | |
|-----------------------|-----------------|
| MR. DICK, | MR. PIDDINGTON; |
| MR. DICKSON, | MR. SMART, |
| CAPT. MORIARTY, R.N., | MR. WEEKES, |
| MR. WILSON. | |

SAUL SAMUEL, ESQ., IN THE CHAIR.

Charles Smith, Esq., called in and further examined:—

872. *By the Chairman*: You have mentioned the case of the Jervis Bay Light-house as one instance in which the opinion of the Pilot Board was ignored by the Government—is there any other instance of which you complain? I will now take the pilots, where our opinion was ignored with regard to them also. When Captain Shanks was appointed, the Pilot Board recommended that Mr. Thompson should be appointed also, as he was a very competent person, out of a great many applicants. The Treasurer declined to appoint Mr. Thompson, on the ground that he was not required. Some time after this the Board had notice to appoint another pilot, and the Board then informed the Treasurer that, since their former communication, the trade of the port had decreased so much that an extra pilot was not required. However, we were directed to appoint one, and, after advertising for applicants, we again sent in Mr. Thompson's name as the most fitted for the situation. The Treasurer then sent to know how we arrived at our decision.

C. Smith,
Esq.
2 July, 1862.

873. *By Mr. Weekes*: What decision was that? How we arrived at the decision that Mr. Thompson was the most eligible party.

874. That was the second time? Yes. He then sent to the Board to know if there were no other applicants for the situation, when we gave the names of two other parties whom we thought came next to Mr. Thompson, and placed them upon the list according to our opinion of their qualifications, but still we recommended Mr. Thompson as far superior to the others. The Treasurer appointed the lowest on this list, and the consequence was that almost the first vessel he took charge of he ran on shore, and handled her so badly in other respects that the Board was obliged to recommend his removal. During the time this selection of a pilot was going on, Captain Watson informed the Board that the Government wished us to recommend Captain Applewhaite, as they were anxious to give him the appointment. Captain Watson and Captain Browne were the only members of the Board that gave Captain Applewhaite a vote. There was also a pilot appointed for Twofold Bay without our knowledge, and without undergoing any examination before the Board. You will see that in their Report dated 9th April, 1861, ordered by the Legislative Assembly to be printed, 27 September, 1861. The Pilot Board refer to this appointment as follows:—"Eden.—The Harbour Master and Pilot at Eden was not examined before the Board as to his capabilities or knowledge of that port, and they can only state, from report, that he does not appear to be well qualified for the situation; but this may not be of much consequence now, through the failure of the Kiandra Gold Fields, which will allow of this establishment being reduced." Now, I wish to point out to the Committee how difficult it has been for the non-official members of the Board—(*Captain Moriarty here drawing attention to the circumstance that the witness appeared to be reading from a written paper, the witness explained that he was only referring to notes*)—What I was going to say was, that I wished to place before the Committee the position the non-official members of the Board were in when one or two of their members, finding at the Club, or elsewhere, what the Government required to be done, paraded it before the Board, and tried to warp our judgments, as it were—that is, they were bringing an influence to bear upon us that I consider they had no right to do. I do not mean in this respect to reflect on the Chairman who is now there; but it seems to me that no Government officer ought to be Chairman of that Board, because, as his situation depends on the will of the Government, he naturally is anxious to do as the Government wish him.

875. *By the Chairman*: He is stationed there as a Government officer, is he not? He is. What I wish to point out to the Committee is, that no Board of non-official members, while such things as I have alluded to are going on, can get the service into an efficient state. Influences are brought to bear in that way that prevent them from doing what really they see to be for the good of the country.

876. The Chairman of the Pilot Board has always been a Government officer, has he not? Yes.

877. *By Mr. Weekes*: Do you object to that arrangement? I think it in a great measure prevents the department from being carried out efficiently.

878. Do you think the non-official members of the Board are the only ones that have the interests of the service in view? I mean to say that the present Chairman knows nothing at all of the matters under consideration, and that he is not a proper person for the position, being without knowledge of the requirements of the service which is placed in charge of the Board.

879. That observation will not apply to the previous Chairman? Not to the previous one.

880. *By Captain Moriarty*: Do not your other remarks apply to Captain Browne? Yes, so far as relates to trying to warp our judgments they do.

881. *By the Chairman*: You referred, I think, to the recommendation of Captain Applewhaite by Captain Watson? Yes.

882. With regard to that matter, did you say all that you desired to state? Yes.

883. *By Captain Moriarty*: Captain Watson told you that the Government wished Captain Applewhaite

C. Smith,
Esq.
2 July, 1862.

- Applewhaite to be appointed at the time you recommended Mr. Thompson as being the most efficient pilot, in your estimation? Yes.
884. *By the Chairman*: In most British ports there is a Marine Board of some kind, is there not? Yes.
885. Do you know how such Boards are generally constituted? If I recollect right, two-thirds of them are elected by the shipowners of the port—
886. Where are you referring to? To England.
887. *By Captain Moriarty*: What part of England? It applies to all ports in England.
888. *By the Chairman*: Will you state how these Marine Boards in England are constituted, to the best of your knowledge and belief? Two-thirds of each Board are elected by the shipowners of the respective ports, and the other third are official members, that is, the Chief Magistrate of the county, the Mayor of the town, and one or two other persons are understood to be appointed by the Government as honorary members.
889. *By Mr. Weekes*: Would it not be better to say generally, that these Boards are appointed as set forth in the Merchant Shipping Act? Yes, just so.
890. *By the Chairman*: Are you aware whether the duties of these Boards are in any way analogous to the duties of the Pilot Board in this Colony? I should think so.
891. Do you know what are the particular duties of these Boards? Yes; their duties are fully set forth in the Shipping Act.
892. *By Mr. Weekes*: Are these two instances which you have mentioned of the appointment of a pilot unnamed—who is the party you refer to? Mr. Levien.
893. Are these two instances, the one in Sydney of Mr. Levien, and the other at Twofold Bay, the only ones of which you complain? So far as appointing pilots goes these are the only ones.
894. *By Captain Moriarty*: Was Mr. Levien appointed at the time you recommended Mr. Thompson? Yes.
895. *By Mr. Weekes*: In the case of Mr. Levien, was he not reported to the Government as duly qualified for the office? He was put down at the bottom of the list, and it was stated on that occasion to the Government that we considered Mr. Thompson far superior to any of the others on the list.
896. You will see that that is not an answer to my question—was Mr. Levien returned to the Government as duly qualified for the office of pilot? That return was made after a good deal of communication between the Treasurer and the Board, to know how we arrived at our decision with regard to Mr. Thompson.
897. Was Mr. Levien reported to the Government as duly qualified for the office of pilot for Port Jackson? Yes; he was reported as the worst qualified of the three.
898. Was he reported as duly qualified? As the worst qualified of the three.
899. Did I not require you to return to the Government the names of those parties, being applicants for the office, who, in the opinion of the Board, were duly qualified for the appointment? Yes, something to that effect.
900. In reply to that requisition, did you return the name of Mr. Levien as one of those duly qualified? Yes; at the bottom of the list.
901. Are you certain that it was at the bottom of the list? Yes.
902. How many did you return? We first returned Mr. Thompson solely.
903. Did you return Mr. Thompson singly at that particular time, or at the previous time to which you refer? Both times.
904. Did you return Mr. Thompson singly the second time? We returned him first to be appointed when we appointed Captain Shanks, and then when we were instructed to recommend an additional pilot, we returned him again alone, but after one or two communications from the Treasurer two other names were put down, of which Mr. Levien's was the lowest on the list, and we pointed out that we had put them in the order in which we considered their qualifications.
905. Did you report him as one duly qualified for the office of pilot? Yes, as having the the lowest qualifications of the three.
906. Did you report Mr. Levien as duly qualified for the office of pilot for Port Jackson? Certainly, but not so well qualified as the other two.
907. Are you quite satisfied you returned him lowest on the list—how many did you return to the Government as qualified? We returned three altogether.
908. Are you sure you returned Mr. Levien at the bottom of the list? I am pretty certain of it.
909. Are you sure? I would not like to swear it exactly, but if my memory serves me, I am not deceived on the matter that his name was at the bottom of the list. However we can find out by the Minutes of the Board.
910. Then your ground of complaint against the Government is, that on this occasion they selected for themselves one out of three that you reported as competent for the office? My objection is, that they did this although we recommended one man as so much superior to the others that we considered he ought to have been appointed.
911. Still the Government selected one of three, all of whom you reported as competent for the office? Yes.
912. You stated that this gentleman ran a ship ashore shortly after his appointment? Yes.
913. Is it an unusual thing for pilots in this harbour to run vessels aground at various places in the harbour? It is not a very common thing, I am happy to say.
914. Are you aware of a Return that was made to an Order of the House, in 1860, of the various cases of this nature that had been brought before the Pilot Board? I recollect something of such a Return, but not exactly what it was.
915. It was "A Return shewing the number of cases tried before the Steam Navigation and
"Pilot

"Pilot Board, from 1st May, 1858, to 30th April, 1860, having reference to Pilots and "Light-keepers"—Are you aware of that Return having been made by the Board? Yes, I remember something of it.

C. Smith,
Esq.

2 July, 1862.

916. Are you aware also that that Return shews numerous instances where pilots appointed by the Board had run vessels aground at various parts of the harbour, and in some cases sinking them? I do not recollect. (*The Return alluded to was handed to witness.*)

917. You now hold the Return in your hand, I think; will you look at the second case; is not that a charge against Pilot Jenkins for "the wreck of the barque 'Aunie' when in his charge"? Yes; that was before I was a member of the Board.

918. Did not the Board on that occasion find that it was owing to a fault on his part that the wreck occurred? I am not aware what took place.

919. Is it not the remark of this Board that "the loss of the vessel was attributable to a grave error of judgment on the part of Pilot Jenkins"? So it appears here.

920. The Return contains various instances where pilots have done damage to vessels by getting them on shore, and by collisions, and so on, so that it is not an exceptional case that a pilot should incur some damage to a ship? No, it is not an exceptional case.

921. Is it not likely that even the best sailor, who has not had time to acquire local knowledge of the harbour, should be placed at considerable disadvantage in navigating a ship into port, although thoroughly qualified in every other particular? Yes, it may happen.

922. Do you remember that on this occasion of the mishap to the vessel in charge of Pilot Levien, I sent a minute to the Board suggesting that in future no pilot should be placed in charge until he had for a certain time accompanied some other pilot, in order that he might acquire the necessary local knowledge? Yes, I recollect that.

923. Then in the case of Pilot Levien, under the circumstances that arose, handling as he had to do a very large and heavy ship, it was nothing very unusual that she should take the ground? Only this, that if Mr. Thompson had been appointed we knew him to have the local knowledge that was sufficient.

924. You say that Captain Applewhaite was reported to the Board by Captain Watson as, what shall I call it, the Government candidate? Captain Watson reported it so to the Board.

925. Is Captain Watson the recognized agent of the Government at the Board? Well, he brings a great deal from them, whether of his own authority or theirs I do not know.

926. In a gossiping way, I suppose, not officially? I am not aware how it is to be construed.

927. Do you pay strict regard to these representations of Captain Watson? I pay no regard to any representations from any one unless I consider them to be just.

928. Then they had no effect with you? Not so far as I was concerned.

929. Then in fact at that election the Government candidate was not successful? No.

930. And the Government did not appoint him in spite of his non-election by the Board? No, they found another appointment for him.

931. They accepted the verdict of the Board—they did not appoint him? Not as a pilot.

932. I suppose there is no reason why a good sailor should not receive some Government appointment? I am aware of none.

933. *By the Chairman:* Did he pass his examination before the Board? He was in along with the others, but he was not returned as one qualified for the situation.

934. *By Mr. Weekes:* Is not the situation you refer to at Twofold Bay simply that of Harbour Master? And Pilot.

935. Was not the appointment as Pilot more a nominal matter for the collection of the pilotage rates? He used to board vessels and pilot them in.

936. Was he not placed there merely for the arrangement and regulation of the large increase of vessels that were expected to come there in consequence of the Kiandra Gold Fields—was not that the recommendation of the Pilot Board at the time, that a Harbour Master should be appointed there, for the proper settlement of ships in their berths in the harbour? I do not recollect whether the Board made any recommendation.

937. When you stated that the non-official members of the Board were at a great disadvantage, as they were influenced by what took place at certain Clubs, or that the Chairman, as I understood you, was influenced by what took place at certain Clubs—? What I pointed out was this, that I considered the Board could not work satisfactorily while the Government gave their cue to any of their members to know what their views were. Captain Watson has stated where he heard things from the Government.

938. You have stated that you did not attach much weight to what Captain Watson represented? No.

939. Do you consider that the Chairman represents the views of the Government, and is there to protect the interests of the Government? Yes, I presume so.

940. Do you think the non-official members are the only ones that have the interests of the service in view? They are the best qualified to put the service in an efficient state.

941. You are now alluding only to the present Chairman—were not previous Chairmen perfect sailors, and perfectly competent to deal with the questions that came before the Board? When I first joined the Board there were persons on it who were not sailors at all—Captain North and Captain Mann for instance—who were all Government officers.

942. Was that when the Steam Navigation and Pilot Boards were combined, do you remember? No, they were separate when I joined.

943. Was Captain Mann on the Pilot Board? I think so.

944. *By Mr. Dick:* With reference to the evidence you gave before the Committee the other day, as to the ability of certain parties whom I mentioned to you to give opinions on the

C. Smith, Esq.
 2 July, 1862.

the matters then referred to about the "Sea Witch"—Captain Vine Hall, Captain Towns, Mr. Rountree, and others—you stated to the Committee last week that you wished to modify that evidence, did you not? I wished to strike out some parts of it, as being irrelevant to the case.

945. Do you entertain the same opinions now that you did then, with reference to their capabilities, or have you had reason to change them? (*Mr. Wilson objected to the question. Witness requested to withdraw. Committee deliberated, and decided, on division, that the question should not be put. Witness recalled.*)

946. Do you believe that Captain Norie is a gentleman of such experience that any weight ought to be attached to his opinion, as to what is or what is not a fit vessel for the Pilot Service? (*Mr. Wilson objected to the question. Witness requested to withdraw. Committee decided, on division, that the question should not be put. Witness recalled.*)

947. *By Captain Moriarty*: Will you permit me to return to the recommendation of Pilots Shanks and Thompson—I think I understood you to say distinctly, that upon a vacancy occurring in the Pilot Service, a gentleman of the name of Thompson was recommended by the Pilot Board to the Treasurer? Yes.

948. Was there more than one vacancy at the time? We considered that Captain Shanks was first recommended.

949. Before Mr. Thompson? Before Mr. Thompson. He was appointed, but when he was appointed we recommended Mr. Thompson also to be made a pilot.

950. At the time Captain Shanks was appointed was there a second vacancy? I do not think there was, but we thought they required another pilot at that time.

951. In point of fact, according to the system then existing, there was no vacancy for a pilot? I think not.

952. Then upon a second occasion a vacancy occurred, and you recommended Mr. Thompson again? No, we recommended the Treasurer not to appoint one, as the trade of the port had so much decreased since we last recommended one.

953. On the second occasion it was in consequence of a suggestion from the Treasurer that you appointed Mr. Thompson? Yes.

954. And on that occasion was your recommendation confined to him? Our recommendation was confined to him in the first instance.

955. Then subsequently somebody put you in motion to send other names to the Treasurer? The Treasurer put us in motion.

956. But your first recommendation was distinct and clear—that Mr. Thompson and Mr. Thompson alone was recommended? Yes.

957. Captain Watson gave you to understand that he was authorized to suggest that Captain Applewhaite's appointment would be satisfactory? Yes.

958. Was Mr. Levien better qualified than Captain Applewhaite? Yes, I think he was.

959. *By Mr. Weekes*: Was he not fully qualified according to your report? Yes, he was qualified, but not so well qualified as Mr. Thompson was.

960. *By Captain Moriarty*: Mr. Levien was appointed to the vacancy suggested by the Treasurer, when you had for that office recommended the appointment of Mr. Thompson? Yes. In the first instance we recommended that no one should be appointed; in the second place we recommended Mr. Thompson alone.

961. It was quite within the province of the Government to decide whether there should be another pilot or not? No doubt.

962. You did absolutely suggest Mr. Thompson for the appointment, without reference to any other name? We did.

963. And Mr. Thompson was not appointed, but a gentleman named Levien was? Yes.

964. *By Mr. Weekes*: When the Government had decided to appoint a sixth pilot, were not the Board required to advertise for applicants for the situation? Yes, and we did so.

965. Did I not send down a minute on that occasion to the Board, that they should send me the names of such of the applicants as they considered duly qualified? No, not in the first instance; that was after two or three communications had passed between the Treasurer and the Board.

966. Was it not immediately following the instructions to advertise that I instructed the Board to send me the names of all the applicants they had ascertained to be qualified? I believe not till some time after.

967. That can be proved, I suppose, by documents? I have no doubt it can.

968. *By Mr. Dickson*: Did the Board ever recommend any individual to the Colonial Treasurer, who they thought was not fully qualified? No.

969. *By Mr. Dick*: Who was this Mr. Thompson? He was a long time master of the brig "Moa."

970. Where was he trading? Between here and New Zealand, and about the Colonies; he has been here a long time.

971. Was he ever mate of one of the A.S.N.* Company's steam-boats? Yes.

972. What was he at the time you recommended him? He was master of one of Mr. Wright's vessels then, if I recollect right; he joined the steam service—the Inter-colonial service—after we had recommended him, so as to be handy in case he was required.

973. *By Captain Moriarty*: You made an allusion to two gentlemen, Captain Mann and Mr. North, as being on the Board—did these gentlemen ever interfere in the examination of a pilot or the recommendation of one? I am not aware; they left the Board shortly after I joined.

974. Did you ever know them to act in any purely nautical matter? I am not aware whether they did or not.

975.

* NOTE (on revision):—Should be I.C.S. Compy.

975. *By Mr. Dick*: Had not all the other candidates for the office of pilot been masters of vessels? I think most of them had. C. Smith, Esq.
976. Mr. Levien had been master of a vessel? Yes.
977. And Captain Applewhaite also? Yes. 2 July, 1862.
978. Do you recollect now what were the peculiar qualifications of Mr. Thompson, in preference to all the others? He was a person well known to the Board as being well acquainted with the harbour, and as being a sober, steady, intelligent man.
979. Did you know whether he ever commanded any vessel larger than the "Moa"? I am not aware.
980. *By the Chairman*: Did the Board submit the applicants for employment as pilots to any examination? Yes.
981. The whole of those you recommended, were they examined? Yes.
982. Do you judge from the manner in which applicants undergo that examination, whether they are qualified or not? Certainly, by that, and where we can, by our former knowledge of the party.
983. *By Captain Moriarty*: Suppose a dozen captains of vessels apply for the situation of pilot, surely there may be a difference among these twelve men that would enable you to select one as the best qualified in your estimation for that appointment? No doubt.
984. *By Mr. Dick*: I think you said Mr. Kelly, the owner of the "Atlantic" and "Pacific," was also known to the Pilot Board? Yes, I know Mr. Kelly very well.
985. *By Mr. Piddington*: With respect to the comparative qualifications of the gentlemen proposed to be appointed to the office of sixth pilot, was Captain Thompson, in your opinion, the individual who had oftenest brought a vessel into this port, as compared with the other candidates? He was the party we considered far superior to any other applicant for the situation.
986. And in spite of the preference of the Board in favour of Mr. Thompson, some one else was appointed? Yes.
987. Do you consider that the Government treated the professional ability of the Board with anything like respect in that particular? I should think not.
988. That refusal of the Government to take the advice of the Pilot Board with reference to the appointment of a sixth pilot is one of the many instances where the Government have disregarded the professional opinion of the Board? Yes.
989. *By Mr. Weekes*: You say "many" instances—you stated just now that there were only these two? That is with regard to the pilots.
990. *By Mr. Piddington*: There are instances with regard to other subjects? Yes.
991. *By Mr. Dick*: Is it not a fact that Mr. Thompson has not a certificate of competency as master—a Board of Trade certificate? He may be a very first-rate man, and yet have never been at Home to get a Board of Trade certificate. I have not got one myself, and I consider that I know something about nautical matters.
992. Is it not the fact that he has not a certificate? I am not aware.
993. *By Mr. Wilson*: Are you aware whether Mr. Levien had a certificate from the Board of Trade? I am not aware.
994. *By Mr. Dick*: Had Captain Applewhaite? I am not aware.
995. Did he not produce it? I do not know.
996. *By Captain Moriarty*: Does not a man require to go Home to get that certificate? Yes.
997. Therefore any one, though commanding vessels here for twenty years, if he has not been at Home to go through the examination, cannot have the certificate? Certainly not.
998. *By the Chairman*: You complain, in addition to the matters to which you have referred, that your opinions and advice have been ignored in the appointment of light-keepers, and other matters—will you be kind enough to state in what way? The light-keepers I shall take next.
999. *By Mr. Weekes*: One question before you go into that. Have you any reason to suppose, or do you believe, that there are any grounds for the Government having reason to be dissatisfied with the appointments of pilots made by the Board, on account of the accidents of various kinds which have occurred to vessels while under their charge? I do not rightly understand the question; perhaps you will be kind enough to put it again.
1000. Do you consider that the Government have any reason to be dissatisfied with the appointments of the Board, of pilots, from the numerous accidents to vessels that have happened while they had them in charge? No; I do not recollect any thing of that sort.
1001. Do you remember the case of Pilot Jenkins causing the wreck of the barque "Annie"? I was not on the Pilot Board then.
1002. Will you refer to the Return from the Pilot Board, which you had just now in your hand—the second case, 1st July, 1858—a charge against Pilot Jenkins, for "the wreck of the barque 'Annie' when in his charge." Does it state there that "the Board found that the loss of the vessel was attributable to a grave error of judgment on the part of Pilot "Jenkins"? Yes.
1003. No. 5. Is there a case there against Mr. McVeigh, Assistant Harbour Master, for not having properly secured his vessel? Yes.
1004. What was the result of that, as stated in the farther column—was he dismissed? It would appear so from this. I may mention that I was not a member of the Board at any of these times.
1005. *By the Chairman*: Do you know whether any of these gentlemen were appointed on the recommendation of the Pilot Board? I do not know; but I take it—though I may be wrong in stating so—that it is only since I have been at the Board that I have anything to do with it; perhaps, rather, since the Minister and the Board have been in collision.
1006. *By Mr. Dick*: How long have you been a member of the Board? About three years.
- 1007.

- C. Smith,
Esq.
2 July, 1862.
1007. *By Mr. Piddington*: Were Pilot Jenkins and Assistant Harbour Master M'Veigh appointed to their respective situations before you became a member of the Board? Yes, a long time before.
1008. *By Mr. Weekes*: However, generally speaking, since you have been at the Board several pilots have been suspended, fined, or dismissed, for misconduct? Yes.
1009. All of whom were appointed on the recommendation of the Board? That I am not aware of.
1010. *By Mr. Piddington*: Since the dismissal and suspension of these pilots, Jenkins and others, the Pilot Board have been applied to by the Government, in order that they might recommend to the Government a sixth additional pilot—have they not? I am not aware of these dismissals.
1011. But since these dismissals or suspensions of Pilot Jenkins and Assistant Harbour Master M'Veigh, alluded to by the Treasurer, the Government have applied to the Pilot Board for their opinion with regard to the qualifications of candidates for the office of sixth pilot? Yes.
1012. If they applied to the Board for their opinion with regard to the qualification of a sixth pilot, are you not of opinion that the Government viewed the Pilot Board as the proper authority from whom a recommendation should emanate? I presume so.
1013. *By Mr. Weekes*: Did not the Government at the same time require that you should return to the Government all those parties whom you considered qualified, in order that the Government might make the selection from parties tested by the Pilot Board and reported qualified? Not in the first instance, but after frequent communications from the Treasurer.
1014. What do you mean by the first instance? I mean with regard to Mr. Thompson, that we sent in his name alone the first time, and the second time we sent his name only again; the third time we had a notice to know if no other persons were qualified; then Mr. Thompson's name was given as far superior to the others, and we placed them on the list in the order that we considered their qualifications stood in—Mr. Thompson at the top, some one else second, and Mr. Levien third; and our note said that we considered Mr. Thompson far more eligible than any of the others.
1015. *By Mr. Piddington*: Did the Government intimate their desire to the Pilot Board that they should send up more than one name, as the name of a qualified person to be appointed sixth pilot, in the first instance? Not in the first instance.
1016. *By Mr. Dickson*: Did the Government ever appoint a pilot without the recommendation of the Board—do you know of any instance where any pilot was appointed without being recommended by the Board? No.
1017. You think there is no such instance? I think not.
1018. *By Mr. Dick*: How long after you recommended an additional pilot did the Board state that there was no necessity for one? Some eight or ten months.
1019. What was the reason given for the change of opinion? Our reason was that the trade of the port had so much decreased—it had decreased nearly one half.
1020. Is the trade of the port much less now than when you made that recommendation? Yes, much less, nearly one-half less.
1021. *By Mr. Weekes*: Was not the reason why the Government did not take the Board's recommendation of Mr. Thompson, that they were desirous the office should be thrown open to public competition again, it being an interval of some eight or ten months since Mr. Thompson was previously recommended? I am not aware what the Government's reasons were.
1022. Was not the minute I sent down to the Board to that effect? Certainly. But we recommended Mr. Thompson again as the most proper person, after we had advertised and examined all the parties; we placed him at the top of the list, as far superior to the others, and we put down the other names in the order in which we considered them qualified.
1023. That will appear by documents? Yes.
1024. *By Mr. Wilson*: There was no reason why the Government should take the least efficient of those whose names you sent in? I am not aware of any.
1025. *By Mr. Weekes*: Was he the least efficient? Yes.
1026. Was he the last on the list? Yes, I am pretty certain he was.
1027. *By Mr. Wilson*: You sent a minute also with that list? Yes, I believe so.
1028. *By Captain Moriarty*: Was there, in point of fact, an interval of ten months between the two occasions on which you recommended Mr. Thompson? Yes, so near as I can recollect.
1029. *By the Chairman*: In your petition, independently of the cases you have already referred to, you complain of your advice having been ignored in the case of light-keepers and other matters? Yes.
1030. Will you now state the matters you refer to? With regard to the light-keepers I beg to refer the Committee to the following passage of the Report of the Pilot Board, made last year, in pursuance of an order of the Assembly, and ordered to be printed on the 27th September, 1861:—"The Board much regret that their repeated recommendation, that increased and graduated salaries should be given to light-keepers, is disregarded, and they beg to assure the Minister that unless some inducement is offered to the subordinates, to secure promotion to higher salaries, by good conduct and zealous discharge of duty, the economy of the light establishments will never be brought to that degree of efficiency which it is most desirable should be attained. The Board cannot deprecate too strongly the manner in which appointments are made to, and vacancies in these establishments are now filled up. When it is considered how many lives, and what great value in property, depends upon carefulness and accuracy in the exhibition and management of a light, the absolute necessity for the employment of respectable, temperate, and experienced men, must be
" apparent

“ apparent to every one; but the Board greatly regret to have to report, that due regard
 “ has not hitherto been paid to these qualifications; men wholly inexperienced (and in one
 “ instance of intemperate habits), have been sent to enter upon the duty of managing (at
 “ times during a four hours watch in the dead of night) an apparatus which requires
 “ to be worked by a skilled and steady hand; and to be entrusted with the care
 “ of costly reflectors and glasses, which, if damaged or broken, it might not only be
 “ difficult to replace, but would involve considerable pecuniary outlay. Not the least evil
 “ in the present mode of appointment is, that the men who have served many years in the
 “ light-houses, and whose experience and past conduct are guarantees of their competency,
 “ and who therefore have a claim for consideration from the Government, are entirely over-
 “ looked, and even slighted, when new appointments or vacancies occur; consequently they
 “ become sensible that merit, experience, and assiduity, in the performance of their duty, are
 “ valueless; therefore they take no interest in their situations, beyond doing as a matter of
 “ form that only which is absolutely required of them. The Board would therefore beg to
 “ recommend that all appointments to new light-houses be filled by promoting keepers from
 “ other lights, so that, if possible, there shall only be one person unacquainted with the duties
 “ in any light-house at one time. (*Appendix I.*) In support of the foregoing observations,
 “ the Board beg to refer to the various papers and extracts from their correspondence hereto
 “ attached. (*Appendix A to I.*)” You will find Appendix I at page 9, and this is one of the
 “ passages referred to by the Board:—
 “ Complaint having been made by the principal keeper, Hornby Light, against an assistant
 “ keeper named Hunter, the Board reported:—

C. Smith,
 Esq.

2 July, 1862.

“ ‘8 October, 1858.

“ ‘From the ill-feeling which appears to exist between the keepers, they fear that if
 “ ‘Hunter be allowed to remain, his conduct will prove detrimental to the service, and they
 “ ‘recommend that he should be provided with a situation in the Steam Dredge, or with
 “ ‘some other employment for which he is more suitable than that in which he is at present
 “ ‘engaged.’

“ And again—

“ ‘13 October, 1858.

“ ‘With reference to the charge of intoxication, it was distinctly stated by Mr. Brown
 “ ‘that Hunter was intoxicated, and as firmly denied by the latter; and as members of his
 “ ‘own family only were present at the time of his arrival from Sydney (with the exception
 “ ‘of Mr. Brown), the Board did not think it advisable to call them. They are, however,
 “ ‘satisfied that it would be beneficial to the Government service to remove Hunter from the
 “ ‘light-house. In consideration of his large family and extreme want, the Board recom-
 “ ‘mend that he should be placed in the Steam Dredge, or in some other service more
 “ ‘suitable to his capabilities.’

“ This man was not removed until the end of December, 1858. During the 7
 “ months that he was one of the keepers, 344 glass cylinders were broken; during the
 “ corresponding 7 months of 1860, 22 were broken.”

1031. *By Mr. Weekes*: Do you know at whose recommendation Hunter was appointed? I
 believe at the Treasurer's; I am not aware myself.

1032. Are you not aware that Hunter was appointed at the recommendation of the Board?
 I am not; I have heard it stated differently at the Board.

1033. *By Mr. Dick*: Were these things broken by Hunter? I suppose so.

1034. *By the Chairman*: Is there any other passage? There is the case of McGrath also in
 the next paragraph:—

“ *Pilot Board Office,*

“ 24 March, 1859.

“ The Pilot Board have the honor to report, with reference to the matter of complaint by
 “ the principal keeper of the Hornby Light against the second keeper, McGrath (inquired
 “ into 17th inst., and postponed until 21st inst., in order that the Board might visit the
 “ establishment in the meantime), that they proceeded to the light-house, in company with
 “ the Harbour Master, and examined the first keeper, Robinson, in the presence of McGrath,
 “ and although there does not appear to be sufficient evidence to prove McGrath guilty of
 “ having recently scratched and destroyed the reflectors, it is nevertheless conclusive in the
 “ minds of the Board that he is a person of slovenly and indolent habits, and that on the
 “ occasion referred to by Mr. Brown he was disobedient, and neglected to perform the
 “ duty to which he was ordered; and they therefore consider that it would be advisable
 “ to appoint a more suitable person.

“ The Board beg also to report that it was painfully evident to the members, on the visit
 “ in question, that through the employment of incompetent persons, not only unaccustomed to
 “ the management of the delicate apparatus of a light-house, but also from their previous
 “ habits physically unfit to perform such a duty, the reflectors have already become so much
 “ scratched and destroyed as to render them less effectual than they ought to be; and they
 “ have, in fact, during a period of not more than ten months, received irreparable injuries,
 “ which, if allowed to be continued, will render it necessary for the Government to expend,
 “ within a short time, a large sum of money to replace the reflectors, which ought, with
 “ proper care and attention, to have lasted for twenty years; the Board beg therefore to urge
 “ upon the Government the necessity for leaving the nomination of light-keepers in the
 “ power of the Board, who must, from their knowledge and attention to the matters in
 “ question, be best able to select proper persons to fill such situations.

“ I have, &c.,

“ H. H. BROWNE,

“ Chairman.

“ During

C. Smith,
Esq.

2 July, 1862.

"During the time McGrath was at the light (3 months), 93 glass cylinders were "broken."

1035. *By Mr. Weekes*: Was not McGrath appointed on the recommendation of the Board? I am not aware.

1036. *By the Chairman*: Were these men removed on the recommendation of the Board? I forget.

1037. *By Mr. Weekes*: Do you know of any instance where light-keepers have been maintained in their position against the recommendation of the Board? I am not aware of that, but I will show you directly where they have been reappointed.

1038. *By the Chairman*: Is there any other case? Yes, here is the next:—

"On the appointment of Mr. Griffin to the Jervis Bay Light, the Board reported that:—

"In accordance with the verbal request of the Honorable the Treasurer to the Chairman, "the Board will recommend two persons suitable for the appointment of assistant keepers, "Cape George Light.

"With respect to the appointment of Mr. Griffin, they consider it their duty "respectfully to refer to their communication of the 24th March, 1859, respecting "the damage to the Hornby Light reflectors by the employment of inexperienced persons, "and to add that, considering the delicate and somewhat complicated construction of the "Cape George apparatus, it being fitted with coloured lenses, and also the distance at which "the station is situated, in case immediate assistance should be required, they regard with "considerable alarm and apprehension the injury to the commercial interest, by Mr. "Griffin's appointment, as he is only now undergoing instruction at the Macquarie Light; "and the Board are of opinion that if efficiency is to be considered, and proper care and "attention is to be taken in the management of the very costly lanterns of the light- "houses of this Colony, the English practice should be followed, viz., that no person should "be eligible for the situation of principal keeper until he had served a reasonable time in "one of the under grades.

"The Board have directed Mr. Siddons to receive and instruct Mr. Griffin in the "duties; and in placing a senior keeper in such a position, the Board consider that it "cannot but be felt as a hardship and disappointment by the junior keepers, who receive "very small salaries, to find that they are shut out from that promotion which is usually "made in other branches of the public service."

"W. J. WILSHIRE,
"Secretary.

"Pilot Board Office,
"10 May, 1860."

Then follows what the Board recommended as to graduated salaries.

1039. *By Mr. Dick*: Which is the light called the Macquarie Light? The Upper South Head Light.

1040. The old light-house? Yes.

1041. *By Mr. Weekes*: In reference to the cases you have mentioned—those of Hunter and McGrath—do you make any complaint against the present Government? No, I do not.

1042. In fact these two instances you have referred to could not apply to myself, not being then in office? Certainly not. In speaking of the graduated salary system, which they proposed to adopt, the Board wrote as follows:—"The result of the inconvenience of the present "system was fully demonstrated on the appointment of the keepers to the Cape George "Light, as no volunteers could be obtained to take the minor situations, and the costly and "delicate apparatus of that light is consequently under the charge of three persons wholly "without experience in the management of a light-house." We wanted to establish a graduated system, and not to appoint any new light-keepers to a new light, but to raise them by promotion from the old ones; but our recommendations were disregarded.

1043. *By the Chairman*: You have referred to these minutes as showing what the recommendations of the Board were? Yes.

1044. Were they acted upon? They were not.

1045. In what way were they not acted upon? In the appointment of keepers to the Port Stephens Light since.

1046. *By Mr. Wilson*: When were they appointed? Some six or eight months ago. At that light one party that had been dismissed from another light-house by the Pilot Board, for being asleep on his watch, was appointed.

1047. *By Mr. Weekes*: What was his name? Priest. Two were sent to the Macquarie Light-house to be instructed in their duties; one, Mr. Siddons reported, would never be capable of making a light-keeper; and it was only after that we were allowed to take one of the keepers from South Head to go down and take charge of that light; so that had he been a man of any common understanding at all, that light would have been also under the charge of men who had never been in a light-house before.

1048. It was not so? No, it was only through Mr. Siddons' report that it was not so. It is well known to parties acquainted with light-keepers, that unless people are appointed who are accustomed to live in that isolated position they will always be quarrelling, as has been the case in the Jervis Bay Light-house.

1049. Can you train up any set of men or their wives not to quarrel? People that have been accustomed to live in isolated positions—sailors, men-of-wars-men, and so on, are not so apt to quarrel as landsmen.

1050. Does it form part of the training you require, as a Board, from applicants for the situation of light-keepers, that they should live together in unity—do you require them to be trained in living happily together? No doubt of it. We ought only to appoint people that are likely to live happily together; and in order that they might know something of the men that were sent away to distant stations, the Board wished that all the appointments to such situations

situations should be made from among those who had served for some time at the South Head Light. What we proposed to do was to put all the new men into the South Head Light, so that before being left in charge of distant light-houses, the Board might have some opportunity of knowing what kind of men they were, and also to be able to promote those who were deserving, to be superintendents of other lights when opportunities should offer.

C. Smith,
Esq.

2 July, 1862.

1051. Do you test the tempers of the men or their wives—are not the quarrels of the women a source of much disagreement at light-houses? No doubt the women also quarrel, but if the plan recommended by the Board were pursued, we would have an opportunity of seeing whether the men were fit persons for the situation before they were trusted at distant stations almost beyond control.

1052. As a part of this proposition, would you test the tempers of the men and their wives? No doubt we should see whether they could live quietly along with those who were placed with them at South Head, before they were sent away anywhere else.

1053. *By the Chairman*: You referred to the dismissal of Priest just now; will you state the circumstances under which he was dismissed? He was dismissed for being asleep on his watch and letting the light go out.

1054. *By Mr. Dick*: What light? Newcastle Light.

1055. How long ago is it since he was dismissed? I cannot recollect the exact time.

1056. Was he reappointed shortly after, or some time after? Some considerable time after, I think.

1057. *By the Chairman*: He was reappointed—? He was reappointed to Port Stephens Light-house.

1058. Was that on the recommendation of the Pilot Board? No.

1059. Are you acquainted with the circumstances under which he was reappointed? I am not.

1060. Did the Pilot Board make any inquiry before they recommended his dismissal? Yes, we made inquiry.

1061. *By Mr. Weekes*: Who brought the charge against Priest first? I think it was the master of a ship, if I recollect right.

1062. Through whom? Through the Harbour Master at Newcastle, I presume.

1063. Did the Board instruct the Harbour Master to make an inquiry? Yes.

1064. Did he make an inquiry? Yes, I believe so.

1065. Did he report to the Board the result of it, with the evidence? I believe so.

1066. On that did the Board recommend to the Government that Priest should be dismissed? Yes.

1067. Was he dismissed? I think so.

1068. Did Priest afterwards make application that he might be allowed a copy of the report and the evidence against him, in order that he might vindicate his innocence of the charge? I believe so.

1069. Did the Board decline to furnish that report and evidence to the man? Not that I am aware of.

1070. Will you look at this document, in the handwriting of the Secretary to the Board, and read that minute in the corner? That is the purport of what occurred at the Board, I recollect very well.

1071. Did not the Board, on my referring Priest's application to them, for a copy of the report and evidence, make this reply:—"The case having been fully inquired into before Priest, and the evidence against him being, in the opinion of the Board, so conclusive, they see no reason for opening the matter again. W. J. WILSHIRE, Secretary. 24 August, 1861"? Yes, that was the reply of the Board.

1072. Then the Board declined to give this man a copy of the report and evidence, which he claimed in order to enable him to establish his innocence—is that so? He wanted to open up the question again, and we thought it was not proper to do so.

1073. Did not the man Priest apply for a copy of the report and evidence in his case, in order that he might have an opportunity, in the words of his letter, of proving that an injustice had been done him—was not his application on those grounds? I am not aware that his application was on those grounds.

1074. Did I not refer to the Pilot Board a letter from Priest to me, and suggest that he might have a copy of the report and evidence, in order that, in his words, he might have an opportunity of proving that an injustice had been done him? If you will show me the letter I will tell you. (*Letter handed to witness by Mr. Weekes.*) Yes.

1075. Upon that the Board addressed to me the minute I have previously read? Yes.

1076. Upon that did I send a further minute to the Board, directing that copies of the report and evidence, and every letter on the subject, should be furnished to Mr. Priest? Yes.

1077. And they were furnished accordingly? Yes.

1078. Are you aware whether I sent to the Pilot Board after that the following minute, endorsed on a letter of Priest's asserting his innocence and adducing certain proofs of it:—"From this explanation of Priest a further report is necessary. Is there any peculiarity in the Newcastle Light which diminishes the light very considerably during the process of snuffing, as mentioned by Priest. If it is not composed of several lamps partial obscuration would seem inevitable when being snuffed. It seems only just to this party, who appears to have maintained a very good character, that further investigation should take place. Evidence should be obtained from parties who are acquainted with the working of the Newcastle Light, to test the statement put forward by Priest in his defence—that the light at snuffing must be more or less obscured. For this purpose, among others, the principal light-keeper and assistant should be examined."—Are you aware whether, upon

- C. Smith,
Esq.
2 July, 1862.
- that minute, the Board directed Captain Allen to hold a further investigation? I think so.
1079. Did you read the result of that further investigation? I do not recollect; I think I must have read it.
1080. Did the Board arrive at any determination concerning it? I do not recollect. Will you allow me to see the papers?
1081. That (*handing a written document*) is Captain Allen's report addressed to the Secretary? I do not recollect whether I have seen this or not.
1082. At all events, a communication from Captain Allen was made to the Board with the accompanying evidence? No doubt of it.
1083. Do you remember that I made a minute to this effect:—"This further evidence proves that Priest was dismissed on insufficient grounds, and he will be reinstated when an opportunity offers"? Yes, I see that is so.
1084. *By Captain Moriarty*: Were you aware of it at the time? I do not recollect the circumstances exactly. There is no doubt it will be mentioned in the Pilot Board Minutes, if it has been before the Board. I recollect that the impression at the Board was that the snuffing could not take half an hour, such as we had evidence the light was out.
1085. *By Mr. Weekes*: In pursuance of the minute I made here, that Priest was unjustly dismissed, he has since been appointed as assistant light-keeper at the Port Stephens Light? I am not aware what the motives were.
1086. Are you aware of the fact that he has been appointed to the Port Stephens Light? Yes.
1087. *By Captain Moriarty*: Has there been any complaint of him in that position up to the present? It has been started only since I left the Board.
1088. *By Mr. Weekes*: When the Board are purposing to make an appointment, say of assistant light-keeper, what probation do they require of the applicant—is he not generally sent to Mr. Siddons, at the Macquarie Light, to learn his duties? Yes, for a third keeper, but not for a first keeper—not for the person in charge; we wanted to appoint those who had been there for years, when qualified, to the better positions in other light-houses, in preference to new men who have to be taught their duties.
1089. *By Captain Moriarty*: Has it not always been the practice, on the appointment of of a person as superintendent of a light-house—that is what you mean by a first class light-keeper, I presume—that that person should go to the light-house at South Head, in order to acquire a knowledge of the duties of the position? Certainly not. In appointing light-keepers at Home I am aware they go in by grades; they must go in at the lower grades, and rise step by step, as we wished they should here.
1090. *By Mr. Weekes*: In the appointment of assistant light-keepers do not the Board send them down to the Macquarie Light, and on receiving a certificate from Mr. Siddons that they are duly qualified, are they not appointed? That is done when ordered by the Treasurer.
1091. Is that a course the Board approve of? No.
1092. Would the Board appoint without probation at all? The Board would not appoint principal or second keepers at all from among persons who had not been used to the duties before; they would take men they knew from South Head and give them promotion by making them first or second class in another light; and they would only put new men into the lower grade here, so that they might know their qualifications.
1093. Do they appoint any person to a light-house who has not first undergone a certain probation to qualify him? No.
1094. Are you aware whether the Government have ever appointed a light-keeper without his having undergone probation, and receiving testimony of his competency from Mr. Siddons? I am not aware.
1095. Are you aware of any instance where a man has been appointed without that testimonial from Mr. Siddons? No; but I wish to point out that the Board did not consider that sufficient; they wished to promote the men from the lower to the higher grades.
1096. You are aware that a man may be a very good subordinate but quite incompetent to take charge, not only of a light-house, but of a ship? No doubt of it.
1097. Do not the records of the light-houses prove that it is very questionable whether the assistant light-keepers would make efficient principal light-keepers? They would not be appointed till after a trial.
1098. Do not the records show that it was very probable a competent man might not be found among the assistant light-keepers? That is because they were not proper appointments in the first instance—people not qualified to go into a light-house in any grade.
1099. Will you turn to the document about the light-houses, in the first page, No. 6; is there not a second assistant keeper there dismissed? Yes.
1100. Was not that keeper appointed by the Board? I am not aware that he was.
1101. Will you look at No. 8; is there an assistant keeper there dismissed? Yes.
1102. Was he appointed by the Board? I am not aware.
1103. Turn to No. 11; assistant keeper M'Grath—is he removed or dismissed? He is removed.
1104. Do you know whether that was an appointment of the Board? I believe that the Board has been allowed to appoint none of these people.
1105. Was this an appointment on the recommendation of the Board? I believe not.
1106. That can be proved by documents? Yes, no doubt all of them can be proved by documents.
1107. These instances show that the Government might well hesitate at appointing, as a matter of course, assistant light-keepers to be principal light-keepers? No, they would not, quite the contrary; they only prove that when we have them in the light-houses near Sydney

Sydney we can turn away those who are unfit, and by and by promote those whose conduct is satisfactory, and who have proved that they can be trusted, to vacancies as they occur elsewhere. The cases you refer to only prove the necessity of the system we wished to be adopted.

C. Smith,
Esq.

2 July, 1862.

1108. You say when it was intended to appoint a keeper to Port Stephens Light the Government afterwards altered their intention? Yes, the Government ordered two parties to be sent to learn the trade of keeping a light for a week or two, and then go down and take charge of it, but one of them was found not fit for the situation at all.

1109. On Mr. Siddons declining to report this party as qualified, did not the Government abandon their intention of appointing him? Yes.

1110. And you are not aware of any instance where the Government appointed to a light-house any parties not previously reported on by Mr. Siddons, after probation, as duly qualified? A probation of a fortnight does not, in our opinion, qualify them at all.

1111. Are you aware that in some instances there has been a probation of a week only, at the recommendation of the Board? I am not aware of it.

1112. *By Captain Moriarty:* Is the light at Newcastle a catoptric or dioptric light? Dioptric, I believe; it has only got one burner.

1113. *By Mr. Dick:* Do you not think it would be a good practice to change these light-keepers periodically—remove them from one place to another? It might be desirable.

1114. Do you know whether it is the practice in England that they are two months on duty and one month off duty? Yes, but that is on sea lights, such as the Bell Rock and other stations where they are away from land altogether; they do not remove them in that way from light-houses on shore.

1115. Might not light-houses so distant from Sydney, and so isolated as the Jervis Bay Light-house, for instance, be treated on the same footing as if they were sea lights? Yes, it might be desirable in some instances to let the men come to town occasionally.

1116. Can you say whether it has been found that the quarrels which sometimes take place at light-houses originate more with the men or with their wives? No doubt they originate with both.

1117. *By the Chairman:* During the time you have been a member of the Pilot Board, have you been a party to making any claim on the Government for the fees provided for under the Harbour and Pilotage Act? Certainly not.

1118. Have any such claims been made by the Pilot Board during the time you have been a member of it? Yes, about the time I was appointed.

1119. Will you state what took place on the occasions when these fees were the subject of discussion at meetings of the Pilot Board? When they became the subject of discussion at the Board, shortly after my appointment, I inquired of the Honorable Member who I knew was instrumental in passing that Bill, whether it was intended the fees should go to the Board, and he told me it was not, but that it was intended they should be paid into the Treasury; upon that I told one or two of the other members of the Board, and we told the Chairman then that we laid no claim to them. In fact, here is a copy of a letter that Capt. Fox and I wrote to the Chairman of the Board when he was about resigning, and when the Board came almost to a dead lock in consequence of the matter. I think there were three of us who would not take the fees, and three who wanted to take them.

1120. Have you any objection to hand this letter in? Certainly not. (*Letter read and handed in. Vide Appendix.*) While this discussion concerning the fees was going on I happened to walk towards Miller's Point with the Colonial Secretary, and I then told him exactly how the matter stood, and shortly after this conversation a note came from Mr. Weekes demanding these fees from our Chairman, and that leads me to presume that Mr. Weekes was well aware how the matter stood at the Board when that intimation came to us. How he came to make the mendacious statements he has done I am quite at a loss to understand.

1121. *By Mr. Weekes:* Did the Board make an application for these fees? That occurred before I was a member of the Board. No doubt some members of the Board did make such an application.

1122. As a Board? Prior to my appointment—not as a Board after my appointment.

1123. *By the Chairman:* What took place upon the Honorable the Colonial Treasurer's application for these fees, during the time you were a member of the Board? We voted the fees away, and wrote that letter to the Chairman asking him to hand them over to the Government, as we laid no claim to them. You will see by that letter that the Chairman was about resigning his position, and we told him he had no occasion to do that.

1124. Were the Board equally divided? Yes.

1125. *By Mr. Weekes:* Who were the parties that laid claim to these fees during your time? I think Captain Darley, who will explain the matter when he comes here, Captain Deloitte, and another.

Addendum.—I have only to add my conviction that the Pilot Service and Light-house Establishments will never be conducted in a satisfactory manner whilst they are continued, as now, immediately under the Government, whose patronage is sought and obtained from political influences quite apart from the capabilities of the applicants to fill the situations.

APPENDIX.

Dear Sir,

Finding at the meeting to-day that you had resigned your seat at the Pilot Board, we beg to inform you that, with reference to a sum of money in your hands—received for certificates—which the Government have requested you to pay into the Treasury, we have no objection to your complying with this request, as we lay no claim to any portion of the said funds.

H. H. Browne, Esq.

We remain, &c.,

CHARLES SMITH.
H. T. FOX.

FRIDAY,

FRIDAY, 4 JULY, 1862.

Present:—

CAPT. MORIARTY,
MR. SADLEIR,MR. WEEKES,
MR. WILSON.

WILLIAM RICHMAN PIDDINGTON, ESQ., IN THE CHAIR.

Captain H. T. Fox again called in, and further examined:—

- Captain
H. T. Fox.
4 July, 1862.
1126. *By Captain Moriarty:* I think you have expressed, generally, your opinion that the "Sea Witch" was not adapted for the Pilot Service? Yes.
1127. And the grounds of your objection to her were—that she did not draw water enough, that she was too short in proportion to her breadth, that she had a flat floor, and that, in your opinion, she did not stay well? That she would not hold to windward, and would not stay in bad weather.
1128. Your opinion was formed upon this state of circumstances? Yes, upon my examination of the ship, and the appearance of her build and model.
1129. You have stated that you examined, and that from her build and model she would not hold the wind as a pilot boat, and was unfit for the service? Yes, and from her great beam it would be difficult to lower boats in bad weather.
1130. Do you not think there would be great difficulty in heavy weather, outside the Heads, in lowering any boat off a small pilot boat, and in sending pilots on board ships? I do not see why, on ordinary occasions, there should be more difficulty there than there is on the coast of England. Whalers lower their boats on this coast in very bad weather.
1131. Are not whale-ships much larger, and do they not form a lee? But I need only remind you that the pilot boat goes under the lee of the big ship, so that the boat lowered has two lees—the lee of the big ship and the lee of the pilot vessel.
1132. Then you do think they can do that? They do so on the coast of England, and have done so from time immemorial, and I do not see any reason why they cannot do so here, if they have the same description of boats as they have on the coast of England.
1133. I do not think you concurred in the recommendation that the "Atlantic" and "Pacific" should be bought as pilot boats? I was not present at the meeting when the recommendation was made, but I concurred in it.
1134. With what view? For temporary pilot boats.
1135. Although you thought they were not suited for the purpose? They were the best we could provide under present circumstances; we thought they would answer for the temporary purpose, and if we found out ultimately that they would not answer they could be sold.
1136. Was not your opinion clear and distinct, that they would not answer permanently? We did not intend they should. They would not have been fitted out at first for definite pilot boats; they would have been at first slightly fitted out. We always contemplated that we should have to build pilot boats, but if these vessels had exceeded our expectations we might ultimately have fitted them out definitely as pilot boats. We considered that they were far superior to anything else that was offered.
1137. Then, at the time you recommended these vessels for the purpose of pilot boats, you had in contemplation to build vessels specially for the purpose? Yes.
1138. That being the case, I presume that as soon as these vessels were employed as pilot boats, you contemplated suggesting to the Colonial Treasurer that proper pilot boats should be built? I cannot say that we contemplated suggesting to the Minister that it should instantly be done, but we contemplated, unless they turned out better than we expected, the recommendation of such a course, and we guarded ourselves against any loss to the country by advising the purchase of such vessels as might be resold. If you turn to minute No. 11 —
1139. I take it for granted that, without reference to any documents, you will remember the circumstances? I was not present at that meeting.
1140. Then I will not ask you any further questions respecting it. I think I understood you to say that you had no clear idea of what your duties were as a member of the Pilot Board? If I recollect rightly, I stated that we considered our duties were to advise with the Government upon any point connected with pilots, lights, and matters of that kind.
1141. But that you had no instructions to guide you? Just so.
1142. Then it was a mere imagination of your own that these were your duties? It was not a mere imagination of our own, because these duties were imposed upon us.
1143. Upon any question being presented to you by the Colonial Treasurer, you could deal with it as you pleased? Yes.
1144. You never knew that there were any definite instructions to you as members of the Pilot Board? There are no defined instructions.
1145. There are? I have never seen them, and this is the first time I have heard that there are any in existence.
1146. They ought to have been read when you took your seats as members of the Pilot Board? They ought, if there were any.
1147. Having informed the Government of your wishes with respect to these boats, and with your opinion generally on that subject, do you not think you had done all that was necessary, and that all responsibility on your part ceased? Yes.
1148. Having given that information to the Treasurer, it was for him to decide what course to adopt? It was out of our hands.

1149. And if he gave you any orders, was it not your duty, as a member of a department under the supervision of that Minister, to obey him? Do you ask whether it was my duty blindly to obey him?

Captain
H. T. Fox.

1150. Having thrown upon the Minister all the responsibility, by detailing all your reasons with reference to the subject under consideration, did it not become your duty, as a member of a department under the Government, to obey strictly the orders you received? I never considered it to be my duty to obey blindly instructions upon any point of that sort; I thought it was my duty to remonstrate by every means in my power.

4 July, 1862.

1151. *By Mr. Weekes*: In any collision of opinion between the Government and the Pilot Board, which should give way? The Pilot Board I presume would have to give way, but I think there was no reason why we should not express our opinion.

1152. *By Captain Moriarty*: I say that having protected yourselves by stating what your views were upon the orders received from the Treasurer, was it not your duty, when further orders came, to obey them, as servants of the Government? If we were strictly and entirely servants.

1153. If you were in the public service? If the whole of my time was employed in the public service; but as I stated before, I am not aware that there is any other department exactly analogous to the Pilot Board.

1154. That is not the question. I wish to ask you whether, under those circumstances, it was your duty to obey orders? It was my duty first to remonstrate.

1155. And then to disobey? We did not disobey.

1156. To decline to carry out the orders you received? I do not consider that my relation to the Government, or that of the Pilot Board, was the same as the relation of any other department under Government. It is not the same as yours was when you were Port Master, or as Mr. Crook's is. My position was an honorary one to a certain extent, for the fee we received could scarcely be considered payment.

1157. No one questions that; I assume that you fill that office from a sheer wish to serve the country; but having placed yourself in that position—I do not wish to press the question—but I ask you, is it your opinion that you were at liberty to set all Government orders at defiance? Set them at defiance!

1158. If you do not comply with them that is setting them at defiance? I consider that we did our duty in acting as we did; that is, holding the situation we did. I know of no position analogous to that. If we had received salaries, and devoted the whole of our time to the Government, we should have been bound to carry out implicitly any instructions, but I consider that we had a divided responsibility to the Government and to the country.

1159. *By Mr. Sadleir*: Had you protected yourself in any way till you wrote that document, No. 31, where you say you do not see the use of a Pilot Board unless they can be trusted to choose a pilot boat;—was not that the first time you attempted to protect yourself by a protest? Yes, that was the first formal protest, and it was in answer to a minute from the Government, ordering us to do that which we had immediately before stated to the Government was inadvisable.

1160. Do you think in that protest you were guilty of disobedience? Not in the ordinary acceptance of the word disobedience, because I do not consider that we were in such a position as to oblige us to carry out orders without remonstrance.

1161. *By Mr. Weekes*: Having remonstrated as you did, do you not consider it was your duty, on the repetition of the order, to carry out the instructions of the Government? I think you asked me that question on my previous examination.

1162. *By Mr. Sadleir*: Is this an act of disobedience or only a protest? I hold it to be a protest, and we state why we decline—because we consider it will be a failure for the service, and because it appears not to be desirable that the public money should be so expended.

1163. The next minute is No. 32; there you are considered as having resigned? It says our resignation will be accepted.

1164. Without giving you an opportunity of disobedience at all? We had no power to disobey.

1165. I want to show that you were not guilty of disobedience—that you were dismissed without being guilty of disobedience? I think we were not guilty of disobedience.

1166. A question was put to you as to boats being lowered in gales of wind—did you ever see pilots taken out without boats at all? I have not seen it, but I have heard it from undoubted authority. It is a well-known fact that it is done by a whip from the lower yard-arm; but the Irish and Liverpool pilot boats, and those in the English Channel, are pilot boats, and not butcher's trays.

1167. You said that the "Sea Witch" is a good sea boat? Yes, I mean that she is seaworthy. I should not call her a particularly good sea boat. I said I should not be afraid to go round the World with her, but I should not care to do so, as she would be uneasy, and lurch to windward a good deal.

1168. Do you think that is the only quality necessary for a pilot boat? Certainly not.

1169. A vessel may be a good sea boat and yet not weatherly; in fact she may be a miserable tub? Yes, certainly. Dutch galliots are among the finest sea boats, but they would hardly suit for pilot boats.

1170. I see Mr. Cuthbert states that she is in good order and condition; do you think that qualifies her? Mr. Cuthbert gives no opinion as to her fitness for the service.

1171. He also says that he considers her to be "a good substantial vessel for her age and build"—does that qualify her? No, that is so uncertain a phrase that it is impossible to say what it means. She may be fifty or seventy years old, and yet be substantial for her age and build. There is now a vessel in the harbour which was built in 1789—the "Prince of Denmark,"—and the same thing might be said of her; she is a good vessel for her age and build.

1172.

Captain
H. T. Fox.
4 July, 1862.

1172. If you were going to buy a vessel for a special service, would you not be surprised or doubtful of her fitness, if a surveyor were to report that he thought her sound for her age and build? I have no hesitation in saying, had it been sent to the Pilot Board for their opinion, before the vessel was purchased (as I submit it ought to have been), they would have called for an explanation from Mr. Cuthbert. It was noticed by the Board immediately the report came before us, but the vessel had been bought before this. No prudent person, who knew anything about a vessel, would have purchased one on such a report, without first inquiring the extent to which the vessel was deteriorated by the causes mentioned, but it does not appear that he was even asked for an explanation.

1173. *By Mr. Weekes:* You say, "the causes mentioned"; what causes? Her age and build.

1174. Does not Mr. Cuthbert state her age? Mr. Cuthbert states that she was built in 1855, but she was not built in 1855.

1175. Do you know that of your own knowledge? I was told so by a person on whom I can rely.

1176. Do you know when she was built? In 1854.

1177. *By Mr. Sadleir:* I see in No. 31 you say, "the services of the Board should be dispensed with"; did you mean the entire Board? I have answered that question before. We meant, if the Government applied to any Board for their opinion, and then threw their opinion aside, it would be better to have no Board at all, but to give orders to the Executive Officer direct.

1178. Do you think No. 32 was an answer to that; it says, "certain members of the Pilot Board declined"? There is nothing in No. 31, or in any record I can find, to show that this was not the act of the Board. The previous minute says, "the Board," and there is nothing to show that it was the act of certain members.

1179. You did not decline individually, but collectively? The Board collectively. The meaning of the minute was, that if the Government did not take the opinion of the people they asked, and who were expressly appointed to advise in such matters, it would be better that there should be no Board.

1180. Look at No. 33; you there state that on many similar occasions the opinion of the Board "had been ignored by the Minister, and those of other persons adopted, and that "frequently the Harbour Master, as in this instance, had been permitted to commence "operations without the knowledge of the Board," so that that was another reason why you thought the Board might be dispensed with? The Board go on to say, "that if they were "to be in any way responsible for the success or failure of the new system of pilotage about "to be initiated, they ought not in justice to be asked to carry it out with materials which, "in their opinion, are unfit."

1181. In fact, that you considered you were not properly treated by such interference? Clearly so—that we were harassed and hampered in every way.

1182. *By Mr. Weekes:* Is not the best model of a ship matter of opinion, and do not scientific men of the greatest eminence differ very materially as to the best model of a ship? They differ in some respects, but there are certain points respecting which none who understand anything of naval constructions differ.

1183. Do not some advocate a greater breadth of beam, and some a greater draught? Yes, for different purposes.

1184. Some fuller in the bows, and some sharper? It depends upon what they are for.

1185. Are not these material differences? There is a material difference, inasmuch as ships built according to those different plans act better or worse. For instance, Sir William Symonds, late Surveyor to the Navy, built all his ships with immense beam, and the consequence was, that although they were fast vessels, they rolled their guns under water in bad weather, and were therefore almost useless in the Navy.

1186. Has a perfect model been arrived at—one upon which scientific men, by common consent, agree? I think not, but there has been a greater approximation to perfection, and models of vessels suited to different purposes have from time to time been improved upon in England for many years past. The suggestions that have resulted from experience have been embodied in the construction of pilot boats, and I believe the pilot boats on the coast of England are as near perfection for that service as any that can be obtained anywhere. As a proof of that, I may mention that *Hamburgh*, which has for centuries been engaged in ship-building, sends to England for pilot boats —

1187. It was your object personally, and your idea was afterwards adopted by the Board, that these vessels should be built in England? My object personally?

1188. You appear, from these documents, to have taken a leading part in the matter, the correspondence being addressed to you? There is certainly one letter here addressed to me, authorizing me to open the letters of Captain Elwood. I have some notes here upon that subject, which, if the Board will allow me to read —

1189. You stated that you recommended the "Atlantic" and "Pacific" merely as make-shifts? As make-shifts.

1190. Would it not have been more prudent of the Board that Government should not purchase vessels at all till they could get proper ones, than to purchase vessels at such high prices for mere make-shifts? We would have done so, but from your minutes we saw that you were anxious the service should be proceeded with at once.

1191. What was to prevent the Board from suggesting to the Minister that no rash step like that should be taken, but that they should wait till proper boats could be obtained? We did not think it necessary, as all our previous suggestions had been thwarted; as, for instance, that we should advertise in the neighbouring Colonies.

1192. Did I decline absolutely to advertise in the neighbouring Colonies? You say in your minute that it would be better to advertise only in New South Wales.

1193.

1193. Read it? "I think it would be better that the advertisements for tenders should apply at first only to New South Wales."

1194. "At first"? Yes.

1195. What farther? None of the vessels offered, in consequence of this advertisement, were in all respects eligible. We therefore again advised (No. 7) that the alternative mentioned in the Treasurer's own minute (No. 3) should be adopted.

1196. Are you reading from a printed document? No, I am reading from notes. We felt that as none of the vessels were in all respects eligible, but as the Treasurer was anxious that the service should be commenced without delay (Nos. 1 and 3), it would be better to obtain, and fit out temporarily, two of the most suitable.

1197. That is going from the question—I asked, did I decline to advertise in the neighbouring Colonies? No, you did not positively decline, but you did not assent to it.

1198. What is the date of the letter of the Board where you say that none of the vessels offered are in all respects eligible, and that you think it would be desirable to advertise in the neighbouring Colonies? The 7th February.

1199. Is there a minute below that? Yes, dated 8th February.

1200. Is not that merely asking the Board as to the course they intended to pursue in advertising in the neighbouring Colonies—does it contain anything more than an inquiry? Yes; you asked me that question before, and I said it was a question which you answered yourself—a question which was hardly necessary, because it was so improbable.

1201. That minute simply asked the intention of the Board with respect to advertising? Yes, and the Board replied at once.

1202. When? I presume as soon as the matter came before us.

1203. As soon after as the Board met? Yes.

1204. As the Board recommended in this minute of the 7th February, from which I have not dissented, that tenders should be called for in the neighbouring Colonies, did they, at any subsequent time, recommend that tenders in the neighbouring Colonies should still be invited? I think not, because other vessels offered at that time.

1205. Then it did not arise from any obstacle that I threw in the way that they were not advertised for in the neighbouring Colonies, but simply because the Board reported that they had found two vessels? It was clearly in consequence of your having directed that tenders should be called for only in this Colony.

1206. That was merely a preliminary step—did I not say tenders should apply *at first*? You say so; but it was in consequence of your opposition to our advertising in the neighbouring Colonies that these vessels were recommended; if you had not objected we might, long before these vessels were recommended, have had tenders from the neighbouring Colonies.

1207. The only thing in which I differed from you was, that first of all I was desirous that New South Wales should be tried, and then the neighbouring Colonies? But when we recommended that the neighbouring Colonies should be tried you thwarted us.

1208. Mention the mode in which I thwarted you? By sending to ask what was the Board's intention when we got the tenders.

1209. Do you not think that was a proper step for me to take, in order that I might know how you intended to be guided? I do not think there was any necessity for such an inquiry, for the whole thing carries an appearance of absurdity upon the face of it.

1210. Still, making allowance for a Minister at the head of a department not being so clear upon these matters as a Pilot Board might be, was it an unreasonable or improper question for me to ask in what way you intended to be guided in the selection of boats in the neighbouring Colonies? Still, there was so much time lost —

1211. Time was of no great consequence. Then it turns out that I did not prevent your advertising in the other Colonies, but suggested that it should be done first in New South Wales? You prevented it, by not acceding to our suggestion.

1212. That is, I did not adopt it at first, but confined the advertisement, in the first instance, to New South Wales? Yes.

1213. Did I prevent or object to your adopting it afterwards? You do not say in your minute it is desirable now to advertise.

1214. After I had asked the Board what course they intended to pursue, did not the Board then recommend to me that two vessels should be bought in Sydney, without following up their suggestion that advertisements should be published in the neighbouring Colonies? I was not present when the Board recommended them, and I do not know what was then said, but we had lost the chance of advertising.

1215. What chance? We had lost the time.

1216. There was always the opportunity? You did not instruct us to advertise.

1217. Did I object? No; but it was competent for you to say "It will be better to advertise."

1218. Would not that—after I had received the suggestion of the Board to purchase the "Atlantic" and "Pacific"—have placed the Government in their present position, and have exposed them to the charge of over-riding the recommendation of the Board? No, because it was what they had recommended before. We had come to the conclusion that there was some objection to advertising in the neighbouring Colonies, and our intention had been thwarted.

1219. Thwarted by asking a reasonable question? By the delay.

1220. You say, in your letter of the 7th February, that the Board "do not consider any of the vessels offered in all respects eligible, and they think it desirable to advertise in the neighbouring Colonies before making any final recommendation"—did I do anything after that but inquire how you intended to be guided in purchasing a vessel in the neighbouring Colonies? Nothing else.

Captain
H. T. Fox.
4 July, 1862.

Captain
H. T. Fox.
4 July, 1862.

1221. In reply to that, did you not immediately recommend that I should purchase the "Atlantic" and "Pacific"? No; in reply to that, the Board exactly answered your question. The reply in No. 9 refers to No. 8 from the Treasurer; but the recommendation of 7th February remains to this moment unanswered.

1222. Do you mean to say that you did not, after that letter on the 14th, recommend that the "Atlantic" and "Pacific" should be bought? The "Atlantic" and "Pacific" were recommended to be bought, but you had never adopted our suggestion to advertise in the neighbouring Colonies.

1223. What is the date of the minute in which you propose to examine the vessels during the week? The 14th February.

1224. What is the date of the minute in which you recommend that the "Pacific" and "Atlantic" should be bought? The 14th February; at that meeting I was not present.

1225. You were absent from several of these meetings? On the 13th and 14th only.

1226. Have you dissented from anything done at these meetings from which you were absent? No.

1227. Then, in fact, you adopted the proceedings? Yes.

1228. Then you have no reason to object to any inquiry with reference to those meetings? Only that I was not present, and do not, therefore, know everything that took place.

1229. In my minute No. 8, I inquire how you intend to deal with tenders from the neighbouring Colonies, and you reply that the Pilot Boards of the respective ports are competent to report upon the qualifications of any ships offered to them; and on the same day you recommend the Government to buy the "Atlantic" and "Pacific"? It was recommended to the Government, but I was not present.

1230. I think you call the "Sea Witch," in a sort of fancy phrase, a "butcher's tray"? I say her model is a sort of butcher's tray model.

1231. Do you know what a butcher's tray is? I know it is very shallow in comparison with its beam.

1232. Do you know what is her draught? No.

1233. Do you think she draws nine feet water in midships? I do not think a vessel of seven feet and a half depth of hold would be likely to draw so much.

1234. Would you like to go round the World in a butcher's tray? When I say that, I mean that she is broad, flat, and shallow.

1235. It is a sort of fancy phrase? Some call it a skimming dish; it is a phrase among sailors for a thing flat and shallow. I do not mean that she is a butcher's tray, but that that is the sort of model.

1236. *By Mr. Wilson:* With regard to advertising in the neighbouring Colonies, did the Board consider that the non-adoption of their recommendation was equivalent to a refusal? Yes; after we had recommended that tenders should be advertised for, Mr. Weekes asked what would be done in the event of our advertising.

1237. *By Mr. Weekes:* Did you give time for an answer, or did you send up a recommendation on the same day that these two vessels should be purchased? I was not present at the meeting.

1238. *By Mr. Wilson:* You stated, in answer to my question, that the non-adoption by the Minister of your report you considered as equivalent to a refusal? As equivalent to his declining to adopt it.

1239. You have stated that the "Sea Witch" is a very shallow vessel? —

1240. What do you state is the depth of her hold? Seven feet seven-tenths.

1241. Supposing a keel two feet deep had been put in midships, or in any other way upon the "Sea Witch," would it have improved her weatherly qualities? In smooth water a good deal, and slightly in a seaway.

1242. It would give her nominally greater draft? Yes, and it would to a certain extent improve her weatherly qualities.

1243. So that, supposing her draft to be nine feet, that may be attributable to the depth of her keel? Yes; a vessel of seven feet and a half in hold could not draw nine feet without a great deal of keel.

1244. That keel would not materially improve her qualities as a pilot boat? Not very materially.

1245. If you turn to page seventeen, you will see there is a communication from a Company calling themselves Harvey and Sons? Yes.

1246. Who are those gentlemen? Ship-builders, of Ipswich.

1247. Do you know them by reputation? I know them by reputation, from their names having been mentioned to me by the Captain of the brig "Test," of Ipswich, when he was here some two or three years ago.

1248. Do you know whether they are famous for building pilot boats? My information is derived from Captain Elwood, and he stated that the firm had been employed in building pilot boats for Hamburg and other places. All that I absolutely know with respect to this matter is contained in these papers, excepting what I learned from a conversation I had with Captain Elwood. It has been thrown out in another place, as an inuendo, that there was something underhand in connection with this matter, and my name was mentioned. I feel it to be, therefore, due to myself to say that I did no more than any private individual might have done. About the end of 1859, nearly two years before the money for these boats was voted, I fell in with a Captain Elwood, of the brig "Test," of Ipswich, and in conversation he mentioned that he had been fitting out vessels in Ipswich for pilot boats. I then, feeling a deep interest in the subject, asked him if he could tell me about the cost, and other matters. He said, "I will write to the builders, and get you all the information I can." He wrote to the builders, at least I presume he must have written, for I have not had any communication

- munication with them, although an inuendo has been thrown out, as I have said, that some underhand and improper correspondence was carried on without the knowledge of Government. At length a letter came out, No. 59, from Messrs. Harvey and Son, authorizing me to open Captain Elwood's letter, if he should be absent from Sydney. In that letter was inclosed a specification of a pilot boat, similar to the boats built by them for Liverpool and Hamburg. (*The witness read the letter, No. 59.*) That is all I or any member of the Pilot Board have had to do with this correspondence; though we are charged with doing something of which the Government were not aware. I submit that the information thus obtained is most valuable, as showing what sort of vessels are used for the service at Home, how built, how fitted out, and the price, and I have no hesitation in saying that no vessels have ever been built in the Colony in any way equal to this specification; nor could they be at a price that will approximate to it. I submit, that instead of having been subjected to censure or blame, we were entitled to praise for obtaining these particulars; we have done only what a prudent man under such circumstances would have done in his own case; in the steps I took in the early part of this matter I was prompted only by a desire to aid the public service, and I thought this was an opportunity by which I could get information that could not be obtained in any other way. Having obtained the information, the letters were put among the Board papers, and any one reading the specification must be struck with its clearness, and the adaptability of the vessel to the purposes required; any one who looks at it, and who understands anything of such matters, must see that a vessel of equal character could not be built in the Colony, fastened as this is, at less than an advance of from 25 to 50 per cent. upon the price named. (*The witness read the specification, No. 58.*)
1249. Your only object in making these inquiries was the benefit of the Colony? Entirely for the benefit of the public; I utterly disclaim any other feeling whatever, and I court the fullest inquiry. I should not have felt so strongly if I had not heard Mr. Weekes state that this had been going on without the knowledge of Government, and it was said in a way to convey to those who heard him the idea that we were doing what ought not to be done. I therefore say that we court the fullest inquiry, for I am sure that since I have been on the Board no act has been done which an honest man need be ashamed of.
1250. What is the date of this communication from Messrs. Harvey and Sons? 20th February, 1860.
1251. And this correspondence between the Pilot Board and the Government, on the subject of the "Sea Witch," took place in 1862? Yes, this letter from Harvey and Sons was received long before the money was voted; it was when the matter was in embryo.
1252. Do you recollect the time when you had this conversation with Captain Elwood? About the end of 1859.
1253. And it was in consequence of this conversation with Captain Elwood that these communications from Messrs. Harvey and Sons came out to this Colony? Yes, they came out to Captain Elwood, and I received authority from Messrs. Harvey and Sons to open them if he was away from the Colony.
1254. *By Mr. Weekes:* As a matter of fact, this negotiation was not communicated to Government? I do not look upon it as a negotiation. No letter has gone from the Pilot Board, that I am aware of, to Messrs. Harvey and Sons; Messrs. Harvey and Sons had written to Captain Elwood.
1255. And the letter was received by you? That was simply because Captain Elwood was away.
1256. As a matter of fact, the Government was not aware of this communication with Messrs. Harvey and Sons in relation to building a pilot boat? I do not know that it was, at the time it was received; it was communicated as soon as the question came up.
1257. It is of no importance? It is very important to me that I should be relieved of the imputation of having done what I should be ashamed to do.
1258. Who charged you? You said you found something was going on of which the Government was not aware.
1259. Is it not the fact that something had been going on in relation to these pilot boats that the Government were not aware of? The Government were not aware at the time the letter was received, but they were made aware at the time the question of pilot boats came to be considered.
1260. *By Mr. Wilson:* It was a conversation between yourself and Captain Elwood that drew out this communication from Messrs. Harvey and Sons? Yes.
1261. It was not the Pilot Board? No.
1262. Do you think the Government has a right to know all the communications made to you, because you are a member of the Board? Certainly not. If you turn to No. 56, you will see what my opinion is with respect to these documents, and the view I took of them, when I was requested by Mr. Lane to deliver up the plans.
1263. Mr. Lane is the Under Secretary to the Treasury? Yes. The Government asked me to return the tracing and specification. You are aware of the mode by which they came into my hand—they were addressed to Captain Elwood, and I was authorized to open his letter —
1264. *By Captain Moriarty:* In point of fact they were his property? They were his property undoubtedly, and I wrote this letter, No. 56, to show that I did not consider they were the property of Government.
1265. *By Mr. Weekes:* Do you consider them to be the property of the Pilot Board? No.
1266. Were they placed with the public documents at the Pilot Board? Yes, in order that the Government might be in possession of all the information we had.
1267. Then they were not of a private nature? They came out as of a private nature. I was not aware at the time, that when once a paper was put up with papers of the Government, the Government laid claim to it.

Captain
H. T. Fox.
4 July, 1862.

Captain
H. T. Fox.
4 July, 1862.

1268. Were not these papers marked by the Chairman of the Board, and put aside among the records of the Pilot Board? I cannot say how they were marked; I merely say that I got the information in a *bonâ fide* manner, and that I put that information before the Pilot Board.

1269. *By Mr. Wilson*: You might have done that with any other private communication that you thought would throw any light or give information upon any public matter? Yes.

1270. *By Captain Moriarty*: You might have shown any private letter without intending that it should be claimed as public property? Certainly. At page 19 there is a letter addressed to myself from Messrs. Harvey and Sons, which was in the hands of the Board, and is claimed by the Government.

1271. *By Mr. Weekes*: Did all these papers come to me as public papers from the Pilot Board? I do not know how they came to you.

1272. Did they not come to me with a recommendation that vessels should be built in England? Yes.

1273. From the Pilot Board? I do not claim these as private papers now. I am only endeavouring to defend myself from what appears to be the charge against me, that I had been doing something underhand and wrong—that was the construction I put upon what you said.

1274. That was your construction? Yes, from the manner in which you spoke.

1275. I shall be glad to take this opportunity of stating that such was the furthest from my intention, and if you understood it conveyed any imputation upon yourself as an individual, or upon the Pilot Board as a body, I beg to disclaim it entirely? I am glad to hear you say so.

1276. *By Mr. Wilson*: Do you see a letter, No. 60, from a person signing himself Wm. Johnson? Yes.

1277. Do you know who he is? No, I have no knowledge at all.

1278. *By Mr. Weekes*: Can you guess? I cannot even guess. I am utterly at a loss to know. It is a letter to which we attach no value whatever, but as it was sent to the Board, they thought it ought to be sent to the Treasurer.

1279. *By Captain Moriarty*: You know nothing about him? No.

1280. And attach no importance to his opinion? No.

1281. *By Mr. Weekes*: Do you not think that mechanics in this Colony are as able to build a good vessel as any mechanics in England? Yes, I do.

1282. Are they not as able to build up to any specification given to them as any mechanics in England? I dare say if the specification and model are given exact they can build as well as the mechanics in England, but they have not the models.

1283. Do you consider the wood of this Colony as suitable for ship-building, looking to its durability and other qualities, as the timber in England? The hard woods are, but I do not think it would be desirable to build a pilot boat of all hard wood; I think it would be too heavy and laboursome.

1284. Then your reason for recommending that these vessels should be built in England was that they could be built there cheaper than in this Colony? Yes, and that the model would be certain.

1285. Do you think there is insufficient skill in this Colony to design a fitting model for a pilot boat? I think that any design made here is to a certain extent experimental; but if the pilot boats were built in England they would be built by those who are in the habit of building this particular class of vessels almost from their infancy, and who have arrived at that model which is most suitable. I think we should have a model built definitely upon the experience of previous boats, and derive the advantage of past experience. There is much difference of opinion here as to the best model, and some even say that no vessel would answer for the outside service. We therefore thought it would be best to have the question set at rest, by having such boats built as had been approved for the service on the coast of England.

1286. Is it not reasonable to suppose that scientific men, sailors, or shipwrights, with a knowledge of the seas on this coast, are quite as competent to design a suitable model of a pilot boat for this coast as a shipwright acquainted only with the narrow seas of England? I think not, for the shipwright here has to experiment, and carries out only his own ideas; but pilot boats require a peculiar model, and their building is in the hands of a few persons in England. Every shipwright cannot build them. In support of that, I may refer to what is disclosed in this correspondence, that Liverpool, perhaps the largest seaport in the World, does not build her own pilot boats, but sends to the east coast of England, to Ipswich or Harwich. Liverpool possesses large ship-building yards, and has no scarcity of mechanical skill, and yet it is thought no reflection upon her shipbuilders to send to an insignificant place like Ipswich for her pilot boats. The port of Hamburg also, in a foreign country, where the people have been building ships for themselves for ages, find the superiority of the models of the English pilot boats to be so great that they send also to this comparatively obscure and insignificant place for their pilot boats.*

1287. Are there not competing building yards for building pilot boats? There may be.

1288. Would there not be some dissimilarity of model between the pilot boats of White, of Cowes, and of Harvey and Sons, of Ipswich? There may be; but the fact of Liverpool having sent to Messrs. Harvey and Sons for three pilot boats shows, I think, that there must be some superiority in their designs. Our reason for wishing to send to England for vessels was, not because we doubted the mechanical skill of builders here, or that there were
not

* NOTE (on revision).—I said, when the great ports of Liverpool and Hamburg sent to other ports to have pilot boats built, it could be no reflection on the skill of our shipbuilders to do the same.

not sufficient good shipwrights, but because we felt there might not be experience in building pilot boats, and if the model were a failure, however excellent the work, the whole would be a failure. Even if the "Sea Witch" were built as this specification states, and had similar fastenings, she would still be a failure for the purpose, because her model is defective.

1289. That is a matter of opinion? I think it is pretty well proved that she is a failure.

1290. It has not yet been proved? It will not be long first. We have been censured and held up to contumely for sending to England, when it is said the money ought to be spent here; but it does strike me as something inconsistent, that at the time you charged us with doing what you do not consider desirable, you were in treaty for the purchase of an American vessel with an American, who, as soon as he received the money, would take it away altogether.

1291. That is a very different thing from building a vessel in England? I maintain that we were exercising a reasonable and proper caution in acting as we did, and did only what any prudent shipowner would have done under the circumstances. Within the last week, one of the finest vessels belonging to the port has arrived in Sydney, built to order in Scotland for one of the most experienced and well-known shipowners of the port, Mr. Sayers, and two others may be shortly expected from Britain, built for another of our shipowners, Mr. Andrews—

1292. Is that a matter of congratulation? I do not think it is a matter of congratulation, so far as the Colony generally is concerned, but I mention it in defence of the view we have taken, and to show that we desired to do with the Government money what we would have done with the money of a private individual.

1293. Will you not give the Government the same credit? Not if the Government will not adopt our advice.

1294. You claim purity of motive for yourselves, but will you not concede the same to other parties. I am willing to take you at your own estimate; will you not be a little charitable, and allow that Government may have been equally desirous to protect the public interests? I say these papers do not disclose it. You urge that these vessels should be built here, when we show that they can be built better and cheaper in England.

1295. That you have not shown, for you do not yet know what they can be built for here? I am sure they cannot be built according to this specification for anything like the amount mentioned.

1296. I believe they can? That will be seen.

1297. *By Captain Moriarty*: Have you been much employed on the coast of England? Yes; I went to sea as a cabin boy, in a collier, before I was thirteen years of age.

1298. And remained there how long? Even before that I was accustomed to be afloat; I was born near Torbay, and almost from infancy I was knocking about in boats; in fact, I may say, I was almost born at sea, and have been accustomed to fore and aft craft from a very early age. I was nearly three years in the collier, and after that, was an ordinary seaman in a coasting schooner; I was then before the mast, in the Mediterranean trade, in one of the fastest clippers of the day, a schooner. I came from England to Van Diemen's Land, in a vessel of 150 tons.

1299. Are you aware that there is a great dissimilarity in the different vessels attached to the ports of England as pilot boats? Do you mean in rig?

1300. I mean generally, that what are adapted to one port are not adapted to another? Their general adaptability would be the same.

1301. Take Falmouth and Portsmouth—were the pilot boats of those two places the same? They were very generally the same; they were cutters in my time.

1302. The Scilly Isles? They were cutters in my time.

1303. Off the port of Cork and Kinsale? They were cutters.

1304. Are they similar in their build and rig and fitting out? No, some were more expensive in their fitting out than others.

1305. Is there not a difference in every port? Some have peculiar local causes to contend with.

1306. Were you ever in the North Sea? Yes.

1307. Is there not a distinct difference between the boats employed at Plymouth and Falmouth, and again those off Kinsale and the Irish coast? Yes, and at Yarmouth. They are nearly all open boats there, but open boats would not answer for us; the Deal boats are also open boats.

1308. Have you ever seen any Dutch pilot boats? Yes, I think I have seen them down the Channel, but I never examined them very closely. They are cutters, I think; in fact, they were nearly all cutters formerly; they are now building nearly all schooners.

1309. Have you ever seen the pilot boats come back to harbour? I have not.

1310. Then I have, constantly; a hundred times? I do not remember that I have ever seen them do so.

1311. *By Mr. Weekes*: Are you not aware that pilot boats are often compelled to put back on the coast of England through stress of weather? I am not aware that they are.

1312. Sometimes? Very seldom.

1313. Do you speak from your own knowledge? I sailed out of the port of Liverpool a good many years, and I do not remember their putting back.

1314. Were you there in all the storms that occurred during that time? No; I could not very well sail out of the place and be in all the storms that took place there.

1315. You are not aware generally—? I am aware, generally, that they did not put back. I have seen in the papers, that on the night of the loss of the "Royal Charter," when there was a terrific gale of wind, the Liverpool pilot boats kept out all the night.

1316. I think you have already stated that it would be prudent even for pilots to run

Captain
H. T. Fox.
4 July, 1862.

Captain
H. T. Fox.
4 July, 1862.

run into port at times? Yes; but I followed it up by saying that there were fewer days in the year on this coast when it would be necessary for a pilot boat to put into harbour than on the coast of England.

1317. *By Captain Moriarty*: Do you know where the "Royal Charter" was lost? Yes.

1318. In ordinary gales, does not from Point Lynas to that point afford a good shelter? Yes, with the wind off the land; but the wind was dead on the land when she was lost.

1319. Do you find them cruising outside off the Skerries —? You find them cruising from outside off the Skerries all the way to the north-west Buoy, at a short distance off the land; they dodge under the land if there are no vessels in sight, but if there are vessels in sight they come out always.

1320. Are there different stations for the pilot boats sailing out of Liverpool? Yes, at Great Arme's Head, Point Lynas, and the Skerries.

1321. There is another station for pilot boats? From Liverpool?

1322. Yes; do you forget the northern passage? That channel was not in existence when I first went to sea.

1323. Was it when you left Liverpool? Yes; I omitted that.

1324. Is it not the practice for these vessels to change their stations as they get rid of their pilots? That is a matter of detail I am not aware of. I know there was one out on the night the "Royal Charter" was lost, and the wind was right into the bay; he was at sea all that night, and I believe there was then the heaviest gale there has been for many years.

1325. *By Mr. Sadleir*: You have stated that you would be as careful of Government as of private money; do you not in minute No. 33 refer to the public expenditure? We refer to a minute of the Minister, in which we are told that "to protect the public expenditure is the first duty of every department."

1326. Did you not in pursuance of this first duty enter this protest? Clearly.

1327. *By Mr. Weekes*: Is it true that the Pilot Board or certain members of the Pilot Board did, some two or three years back, lay claim to large sums of money which they had received as fees for certificates? I am aware that it is the fact.

1328. Was that a joint action of the Board? No, it was spoken of just after Captain Smith, Captain Watson, and myself came to the Board; it was a matter which had evidently been discussed before.

1329. Who were the parties who urged that claim? The previous members of the Board, Captains Deloitte, Darley, and Mann, I believe; I speak now from memory—it did not affect us.

1330. So far as yourself and Captain Smith are concerned you never made a claim to that money? Neither Captains Smith, Watson, nor myself ever laid a claim to any of that money.

1331. Was it your opinion that it was an unfounded claim on the part of the members who did raise it? I do not know that I should give my opinion upon that. The view I took of the case, I have no hesitation in saying, was this:—I ascertained from some one who was present at the passing of the Act, that it was not the intention of the framers of the Act that the Board should have the fees, and therefore I would not take advantage of any quibble as to the wording of the Act.

1332. You thought the claim was unfounded? I do not say I thought the claim was unfounded, as I believe, looking strictly at the wording of the Act, that it gave the fees to the Board. I am told it is a copy of the English Act, under which the examiners do get the fees; but when I understood from a person who was present in Parliament when it was passed, that it was not the intention to give the fees to the Board, I would not take advantage of it.

1333. *By Captain Moriarty*: These fees were derived from what source? From certificates given to shipmasters of their competency to take their vessels in and out of ports of New South Wales without a pilot.

1334. These certificates were given for Sydney and Newcastle? For any port where there was a pilot.

1335. Were there not gentlemen on that Board who were not themselves competent to pilot a vessel into these harbours? I do not wish to give an opinion upon what other gentlemen are competent to do. I know that I have constantly piloted my own vessel in.

1336. Do you think it a sound course to adopt, to subject men who are beyond all question competent to take their vessels into these harbours to the necessity of receiving a certificate from men who are utterly incompetent? I think it is folly to have men examined by people who are utterly ignorant.

TUESDAY, 8 JULY, 1862.

Present:—

MR. DICKSON,
CAPT. MORIARTY,

MR. SADLEIR,
MR. WEEKES,

MR. WILSON.

SAUL SAMUEL, Esq., IN THE CHAIR.

Captain H. T. Fox again called in and still further examined:—

Captain
H. T. Fox.

8 July, 1862.

1337. *By Mr. Weekes*: All the petitioners now before the Committee are sailors, I believe? They were bred to the sea, I believe.

1338. They have all been in command of ships? I believe so.

1339.

1339. Do you think from that circumstance they, and men of similar experience, are best able to judge of the qualifications of a ship? Yes, I think so, of the sort of ships to which they have been accustomed.

1340. Is Captain Towns a sailor? I have no doubt that he is, but it was before my time in this Colony. Captain
H. T. Fox.
8 July, 1862.

1341. He has been in command of ships? Of my own knowledge I do not know it, it was before my time; but no doubt it is a matter of record.

1342. You know by repute that he has been? By repute. I do not think Captain Towns has been the commander of a ship for twenty years or more.

1343. Will you turn to No. 22, a letter signed R. Towns? Yes. (*The witness referred.*)

1344. Does Captain Towns there state that he considers the "Sea Witch" a perfect model of what is required for a pilot boat? Yes; "this vessel is the perfect model of what we require"; and he says before that that she is "in every way suited for the purpose of a sea pilot boat."

1345. Do you know Captain John Vine Hall? I know him—I have seen him to talk to him.

1346. Is he a sailor? I have seen him in command of a ship; he was in command of the "Cresus," of the "Great Eastern," and I have heard of other large ships; I do not know whether he has had any experience of small vessels.

1347. Do you think his being selected for the command of such a vessel as the "Great Eastern" showed an appreciation of his qualities as a sailor? I do not think it necessarily follows that it does. Captain Vine Hall is a man that a great fuss was made about, in consequence of his having done something to the "Cresus" in Sydney; he brought himself into notice in that way; but I believe another man, Mr. Dawson, the ironfounder, ought to have had most of the credit of that. But I do not say that Captain Vine Hall is not a sailor; I should be sorry to say that, for I do not know what his qualifications are.

1348. Do you see a letter, No. 42, signed John Vine Hall and William Owen? Yes.

1349. Does Captain Hall say there, in reference to the build of the "Sea Witch," "we consider her scantling and planking to be of fair dimensions, of good quality, and sound, as far as we are able to see"? Yes.

1350. Does he say in a subsequent part, in reference to her hold of the water, "this we imagine would give a suitable hold of the water for a vessel of 63 tons, which is the measurement of the 'Sea Witch,' and which, in conjunction with her very suitable rig, affords good reason for believing her to be (as the captain assured us she is) a very weatherly craft. Possessing this very essential quality, and properly fitted out, we believe she will render good service as a sea pilot boat"? Yes, Captain Hall says that.

1351. That is Captain Hall's opinion? Yes; but if you notice the paragraph before the one you have read, "Hold of water," he says—"Her sailing draft, as we were informed by the captain," not from anything else; and this captain, as I shewed before, has stated what is not correct; and with reference to her draft amidships, that is also hearsay—"She draws somewhat more we understand amidships, having a depth of keel there of 24 inches"—which also I have reason to believe is not correct.

1352. Have you had an opportunity of seeing this vessel in dock? No; but I have heard from persons who know the vessel well.

1353. Then simply on hearsay you dispute the evidence of Captain Vine Hall? I say what is hearsay, and Captain Vine Hall simply says what is hearsay; he says—"Her sailing draft, as we were informed by the captain"—"She draws somewhat more, as we understand"—clearly shewing that he does not speak from his own observation.

1354. Do you know whether the draft of water given there is correct? No, I do not.

1355. You do not know that it is incorrect? No.

1356. Do you know Captain Rountree? Yes.

1357. Do you know Captain Livingstone? Yes.

1358. Turn to No. 39—Are both of these gentlemen sailors? I do not know whether Captain Rountree is a sailor—I know he brought a vessel out to this Colony; but I heard Captain Rountree say in Court that he had served his time as a carpenter.

1359. Are not many sailors practical shipwrights also? There are some, no doubt. There is a mystery about that report, which I do not understand; it commences in the plural—"We, the undersigned," and then towards the close it says—"I may say it is not unusual to put four feet of hanging keel on yachts." Now I should like to know who is this mighty I—I do not know whether it is Rountree or Livingstone.

1360. Does it state that "the vessel throughout is a good staunch vessel, timber and frame of the usual size for tonnage"? It does.

1361. Do the same parties, Captains Rountree and Livingstone, in reply to a question by Captain Towns, No. 40, "Is she slightly built?" say—"We consider her in every respect extra strong"? Yes.

1362. In answer to another question, "Is she chiefly copper-fastened?" do they say—"Except the centre fastenings; we cannot say if the keel fastenings are copper, but in every part she is strictly and sufficiently copper-fastened as high as necessary"? They say so, but they clearly contradict themselves.

1363. That is matter of opinion? They say she is "strictly copper-fastened," and yet they say the centre fastenings are not copper, so that she cannot be strictly copper-fastened.

1364. Are you acquainted with Captain Bowles, of the schooner "Tawera"? I know there was a schooner of that name commanded by Captain Bowles; I do not know the man—I have seen him.

1365. Does he state in No. 41—"I never sailed in a finer sea boat than the "Sea Witch," and I feel sure the vessel will give satisfaction as a pilot boat, as no vessel could be better suited for the purpose"? He does.

1366.

Captain
H. T. Fox.

1366. Do you see a letter, No. 44, signed by Fred. W. Sidney, dated from the Admiralty and Colonial Survey Office? Yes.

1367. Is he a commander in the Navy? I have every reason to believe he is; I do not know him.

8 July, 1862.

1368. Does he state in that letter—"I should have been very glad, on the part of the Admiralty, to join with the Colonial Government in her purchase for a surveying vessel, "in preference to the 'Captain Cook,' believing her in every way qualified as a sea-going vessel"? Yes, but he says that evidently without ever having been on board; and I would explain that a surveying vessel for this coast would require to possess very different qualities from those which would be necessary in a pilot boat; a surveying vessel to go into the harbours of this coast must be of light draft.

1369. Are you aware how much the vessel now employed draws? No.

1370. Are you aware that she draws as much as the "Sea Witch"? No.

1371. Do you know whether Captain Sidney contemplates going into bar harbours? I presume he must do so.

1372. *By the Chairman*: Could he make a proper survey of the coast without doing so? No, he could not. I know the "Captain Cook" is intended to go into bar harbours. I know that the "Sea Witch" is larger, and is more commodious; but I do not know their relative draft of water. Captain Sidney does not say that he had been on board the "Sea Witch;" he says—"From her appearance, size, and draft of water"; but I do not say that the "Sea Witch" would not have suited Captain Sidney; indeed, I pointed her out to Mr. Hixson, who is the second in command, as a vessel suited to the service they were about to commence.

1373. *By Mr. Weekes*: You stated that you would have intrusted the selection of pilot boats to the Pilot Boards of the respective Colonies, many of whose members you knew by repute? I think I did not state that I would leave it to them to determine definitely. I think our plan would most likely have been to have had their report referred to us. The wording of the minute may be that it should be left to them, but I do not think we understood that it should be left with them definitely. I think I stated that I knew the chairman of three several Boards personally, Captain Douglas, South Australia, who is also known to yourself; Captain Ferguson, Victoria, whom I have known twenty years; and Captain Gilmore, of Launceston.

1374. From what you know of the other members of the Boards you would have been satisfied to have left the matter in their hands? I would sooner take their opinion than that of chance men, as Captain Vine Hall and Mr. Owen.

1375. Had the present Pilot Board been the Pilot Board of a neighbouring Colony, would you have been satisfied to take their report as to the suitability of a pilot boat in that Colony? I should rather not give my opinion as to the qualifications of the present Board. I have my own opinion, and if the question is pushed I will give it.

1376. I do not wish to press it? I have not a very high opinion of some of the present Pilot Board, as far as their local knowledge goes; but I do not wish to have my opinion dragged out of me.

1377. *By Mr. Wilson*: Will you be kind enough to look at No. 39, the opinion signed by Thomas Rountree and Willm. Livingstone? Yes. (*The witness referred.*)

1378. What is the date of that communication? 7th April, 1862.

1379. There is another communication, No. 41, signed George Bowles, master of the schooner "Tawera"? Yes; it bears no date; it appears to refer to the previous minute. I should imagine that it had been attached to Captains Rountree and Livingstone's certificate. I have never seen the documents themselves; they have been furnished since I ceased to be a member of the Pilot Board.

1380. Look at the communication signed John Vine Hall and William Owen—what is the date of that? 8th April, 1862.

1381. Was that before or after the purchase of the "Sea Witch" by Government? Long after.

1382. Government could not have been influenced by these opinions in the purchase of this vessel? Certainly not; unless they have been wrongly dated.

1383. Does it appear from these communications that these gentlemen were requested by Government to inspect this vessel? No, but by Captain Towns; they state so positively, some of them.

1384. Do you know a ship called the "Royal Saxon"? Yes.

1385. To whom does it belong? To Captain Towns.

1386. Captain Livingstone has the command of it, so that this certificate is signed by one of Captain Towns's own servants? Yes.

1387. *By Mr. Weekes*: Do you consider him unfit to give an opinion upon the suitability of a ship from this circumstance? I think he might modify his opinion in consequence.

1388. Is Captain Livingstone a gentleman who is likely to give an opinion contrary to his conviction in a matter of that sort? I do not know Captain Livingstone very well. I do not think he is a man who would ordinarily be influenced, but I believe any man who has his bread to earn, modifies or colours his opinion to a certain extent according to the wishes of his employer. I do not mean to say that Captain Livingstone is different from other men.

1389. We have all our bread to earn, but would you, for that reason, give an opinion that you were not satisfied in your conscience was a correct one? No; but I should most likely modify it. I should not give it so prominently if I knew it was contrary to the wishes of my employer.

1390. You would trim? I do not understand these political phrases.

1391. I think it is rather a nautical than a political phrase—you say you would modify your

your opinion to suit that of your employer? I do not say that I should modify it to suit the opinion of my employer, but I think I should not say so much as I should if I were totally unfettered.

Captain
H. T. Fox.

8 July, 1862.

1392. You would suppress part of your opinion? I do not say that. It is difficult to say exactly what I mean; but I think any man who is entirely dependent upon another does, to a certain extent, modify what he has to say. I do not mean to say that Captain Livingstone would say what was opposite to the fact to please any one.

1393. *By Mr. Wilson*: Do you think all men are influenced in their opinions, to a certain extent, by the circumstances in which they are placed? I do.

1394. *By Mr. Weekes*: Is it not possible to get an honest opinion from an independent minded man, although he may be an employé of Government, or of a private individual? I do not say that he would give a dishonest opinion, but he might modify it.

1395. *By the Chairman*: Is it possible to ask a question in such a manner as to elicit a particular reply? Certainly; and it is clear these questions are asked with a view to certain answers. There are four different reasons given for objecting to the "Sea Witch;" but three questions only are asked by Captain Towns; the fourth is left out.

1396. *By Mr. Sadleir*: The answer depends upon the way in which the question is put? Clearly. Captain Towns did not want the opinion of these gentlemen as to the value of the vessel.

1397. A question may be put just as a case may be placed before a lawyer, in order to have a favourable opinion? Yes. I do not wish the impression to go abroad that I have said anything unfavourable to Captain Livingstone; I simply mean that he has done what any other man would have done.

1398. *By Captain Moriarty*: How long has Captain Livingstone commanded the "Royal Saxon"? About two years.

1399. Had you any acquaintance with him before that time? He commanded the ship "Tory." I wish to say nothing against Captain Livingstone.

1400. You have known him in command of the "Royal Saxon" about two years? Yes.

1401. He has been employed trading to China in the "Royal Saxon"? Yes.

1402. Principally in trading to China? He went to Calcutta, and to Puget Sound, and he is still in command of her.

1403. What do you suppose were the reasons that would induce Captain Towns to appoint any man to the command of the "Royal Saxon"? Because it suits his purpose, whatever that may be.

1404. Would he put any man in the command of such a ship as the "Royal Saxon" who, in his opinion, was not a sound practical seaman and skilful navigator? I do not think he would.

1405. When the vessel is away from home, is there not a great deal of responsibility attached to the captain? Yes.

1406. Would Captain Towns be likely to appoint a man in whose honesty he had not confidence? I have no reason to doubt Captain Livingstone's honesty.

1407. *By Mr. Sadleir*: Looking to No. 22, do you consider Captain Towns's opinion to be correct as to the "Sea Witch," where he speaks of her model and of the time within which she may be sent to sea? I went into that point fully before. I maintain that the whole of that has been disproved by the facts which have occurred since.

1408. Then turning to No. 42, upon what does Captain Vine Hall found his opinion—does the letter afford evidence that he forms his opinion upon facts, or that it is a mere opinion? That it is a mere opinion. He says—"She draws somewhat more, *we understand*, amidships." "Her sailing draft, *as we were informed* by the captain—" First he says—"Her sailing draft, as we were informed by the captain, is 8 feet aft, 7 feet 2 inches forward. She draws somewhat more, *we understand*, amidships, having a depth of keel "there of 24 inches." Then he goes on to say—"This we imagine." So that if certain facts which are told him by the captain are absolutely true, then follows this sequence.

1409. *By Captain Moriarty*: It is a hypothetical opinion? It is a hypothetical opinion obtained from other persons.

1410. *By Mr. Sadleir*: Turning to No. 44, we find Captain Sidney says—"From appearance, size, and draught of water—" I should glean from that that he had never been on board.

1411. Does he found his opinion upon facts? He does not say so.

1412. *By the Chairman*: Do you consider Captain Towns's opinion of greater value than the opinion of any individual member of the Pilot Board? Certainly not in this particular case.

1413. Do you know where the owner of the "Sea Witch" resides? The captain was the ostensible owner. I do not know where the owner is. I see she was offered to the Government through Captain Towns.

1414. *By Mr. Weekes*: Was she offered to the Government through Captain Towns? If you turn to 27, you will see that that is stated by Mr. Lane.

1415. Is there not a letter from some agent offering the vessel? Yes, from B. F. Chapman for Montefiore and Montefiore; but I believe Mr. Lane is Under Secretary to the Treasury, and he says it was offered to the Government by Captain Towns.

1416. When a vessel has her cargo out, and is therefore light, is not the captain of the vessel the best authority to refer to as to her draft when she is laden? Yes.

1417. Then in asking the captain of the "Sea Witch" as to her draft, Captain Vine Hall did not pursue an unusual or improper course? No; but he could have looked to her marks, and from the depth of the hold he could judge whether it was likely that she would have such a large draft.

Captain
H. T. Fox.

8 July, 1862.

1418. *By the Chairman*: Has not every vessel marks on her stem and stern, shewing the water she draws? Yes, she ought to have. Mr. Cuthbert states what she was drawing when he surveyed her.

1419. *By Mr. Weekes*: Flying light? She had some ballast in her. It might easily be determined whether she was likely to have nine feet draft. The depth of her hold is seven feet seven-tenths, say seven feet and a half; there is about a foot thickness from the hold to the bottom, and therefore if the ship had no keel at all she could not draw more than eight feet six amidships without having her deck under water. Then comes the question of the keel; suppose the depth of that to be two feet (as Captain Hall was informed), in order to draw nine feet amidships, she could only have about eighteen inches free board. I wish to make one statement before I have done with the "Sea Witch"; it refers to the evidence I gave at the last meeting of the Committee. I then stated that Liverpool pilot boats were out in very heavy gales, and that one at least was out during the night that the "Royal Charter" was lost. I have since had a paper, dated November, 1859, lent to me, which contains the evidence of two masters of pilot boats, who state that they were out during the hurricane, and that their vessels drifted only eight miles during the night, which shows they must be remarkably weatherly vessels in bad weather.

1420. Are you aware whether the pilot boats off Port Phillip heads are ever driven in through stress of weather? I do not know; I have not been in Port Phillip since the present system of pilot boats was established there.

1421. *By the Chairman*: Were the pilot boats employed there built in the Colony? No, I think not; they have, I believe, some American pilot boats, and they sent to British North America and had one built.

1422. Do you know anything of the lines of the "Mary Taylor"? I have seen the models of some New York pilot boats. I think Mr. Cuthbert has the lines of the "Mary Taylor."

1423. *By Mr. Weekes*: Are not the Americans very celebrated for their pilot boats? Yes, the pilot boats of New York are some of the fastest in the world; but I do not think the "Sea Witch" is like an American pilot boat.

1424. *By the Chairman*: In your petition you state that there are similar "other matters on which the advice of your petitioners has been ignored"—can you state any other instance than that of the "Sea Witch" in which the public interest has suffered? In the case of the light-house at Jervis Bay I think the public interest has suffered.

1425. Please to state, as shortly as possible, in what way the Pilot Board's advice was ignored, and how the interests of the public suffered? If you turn to page 4 of the Return moved for by Mr. Gray, you will find a letter from Mr. Weekes, dated the 26th July, 1859, in which the Honorable the Treasurer says—"Before the site for the light-house about to be erected at Jervis Bay is finally determined upon, I should be glad if they would give the subject early consideration, as tenders have been called for the erection of the building." In consequence of that we considered the matter very closely, especially those points which Mr. Weekes brought so forcibly before us, and the opinion of the three petitioners and of Captain Deloitte, who is now away ill, was, "that the site recommended in the Commissioners' report is not the most eligible, as they conceive that by the light-house being erected on the north side of Jervis Bay advantages such as those mentioned in the report alluded to will be attained by vessels coming from the southward, and greater benefit by vessels coming from the northward." That opinion of ours, which we believed and still believe would have been the best to have carried out, seems from the minute that follows to have been ignored—"I have consulted Commodore Loring upon this subject, and he is clearly of opinion that the best site for the light-house is that originally proposed, namely, "Cape St. George. W. D." We were not informed of that minute until long after the light-house was fixed upon.

1426. Whose initials are "W.D."? I presume the late Governor General's. From that time we heard nothing from the Government about the matter. There was no official communication made to us. The Government might have been adopting our suggestions and building the light-house on Crocodile Head; but an additional and grave error occurred beyond that of not putting it on Crocodile Head, which was, that it was neither placed on where we recommended nor where the Commissioners recommended.

1427. Commodore Loring recommended that it should be on Cape St. George? Yes.

1428. Did the Commissioners recommend that it should be put on Cape St. George? Neither on Cape St. George nor on Crocodile Head. We discussed that question a long time, and went fully into it in all its bearings. Some of us had had very great experience on that part of the coast; we went into all the advantages, and which are very fairly and properly put in Mr. Weekes' letter of the 26th July.

1429. After it was determined by the Government to place the light upon Cape St. George, are you aware whether any competent person was sent down to fix the site? No, I am not aware. The site, I believe, had been fixed prior to my being a member of the Pilot Board—the site of Cape St. George. Officially, we knew nothing of the matter until we were told the light had been put upon the wrong place. No communication was made to us from the 26th July, 1859, until long after the 6th June, 1860.* We were entirely ignored.

1430.

* ADDED (on revision):—On this latter date we addressed the Treasurer, informing him that we had heard that the light was being wrongly placed, and that no reply had been received to our letter of 30th July.

1430. *By Captain Moriarty*: By whom were you ignored? By the Government. We were left altogether in the dark. We had answered Mr. Weckes' letter to the best of our ability—we had pointed out the most eligible site, and from the time of the sending of that letter until after we heard that the light-house was built on the wrong spot we had no official communication respecting it. Captain
H. T. Fox.
8 July, 1862.
1431. We have had all that brought before a Committee of the Assembly before? We allege in our petition that our opinions have been ignored and that the interests of the country have suffered, and I mention this as an instance. I do not wish to say much about it.
1432. *By Mr. Weckes*: There was, I believe, in 1856 or 7, a Commission appointed jointly by all the Colonies, to inquire into and determine upon proper sites for light-houses on the coast? I believe so.
1433. Did that Commission examine a tolerable number of competent witnesses? A large number of witnesses—a few competent and a great many incompetent, as can be proved from their evidence. They knew very little of what they were talking about.
1434. Your opinion seems to be that a great many nautical men, both in reference to light-houses and to ships, are incompetent to give an opinion? I think very often witnesses are chosen who are incompetent, who have little knowledge of the subjects on which they are examined.
1435. Still the Commissioners availed themselves of the best evidence they could procure? I could not tell whether it was the best or not; I was not present.
1436. You suppose it would be the best? I suppose it was the best they could get in Melbourne.
1437. They could have no motive but to select the best sites? Clearly; but if they went away from the locality they could not get such good witnesses as they could if they had taken evidence nearer to where the light was required.
1438. The result was that they recommended certain sites? They recommended certain sites.
1439. Was not one the site on Cape St. George? It was.
1440. Was not that site adopted by the Government of the day? It was, I believe. This paper seems to say so.
1441. Was not that site submitted to the Pilot Board which was in existence before you were a member of the Board, and did not that Board approve of it? I believe so.
1442. Will you look at the letter in page 3 (*referring to the Return printed by order of the House, on motion of Mr. Gray, on Light-house near Jervis Bay*), dated 14th September, 1857, from the Secretary to the Pilot Board to the Under Secretary to the Treasury, and signed W. L. G. Drew? Yes.
1443. Does it state there—"I am instructed to request that you will bring under the notice of the Minister for Finance and Trade the subject of light-houses on Cape George and Gabo Island. Surveys having been made by the Colonial Architect and Assistant Surveyor Millington, the Board are of opinion that plans should be drawn and tenders invited for the erection of a tower, 50 feet high, on the point marked S on Mr. Millington's plan, which site appears to have been judiciously selected;"—that was the opinion of the Pilot Board to whom the matter was referred? Yes.
1444. Then the matter was referred to a body competent to decide upon it at that time, and approved of by them? Yes; it appears so by the papers.
1445. Then there was no further necessity for referring it a second time to another Pilot Board, was there? I presume not, unless we are to assume that you would have done anything for which there was no necessity.
1446. You refer to a minute of mine, dated 26 July, 1859? Yes.
1447. Are you aware at whose instigation I sent that to the Board? I am not, personally.
1448. Are you aware that at the request of Captain Smith, Captain Williamson waited upon me to ask me to invite the opinion of the then Pilot Board upon the subject? I never heard so until this Committee sat, when I was so informed by Captain Smith.
1449. You believe that to be true? I believe Captain Smith to state what is correct.
1450. Therefore, is it not a fair presumption that, although one Pilot Board had specially approved of the site, being anxious to obtain all the information I could on the matter, it was natural that I should obtain a second opinion from another Pilot Board? I think it is very likely.
1451. Was the opinion of the Pilot Board on the second reference the same as that on the first, or was there a difference of opinion among the Board as to the site, and did the report state that there was such a difference of opinion? It was the opinion of the majority that was contained in the report; but Captain Browne objected to it going forward as the opinion of the Board, because he would have appeared to stultify himself if his name did not appear as opposed to it, having expressed an opposite opinion as a member of the Commission.
1452. As the site was approved of by one Pilot Board and disapproved of by the majority of the members of another, did it not raise a question of great doubt as to whose opinion should have the greater weight? I dare say that question might have been raised.
1453. Was it not a matter upon which two bodies equally competent had given different opinions? Yes; only there are special reasons given in favour of Crocodile Head.
1454. Should I have referred the subject to the Pilot Board the second time—for which there was no necessity—pointing out those very matters to them, unless I had been anxious to obtain further evidence before the matter was finally settled? I should judge from the tenor of your letter that that was your object.
1455. When the Pilot Board furnished their report upon the second reference, it established this fact: that two separate Pilot Boards had taken opposite views as to the proper situation for the light-house? Yes.

Captain
H. T. Fox.

8 July, 1862.

1456. *By the Chairman:* Was it not the same Pilot Board, but composed of different members? I was not a member of the Pilot Board on the first reference.

1457. Some of the members were members then? Yes; Captains Deloitte, Browne, and Darley.

1458. *By Mr. Weekes:* They were members of the Pilot Board on the 14th September, 1857? I think they were.

1459. It appears then that the first report of the Board, of which these three gentlemen were then members, approved of the site of Cape St. George? It appears so; but Captain Darley and Captain Deloitte told us that they were opposed to it, but were in the minority.

1460. The question I had to decide was, as one Board in 1857 had approved of the site, and another in 1859 had disapproved of it, what course was it proper for me to pursue under the circumstances—do you not think, as the first report of the Pilot Board was supported by the report of the Commissioners appointed to select sites for light-houses, and backed by the weight of evidence they brought forward, I was justified in adopting the report of the first Pilot Board rather than that of the second? I do not think, if you take the whole circumstances of the case, that you were, for I can prove that the evidence here is not in favour of Cape St. George.

1461. Still the report of the Commissioners, founded upon the evidence they had taken, was that the light-house should be erected upon Cape St. George? Yes.

1462. The Government and the Pilot Board of the day adopted that site? Yes.

1463. Will you turn to the fourth page of this correspondence; there is a letter dated 4th July, 1859, and signed W. J. Wilshire. That is from the Pilot Board, of which you were a member? Yes.

1464. On the matter being referred to the Pilot Board as to the position of the light, did Mr. Wilshire, the Secretary, return this answer—"I have the honor, by direction of the Pilot Board, to return to you the chart and plans respecting the proposed light-house on Cape St. George, and to inform you that the Board approves of the design for the tower and keeper's quarters. With reference to the sites marked S and T on the coast chart, the Board coincide with you in opinion, also expressed by Mr. Surveyor Millington, that that marked S possesses considerable advantage over the latter, and they therefore approve of the tower being erected as recommended by you." Was that minute sent to the Government? I presume it was sent to the Government.

1465. Was that the opinion of the Board? No.

1466. That minute then did not embody the opinion of the Board? No; as far as the word "latter" it was the opinion of the Board, but not farther.

1467. Then the Board did not state that "they therefore approve of the tower being erected as recommended by you"? No, that was an error.

1468. When did you first ascertain that opinions professing to be, but which were not, your opinions, had been forwarded to the Government? At the reading of the minutes on the next meeting, before they were confirmed; we were astonished, and insisted upon the words being erased:

1469. When you discovered this error, and found that a minute had been sent to the Government recommending what you did not approve, did you take any steps to set the matter right? I do not know whether the Chairman reported it to the Government.

1470. Did you direct him to do so? I do not recollect.

1471. In so important a matter as this, referring to the site of a light-house, did you take no steps to caution the Government that the report which had been sent in was in fact a false one? I do not recollect. If the Chairman wrote a letter upon minutes that were incorrect, it was his duty to inform the Government of his mistake.

1472. Then the Government were to go on under the impression that the Board approved of this minute? No, our letter of 30th July entirely overrides that. Even supposing we did not direct the Chairman, or that we were guilty of a dereliction of duty in that respect, there was no harm arose from it. So far as the petitioners are concerned we are free from blame, because before the site was decided upon we informed the Government, by our letter of the 30th July, that we disapproved of it.

1473. Did not the matter come before me in this way: the first Pilot Board approved a site, the second Pilot Board adopted that site, and then afterwards, on a subsequent reference, the majority decided that it was not the proper site? It may appear so, but it is evident that we, as individuals, are exonerated from any blame in the matter. I believe that on the first Pilot Board to which you refer there were two soldiers, who, I imagine, would not be very competent to give an opinion upon the best site for a light-house.

1474. *By the Chairman:* Have not some of the members of the Pilot Board continued to be so from the 9th April, 1857, when this correspondence commenced? Yes, I believe Captains Deloitte and Darley have been members of the Board from the commencement.

1475. *By Mr. Weekes:* They were members of the Pilot Board on the 14th September, 1857, when the site at Cape St. George was approved? Yes.

1476. And they were also members of the Board in July, 1859, which disapproved of the site? Yes, and they joined Captain Smith and myself in the disapproval.

1477. Does it state in that minute of 30th July, 1859, that Captains Darley and Deloitte joined with those who took the view that the northern side of the bay was the most eligible site? Yes.

1478. Were those two gentlemen members of the Board on the 14th September, 1857, when the Board decided that the southern side was the proper one? I believe they were.

1479. So that, when I had finally to decide upon the site of the light-house, it had been approved by the Pilot Board on two separate times—it had been approved by some members of the Board who subsequently disapproved of it; and I was therefore to decide upon this conflicting

conflicting evidence as to which I should give the weight to? I do not hold that it had been approved by two Pilot Boards, it had never been approved by us.

1480. You allude to that portion of your minute which you say was afterwards erased? Yes.

1481. And which you never communicated to the Government? We never approved of it.

1482. The only question of the site being whether it should be upon Cape St. George or Crocodile Head, and not as to whether it should be on a particular point to the southward or northward? That was the main question, and I complain that after we had made our report we were wholly ignored—we never received any intimation of the intention of Government. If we had received the slightest notice, one of us might have gone down to see that it was put in the proper place; most likely we should have done so. We never received any intimation from the Government respecting it, till long after the light-house was built. The light was placed entirely, solely by the Government, independently of the Pilot Board, therefore we are relieved from all responsibility in the matter.

1483. It was on the site previously approved by the Board? The petitioners never approved of it.

1484. At all events you never informed the Government of the error in the minute transmitted to them? The Chairman may have informed the Government.

1485. Is that an example of the manner in which the Board carried on their business, that they allowed the Government to be kept in the dark or to be misinformed as to their opinions? I have never allowed the Government to be kept in the dark as to my opinion; I think I have spoken it pretty plainly.

1486. Did you in that case? That seems to be the effect, but I am not responsible for what the Chairman writes in a letter. If at the next meeting the minutes are not confirmed, but an erasure is made, it is the duty of the Chairman to communicate that to the Government.

1487. Did you pass a resolution to the effect that the alteration should be communicated to the Government by the Chairman, the Chairman being the mere organ of the Board? I say, supposing we failed to do our duty in that respect, it is overridden by the letter that follows, where we tell you that we do not approve of the site.

1488. That only shows that you had altered your opinion again? We had never altered our opinion.

1489. *By the Chairman:* In what way were these minutes usually made known to the Minister? The usual course, in Captain Browne's time, was, that he partly wrote the minutes while we were present; the minute book was then sent to his office, where the minutes were completed, and at the next meeting he read them over to us.

1490. In what way were the minutes made known to the Minister? By a letter framed upon the minutes, written by the Chairman.

1491. *By Mr. Weekes:* Will you turn to page 20 of the evidence given before the Port Jervis Light-house Committee by Captain Smith; in 2447 he is asked, as to the erasure of that portion of the minute to which you have referred, "Then, as a matter of fact, the Chairman made a report to the Government, which, though purporting to give the opinion of the Pilot Board, was actually untrue?" He replies, "No doubt." "And that report has never been contradicted?" he is asked; and he answers, "Not in so far as I know, and certainly it was not at the time." Does not that show that the Board took no steps to make known to the Government that a false report had been sent to them? It seems that the Board did no more than order the minute to be erased.

1492. *By the Chairman:* Whose duty was it, after making these minutes, when it was necessary to communicate them to the Minister, so to communicate them? The Chairman's.

1493. *By Mr. Weekes:* Through whom—the Secretary? I believe they were generally written by the Secretary, the Chairman generally drafted the letters.

1494. *By Captain Moriarty:* In reading Mr. Weekes' minute to the Board, did it appear clear to you that his opinion was decidedly in favour of the erection of a light-house on Crocodile Head? No, I do not think Mr. Weekes expresses any opinion himself, but he points out advantages that would be desirable to be obtained in a light-house, and requests the Board to direct their attention to those points.

1495. Would it not convey the idea that he was expressing his own opinion when he says that, by selecting Crocodile Head, it would "insure this light answering as valuable a purpose as the Outer South Head light does to vessels coming south, by warning them to keep it open from the North Head to avoid the Long Reef," and "that by selecting Crocodile Head this could be accomplished, as in working along the coast, either to the northward or southward, this light on Crocodile Head kept open from the high land on either side of it would lead clear of all danger"? I do not think Mr. Weekes gives his own opinion, he merely puts the question which he says has been suggested.

1496. At all events it was an intimation that it was worthy your consideration and report? Yes.

1497. In accordance with that, you did make a report? Yes, and thought over the subject in all its bearings carefully first.

1498. You still retain the opinion that Crocodile Head is the proper place upon which a light-house should be built? Yes, and that opinion is quite borne out by Captain Becher, R.N., F.R.A.S., Naval Assistant in the Hydrographic and Harbour Department at the Admiralty, at Home. We have the gratification to see that in the Nautical Magazine for November, 1860, of which he is the editor, so high an authority states that we are perfectly right.

1499. Has the present position of the light-house been referred to a Board consisting of Captain Sidney, Mr. Hixson, and Captain Sullivan, the commander of a coasting steamer? Yes, and a report has been drawn up.

1500. And these two naval authorities differ in their opinion? Yes.

1501.

Captain
H. T. Fox.

8 July, 1862.

Captain
H. T. Fox.
8 July, 1862.

1501. The gentleman who surveyed the coast before Mr. Hixson thinks Crocodile Head the proper site? Yes, Captain Sidney is of a different opinion, and Captain Sullivan coincides with him.

1502. Coincides with Captain Sidney? Yes.

1503. Then the opinion of Captain Sullivan is to override all the opinions of nautical men? If his opinion is to be taken it will override the opinion of the majority of nautical men.

1504. Do you not think in a matter of such great importance, it would be monstrous to decide upon his unsupported opinion? I do.

1505. *By Mr. Wilson*: With regard to the joint Commission that sat at Melbourne on the subject of light-houses, do you know who was the Commissioner for New South Wales? Captain Browne.

1506. The same gentleman was Chairman of the Pilot Board? Yes.

1507. Do you know whether he had a strong opinion in favour of a light on Cape St. George? Yes, for he nearly got his ship ashore in that bay.

1508. In Wreck Bay? Yes.

1509. Do you think it probable that a gentleman holding a strong opinion would try to procure evidence that would bear out that opinion? Yes, and I think these other gentlemen were guided a great deal by Captain Browne's opinion.

1510. It appears that Captain Browne gave it as his opinion that Cape St. George was the most suitable place for a light-house? Yes.

1511. And in all the investigations that took place upon the subject he invariably stuck to that opinion? Yes.

1512. Are you aware that a light-house has been erected at Jervis Bay? Yes.

1513. Where? Between Jervis Bay and Cape St. George.

1514. Are you aware as to the present Government having appointed a Commission to inquire whether that light-house is properly situated? Yes.

1515. Does the report recommend that the light-house should be pulled down? Yes, the gentlemen who were appointed are unanimously of opinion that it should be pulled down, though they differ in opinion as to where it should be placed.

1516. Should you argue from that that the light-house had been erected without sufficient consideration? Yes; these unfortunate petitioners recommended that it should not be lighted, because it was in a bad place, but their opinions were as usual overridden in that, by men who knew very little about it.

1517. *By Mr. Weekes*: Your opinion was not that it should be erected to the southward but to the northward? Yes.

1518. All parties, whether favourable to its being on Crocodile Head or at Cape St. George, admit that it is now in the wrong position? Yes.

1519. It is not where it was intended to be? I believe that Mr. Millington made a correct survey, but that he has placed it on a wrong spot in the chart.

1520. Is it not thought to be more a fancy sketch than an outline of the coast? My impression is that the surveys of Mr. Millington, in so far as the points S and T are concerned, are correct, but that in transferring them to the chart of the coast the error was made.

1521. *By the Chairman*: With all their faults they were adopted by the Pilot Board of 1857? Yes; but I think no Pilot Board by merely looking at the maps could see that an error had been made.

1522. *By Captain Moriarty*: That was only as to the question which of the two points was the more eligible? Yes, believing that the maps furnished by the Government were correct; no person could tell that they were not without visiting the place.

1523. *By Mr. Weekes*: Still the Pilot Board of 1857 had, without reservation, approved of the position? Yes, they had, because no one could tell from the maps that there was an error.

1524. *By Mr. Dickson*: Was this point, marked S on Mr. Millington's plan, the position the Government intended the light-house should be built upon? Yes, I believe so. I believe the Government were as much misled in the matter as any one; but what I complain of is that we were wholly ignored.

1525. *By Captain Moriarty*: In fact Commodore Loring, Captain Denham, and W. D. settled the question without knowing anything about the matter? I believe Captain Denham settled the question of lighting it, and Commodore Loring and W. D. settled the matter of the building.

1526. *By Mr. Dickson*: Is this site marked S upon Cape St. George? No; about a mile and a half or two miles from Cape St. George.

1527. *By the Chairman*: That is where the light is placed now? Yes.

1528. *By Mr. Sadleir*: Was your letter of the 30th July written to correct all misapprehensions? Yes; it was to place on record what our opinions were.

1529. To remove all doubts as to where the light should be placed? Yes.

1530. All doubts which might have arisen from the Chairman's failure to communicate to the Government the erasure of the minute? It clearly had that effect.

1531. Looking to the minute which follows your letter, with reference to consulting Commodore Loring, you think Commodore Loring decided the site of the light-house? Yes.

1532. Do you consider that Commodore Loring decided the question altogether? Yes.

1533. *By the Chairman*: Did it never occur to the Board to ask the Government to allow them to visit Jervis Bay, in order to decide upon the most eligible site? We did not expect that the correspondence would cease when it did. The Government having asked the opinion of the Board as to the most eligible site, and we having replied, we naturally expected

expected to hear more about it, and if the Government had informed us what they were going to do, it is very likely we should have suggested that we should visit the spot.

1534. *By Mr. Dickson*: Are you aware whether practical seamen say that the light is on the proper site now? I have never heard one say that it is on the proper site.

1535. *By Captain Moriarty*: Supposing the Commission, consisting of Captain Sidney, Mr. Hixson, and Captain Sullivan, to whom this question was referred by the Government, had adopted the course of examining in Sydney masters of vessels and those who were conversant with the subject, and had been influenced by the evidence so taken, what would have been their decision? I have no doubt that the balance of evidence would have been strongly in favour of Crocodile Head.

1536. *By the Chairman*: You allege in your petition that there are other matters besides those of the "Sea Witch" and the light-house near Jervis Bay in which the advice of the Board has been ignored—will you state shortly what those matters are? The appointment of pilots and light-keepers. In May, 1860, there was a vacancy for a pilot at South Head in the room of Mr. Robson dismissed or resigned, I forget which, and we advertised in the usual way, and had many applications. Among those who applied were Captain Shanks and Captain Thompson, both of whom passed their examinations excellently, and it was a matter of doubt between the members of the Board which was the better of the two; ultimately it was decided in favour of Shanks, and he was recommended to the Government to fill the vacancy. There were then five pilots only in Port Jackson, but as there were a large number of vessels coming in—

1537. *By Mr. Weekes*: Did the Government appoint Captain Shanks on your recommendation? Yes. As a large number of vessels were coming in, and as the pilots for some time, when anything had gone wrong, or there had been any appearance of neglect or want of attention, had said they were too hardly worked, had too much to do, we thought it a good opportunity, as Mr. Thompson was very well adapted to the office, to recommend the appointment of a sixth pilot. This was not acceded to. Six months after this, about December, 1860, we received a direction from the Treasurer, without any previous correspondence from the Board, to advertise for a sixth pilot, which, when we had recommended seven months before, was not acceded to. The Board thought that the necessity did not then exist, but they advertised as they were directed. Remonstrances came up from the pilots to the effect that such an appointment would operate injuriously to them, and the Board, believing that the necessity did not exist, as the shipping of the port had fallen off very much, did not recommend it. However, the matter was pushed by the Treasurer, and in February, 1861, we recommended Captain Thompson as the best of a large number of candidates. A question then came from the Minister to know whether, out of so large a number of candidates, Captain Thompson was the only eligible one. We sent back something to this effect, that we could not say that out of so many candidates there were no others at all eligible, but that we considered Captain Thompson possessed superior advantages. The Treasurer then requested us to state the names of some others who in our opinion were eligible. We stated the names of two others—Levien and Gerard—but we added a rider that, notwithstanding we put those names down, we considered Captain Thompson very superior to the others, and gave our reasons—that he was well known; that he had been a long time in the Colonial service; that he was still in active service, and was known to the members as a strictly temperate and industrious man. I do not remember the exact words, but that was the substance. One of the others, who was not so strongly recommended, was appointed, and shortly after his appointment he got a ship ashore, and was permitted to resign. Captain Thompson has never had a berth in the Pilot Service since, though he has been twice recommended. The pilot at Twofold Bay was appointed without our knowledge at all, without our being referred to in any way as to his qualifications. I may say that he had been examined before the Pilot Board before for the situation of Assistant Harbour Master in Sydney, and the Board could not recommend him for that position; he was not fit for it.

1538. What was his name? Bourne Russell; a son, I believe, of Mr. Bourne Russell of the Legislative Council. I may be wrong about his name being Bourne Russell, he is a son of Mr. Bourne Russell.

1539. He is not any worse on that account I presume? I do not suppose he is any worse or any better; it is fortunate for him perhaps that his father has some influence.

1540. You seem to throw some stress upon his being the son of his father? I merely mention his name, but I do not wish to give a man a name that does not belong to him. It is a fortunate name for the family perhaps. With regard to the light-keepers, we have recommended, frequently, that new appointments should be filled by the promotion of those who have been in the service. In a report from the Board, dated 9th April, 1861, printed in the return moved for by Mr. Dalgleish, they say—"The Board much regret that their repeated recommendation that increased and graduated salaries should be given to light-keepers is disregarded, and they beg to assure the Minister that unless some inducement is offered to the subordinates to secure promotion to higher salaries, by good conduct and zealous discharge of duty, the economy of the light establishments will never be brought to that degree of efficiency which it is most desirable should be attained." That recommendation has been taken no notice of, for appointments have since been made, without the Board having been consulted, of three men to the light-house at Port Stephens, two of whom had never been in a light-house before, and the third had been dismissed for misconduct or neglect. This was done notwithstanding that we had recommended before that promotion should take place, and that there was a man in the service at South Head, who had been there six years and had never been complained of.

1541.

Captain
H. T. Fox.
8 July, 1862.

- Captain
H. T. Fox.
8 July, 1862.
1541. Who was the one who had been dismissed for misconduct? Mr. Priest.
1542. Was he at the Newcastle light? Yes.
1543. *By the Chairman*: He is not the son of a Member of Parliament? No, but he is very closely connected with one—I have heard a brother-in-law. I do not know that of my own knowledge.
1544. *By Mr. Weekes*: Was this man Priest appointed on the recommendation of the Pilot Board? I do not recollect; I do not know that he was not. I do not think he was appointed in my time.
1545. Are you aware whether this man Priest was dismissed, on the recommendation of the Board, for some alleged neglect of duty? Yes, I think from the evidence that came before us, for having allowed the light to be out for some twenty minutes.
1546. Did that man afterwards apply to you for a copy of the report and evidence upon which he had been dismissed, alleging his innocence? There was some application made to us. I do not know whether it was that the Board should go into the matter again, or simply that he should have a copy of the report and evidence.
1547. Did the Board, on being applied to to give a copy of the report and evidence, decline to open up the case again? Yes, they declined to open up the case again; but I do not remember whether the request came in that shape.
1548. Will you look at that letter (*handing a paper to the witness*) to refresh your memory. Is that an application from the man Priest for a copy of the evidence upon which he was dismissed? Yes, that is a letter from him.
1549. Is that in the corner a minute of the Board, when the letter was referred to them to furnish such evidence and report—"The case having been fully inquired into before Priest, and the evidence against him being, in the opinion of the Board, so conclusive, they see no reason for opening the matter again"? I know that the matter was inquired into, and the Board feeling how important was the maintenance of the light, in order to the safety of life and property, we felt that it was necessary to make a severe example in the case of neglect.
1550. In carrying out that object the Board was not desirous of making a victim as well as an example? Certainly not.
1551. If the man had a strong impression of his innocence, was it not reasonable that he should, after he was dismissed, desire to have a copy of the evidence given to him? Yes, but I think Priest was present when the matter was gone into. The inquiry was gone into in Newcastle, by the Harbour Master, and he was present, and had an opportunity of hearing the evidence and of calling witnesses.
1552. Still you did refuse to give him copies of these papers? Yes.
1553. Subsequently did I not direct that a copy should be given to him? Yes.
1554. And also that the Harbour Master, assisted by some competent persons on the spot, should make a further investigation of the subject? Yes.
1555. Are you aware whether that further investigation was made? Yes; as to the length of time the light took to be snuffed, I think that was the only inquiry that was made. I think the Harbour Master's attention was directed to the question of the probability of the light requiring twenty minutes for the process of snuffing.
1556. Are you aware that the Harbour Master reported that the light necessarily became obscured for some fifteen or twenty minutes when undergoing the process of snuffing? Not so long as that, I think.
1557. Some considerable time? Some time; my impression is that it was not so long as that; I know the impression of the Board was that it could not be so long as that.
1558. Will you read that (*handing a paper to the witness*)? "This further evidence proves that Priest was dismissed on insufficient grounds, and he will be reinstated when an opportunity offers."
1559. *By the Chairman*: Did the Board remonstrate against his being reinstated? I do not think so; I know the Board were of opinion he ought not to be reinstated.
1560. Will you read the report? It is signed by David T. Allen, Harbour Master, and Wm. Hescott, Senr. Pilot:—"With reference to the snuffing of the lamp in Nobby's Light-house, I do myself the honor to report that I, accompanied by Mr. Hescott, Pilot, did superintend that process, at 1:30 a.m., yesterday, Mr. Hoadley, 2nd keeper, on watch. The time occupied was seven minutes; and again this morning, at 1:30, Mr. Johnston, 1st keeper, on watch, who occupied eight minutes. That was from the time of lowering the light to remove the glass chimney, until it was replaced and the light raised to the proper height. During these intervals the light was occasionally so low as would appear to a distant observer extinct. I may herein mention that these observations were made under favourable circumstances, and the keepers state the fact that frequently large swarms of flies infest the light-room so as nearly to extinguish the light, and on such occasions it has to be frequently trimmed, and occupies a much longer time in snuffing; also that the light, after being snuffed, does not regain its former brilliancy for fifteen or twenty minutes." I do not recollect whether, in the first evidence, it was stated whether the light was extinct twenty minutes or more.
1561. *By Mr. Weekes*: Do you not think it an act of simple justice to a man who had been dismissed, and who claimed to have his case re-investigated, to afford such an opportunity? Yes, if he had had no opportunity of being present before, but having been present and heard all the evidence, I am doubtful whether copies of the proceedings should be furnished to him.
1562. Is it not natural to suppose that a man in his class of life would be unable to follow and remember evidence given at considerable length against him? Yes, I think it is very likely.

1563. And if further investigation created grounds to suppose that the Board had mistakenly dismissed this man, from the impression that the light was extinct when it was only obscured during the process of snuffing, would it not have been an act of justice to reinstate him? If the second evidence disclosed that he had been unjustly dismissed, but we thought the second evidence did not disclose that; and this being a matter of such serious moment, we thought he should not be reinstated.

Captain
H. T. Fox.
8 July, 1862.

1564. Was he not, up to that time, a man of good character? I do not recollect anything against him; but it is a matter of such serious moment that the light at Newcastle should not be out, that we were of opinion it was a matter of duty that we should not treat such an act of neglect lightly.

1565. But if it appears that the light is always more or less obscured for a longer or shorter period, according to circumstances, during the process of snuffing, is it not unjust to dismiss a man for an offence of which subsequent evidence proves him not to be guilty? If subsequent evidence does prove it, but we thought it did not. If it were a constant thing for the light at Newcastle to be out for such a length of time, we should have had not one report but twenty reports about it. This man was dismissed upon Captain Allen's first investigation and report; the investigation was not held before us, but on the spot, where the man had every opportunity of bringing witnesses. The result was that he was dismissed, and you confirmed his dismissal, and I see nothing in the second evidence to alter that decision.

1566. Does not the evidence clearly show that the light was not extinct, but only obscured, and that that was owing to the peculiar character of the light during snuffing? I think the evidence was that the captain who complained did not see the light for upwards of twenty minutes, and a passenger who was on board confirmed this statement. The evidence was gone into fully at Newcastle, and Priest had an opportunity of bringing any evidence to bear him out. There was, therefore, sufficient to warrant our recommendation that he should be dismissed, and the Treasurer confirmed our recommendation. The evidence of Mr. Allen is only as to how long the light would be obscured during snuffing, but there is nothing in it to override the evidence that was brought before us, and we did not consider it sufficient to warrant us in recommending his reinstatement.

1567. At all events, you refused to give him an opportunity of a re-hearing? It appears that we refused to give him the papers on the ground, I believe, that he had had every opportunity before. It would be extremely inconvenient if we had to supply copies of proceedings in every case where a man was dismissed after careful investigation.

1568. In the appointment of light-keepers, is any one appointed unless he has been at the light-house at South Head, and received a certificate of competency from Mr. Siddins? A certificate that he is fit for a lamplighter, just as a man might get a certificate that he was fit to light up the lamps in the street; but a man may be fit for that and yet be very unfit to take charge of the machinery of a light-house, and to keep the burnished reflectors in proper order.

1569. So that the Board have been in the habit of taking Mr. Siddins's certificate as to the competency—? The Board never recommended without having certificates of the competency of candidates, but they looked to other matters than whether they were fit to light lamps.

1570. No man has ever been appointed by the Board or by Government, without the person having been returned by Mr. Siddins as qualified for the duty? As qualified to light the lamps, which we do not consider to be all the duty of a lighthouse-keeper.

1571. Do you mean to say that the certificate of Mr. Siddins is simply that the party is competent to light the lamps? And fit to manage the apparatus.

1572. Is it not, "and competent to take the office"? No; the wording is, as near as I remember, "fit to manage the apparatus of a revolving light;" it does not express an opinion as to his character, habits, or anything else.

1573. Has it ever been necessary for the Government to cancel appointments made by the Board? I think so.

1574. From their having been given to improper parties? I do not recollect any that have been recommended by the Board only.

1575. Did you recommend a man named Paget as a fit man to be placed in a light-house? He came down to us with strong recommendations from the Governor General, but he proved not at all fit—

1576. Surely you would not recommend a man because he was recommended by the Governor General? No, I had a poor opinion of some of our Governors General.

1577. *By the Chairman:* The Governor General's certificate as to character would, I presume, be considered a very good one? Yes.

1578. *By Mr. Weekes:* But still the Board paid no attention to that? Not simply to the recommendation of the Governor General.

1579. In fact, it was a thoroughly independent Board? We tried to make it so.

1580. Setting aside the recommendation of the Governor General, did you recommend this man Paget? Yes, I think so.

1581. Did the Government cancel that man's appointment after they had approved of the recommendation of the Board, because previous to his taking office they found that he was a drunkard? Yes; but, as I said, the man came to us with a recommendation from the Governor General.

1582. *By the Chairman:* Did he recommend him as a sober man? I cannot say; he was recommended by the Governor General, and some other people.

1583. *By Mr. Weekes:* So that in point of fact, it is necessary that the Government should have the power of even vetoing the appointments of the Board? Yes.

1584. The actual responsibility would then rest where it should properly be placed—on the responsible Minister? Yes; but we say that where men serve the Government long and faithfully,

Captain
H. T. Fox.
8 July, 1862.

faithfully, they should have priority of position over people, Tom, Dick, or Harry, of whom no one knows anything. We urged this upon the Government in our report, as necessary for the efficiency of the service; in that we said:—"Unless some inducement is offered to the subordinates to secure promotion to higher salaries by good conduct and zealous discharge of duty, the economy of the light establishments will never be brought to that degree of efficiency which it is most desirable should be attained."

1585. Has not the last appointment of Government to light-houses been on your recommendation, and carrying out your view? Yes, in that case, but only when it was forced upon you.

1586. Who forced it? I do not mean forced exactly—you will excuse my phraseology; what I mean is, that you had appointed a man to be Superintendent at Port Stephens Light-house, who after being for some time under Mr. Siddins, for the purpose of obtaining his certificate, was found to be totally unfit for the situation, and then the Board urged their previous recommendation, that a subordinate at the Macquarie Light-house should be appointed in his room. This man was found to be unfit for a lamplighter while there.

1587. At all events, that was a good appointment? Yes, but it should have been made long before.

1588. That was a Government appointment? Yes, but what we say is, that in justice to that man, you should have promoted him long before.

1589. In matters of promotion people are apt take different views, and it is not therefore singular that it should be so in regard to light-houses? No.

1590. Nor is it always the case that a good assistant makes a good chief? Not always, but if an assistant has served faithfully and long, I think he should have promotion if he is fit for it.

1591. I suppose it is not an unusual thing for the best pilot to have some casualty, by which he might get his vessel on shore? The best pilots do sometimes, but it is the exception, and not the rule.

1592. As a general rule, pilots do not run their vessels ashore? As a general rule, they do not.

1593. Do not exceptions occur even in the case of the most skilful men? Yes, sometimes.

1594. Has it not repeatedly occurred to pilots appointed by the Pilot Board in Port Jackson? I do not know that it has repeatedly.

1595. Has not the Pilot Board disgraced and dismissed pilots for casualties having happened to vessels under their charge? I do not remember any instance in my time.

1596. Do you remember the case of a vessel being lost in the harbour through the fault of the pilot? That was before I was on the Board—the "Annie." The pilot was lost with the "Catherine Adamson," so that we do not know anything about that.

1597. Was the vessel that was lost at the Heads lost through the neglect of the pilot? That was before my time, and I do not know that I ever saw the evidence in that case.

1598. It is a casualty that may happen to the most skilful? It occasionally happens to some of the skilful, but the most skilful do not meet with it so often as others.

1599. After the Board found that the loss of the "Annie" was attributable to the pilot, did they recommend him for promotion, and is he now at the head of the pilots? Yes.

1600. Have the Board had occasion to recommend the dismissal of various light-keepers whom they had appointed to different light-houses? I do not recollect that we ever appointed any.

1601. Do you recollect a light-keeper of the name of Hunter? That was before my time, or about the time that I joined the Board.

1602. Do you remember a light-keeper named Murphy being dismissed? I think he was dismissed from Hornby Light-house, for insolence.

1603. Do you remember the name of Magrath? I do not remember; it was one of those Irish names, either Murphy or Magrath, who was dismissed for disobedience.

1604. And damaging the reflector? Yes.

1605. All these people were appointed by the Board? I believe they were appointed by the Government.

1606. On the recommendation of the Board? I do not recollect; I suppose they came down in the same way as the others did, and that they were appointed by the Government, on the Board's approval of them.

1607. In the usual way? That seems to be the usual way.

1608. Both parties, the Government and the Board, were alike anxious to get competent persons? I do not know that.

1609. The Board was the most anxious? I think the Board went the most straightforward way to do it. It seems to me to be in accordance with common sense, that men who were accustomed to the business would be more competent to perform it than those who knew nothing about it.

1610. It is not a question of competency, but rather a question of intention—do you believe that the Government did not intend to have as efficient servants as the Board? I do not say that; I say they did not take the most efficient way of carrying it out.

1611. They differed from the Board as to the mode of carrying it out? Yes; I should be sorry to say that the Government did not desire to have efficient servants.

1612. For instance, they have efficient men in the Pilot Board? I believe they had some.

1613. You are candid at last? I hope you will not say that I have not been candid before.

1614. *By Mr. Sadleir*: In an extract from a report of the Pilot Board on the boatshed establishment at Sydney Cove, you say, "The boats attached to it are unnecessarily heavy and cumbersome"—has there been an alteration made in those boats? I think wherever old boats have required to be replaced they have been of lighter construction.

1615. *By the Chairman:* Have you anything farther you wish to state to the Committee? I should like to say one word with reference to the establishment of the Light-house at Port Stephens. The fixing of that site and the erection was left entirely to the Board, and I believe there has never been a voice raised against it. I merely mention that, to show that the Board were competent to give an opinion upon subjects of that nature.

Captain
H. T. Fox.
8 July, 1862.

WEDNESDAY, 9 JULY, 1862.

Present:—

- | | |
|-----------------|-------------|
| MR. DICKSON, | MR. SMART, |
| MR. PIDDINGTON, | MR. WEEKES, |
| MR. SADLEIR, | MR. WILSON. |

SAUL SAMUEL, ESQ., IN THE CHAIR.

Mr. William James Wilshire, Secretary to the Pilot and Steam Navigation Boards, called in and examined:—

1616. *By the Chairman:* You are Secretary to the Pilot Board? Yes.
1617. You have been summoned here to-day to give some information to the Committee relating to the Pilot Board, and also to furnish some plans relating to the Jervis Bay Light-house;—do you produce these plans? These are the plans. (*Plans produced.*)
1618. Were you Secretary to the Pilot Board during the time Captain Browne was Chairman? Yes, since 1858.
1619. Who wrote the minutes? Captain Browne.
1620. When did he write them, generally? A day or two after the meeting of the Board, at his own office. I used usually to have them returned a day or two after.
1621. Were they not written at the time?—No, nothing was ever written at the time, except the date of the meeting and the names of the members present.
1622. Were all the communications from the Pilot Board to the Treasurer entered in the minute book during the time Captain Browne was Chairman? There may have been private notes written by Captain Browne to the Treasurer that were not entered, but as a rule all the minutes were entered. I do not recollect any having been left out, until the other day, in looking over the letter book, I found a minute had been sent of which I could find no trace in the minute book.
1623. *By Mr. Weekes:* What is the date of that? I could not tell unless I had the papers.
1624. *By the Chairman:* Are you aware whether any minutes were ever written by the Chairman on papers sent from the Treasury without being entered in the minute book? Not as a rule. If the Chairman did write anything in that way, it would be merely as to matters of fact on which no question of opinion could arise—some simple question asked by the Treasurer which could be answered without reference to the Board. What are called blank cover minutes are very often sent from one department to another without reference to the heads.
1625. Such minutes do not appear in your minute book? No, they would not. It would very rarely occur that a minute of any importance would be sent to the Treasurer without having been submitted to the Board. I do not know of any except the one I allude to, and I do not think that was very important.
1626. Are you aware whether Mr. Crook, the Harbour Master, has ever acted in any instance upon a minute from the Treasurer addressed to the Pilot Board without instructions from the Board? I could not say from memory.
1627. Will you refer to the correspondence with reference to the "Sea Witch," printed by order of the House, and refer to No. 23, a minute signed "E. C. W., 13 March, 1862"—did that minute reach the Pilot Board? Unless I had the papers or minute book to look at I could not tell.
1628. *By Mr. Weekes:* Look at the letter on the opposite page;—will not that throw a light upon it;—I am alluding to page 9, No. 24,—is not that a letter from Mr. Cuthbert to you, relative to my minute of the previous day? Yes.
1629. Showing that it had regularly gone to the Pilot Board? I could not say for certain that this minute went to the Board before the letter to Mr. Cuthbert was written; if I had the minute book I could tell.
1630. *By the Chairman:* Perhaps the same answer would apply to any other of these minutes;—without reference to the minute book you could not tell whether No. 26 ever reached the Pilot Board? I could not say. I was not aware that I would be asked these questions, or I should have brought the minute book with me. I would rather see the original papers, because it is very likely there will be a minute made upon them; a corner probably has been turned up, and a minute written by Mr. Duncan,—“Mr. Wilshire, please attend to this”—or something of that sort.
1631. *By Mr. Piddington:* Are not the original papers in the office of the Pilot Board? They may not be; they are constantly referred from one office to the other.
1632. *By the Chairman:* Do you recollect whether, in the case of the recommendation of the Pilot Board to appoint Mr. Thompson a pilot, there was any correspondence with the Treasury on that subject? There was.
1633. Will the minutes relating to that recommendation appear in your minute book? I could not tell without referring to the papers; it is necessary that I should see the papers before I could answer any questions with reference to the subject.
1634. *By Mr. Weekes:* At the meeting of the Pilot Board you act as Secretary? Yes.

Mr. W. J.
Wilshire.
9 July, 1862.

Mr. W. J. Wilshire: 1635. During the progress of the business do you take any notes of what is going on? Yes, the minutes are taken down now regularly.

1636. *By the Chairman*: Now? Yes, since Captain Browne left.

9 July, 1862. 1637. *By Mr. Weekes*: In point of fact, what were your duties in attending on the Board before;—when the Board were transacting their ordinary business, what were your duties if you did not take the minutes? My time was a good deal occupied then in issuing certificates of competency, for which there were a great many applicants at that time; and of course affording the Board all information, having the papers ready for them, and so on. Captain Browne always wrote the minutes then; he used to write them before my appointment, and he continued the practice afterwards.

1638. How were the minutes so made by Captain Browne reduced to writing—did you enter them in the minute book from his rough draft? No, there was no rough draft taken. Whatever conclusion the Board came to Captain Browne would record it at his own office at his leisure.

1639. Were minutes so made read at the next meeting of the Board for confirmation? Yes, but that was always after they had been acted upon; they were always acted upon before they were read to the Board.

1640. *By Mr. Piddington*: During the period that Captain Browne was Chairman of the Pilot Board the minute book was entirely under his control? Entirely, in that way.

1641. And you were never permitted or asked, as part of your duty as Secretary, to make the minutes in the minute book? No.

1642. Was the minute book in the private possession of Captain Browne? No, when he wrote up the minutes at the Immigration Office he sent them down to me to act upon.

1643. Captain Browne wrote them at the Immigration Office? Yes.

1644. A separate office altogether from that of the Pilot Board? Yes, in a different building, some distance from it.

1645. Was the minute book kept in the Immigration Office? No, it was sent up the day after the Board met, and returned when the minutes had been entered.

1646. It is a part of your duty now to write the minutes in the minute book? Yes, they are always written at the meeting of the Board now.

1647. Then you conceive that the minute book is in your official charge now, subject to the authority of the Pilot Board? Yes, I can at any time put my hand on it.

1648. *By the Chairman*: Are there any instructions as to the duties of the Board, or the particular duties they were called upon to perform when the Board was first established? I have no recollection of any, except a very old letter, dated August, 1849, which I found in the office twelve months ago.

1649. Who is that addressed to? The Collector of Customs and Chairman of the Pilot Board, Port Jackson; that was Colonel Gibbes.

1650. *By Mr. Smart*: Were you Secretary when the Board was first established? No, I have only been there three or four years.

1651. *By the Chairman*: What is the nature of the instructions in that letter? (*The witness read the letter alluded to. Vide Appendix.*)

1652. *By Mr. Piddington*: Are you aware of any other instructions? No.

1653. Are you aware whether at the time these instructions were issued the Board was constituted in a similar manner to the Pilot Board at the present time? Yes, exactly in the same way, I believe.

1654. Do you know whether there was a paid Secretary to the Board then? I could not tell without referring back.

1655. *By Mr. Sadleir*: Do you know whether those instructions were made known to the members of the Pilot Board within the last two or three years? I am aware they were not. No member of the Board, of late years, has ever seen this letter or was aware of its existence, except Captain Browne; and when I showed it to him, and told him I had found it, he just looked at it and said it did not matter.

1656. *By the Chairman*: The Board now perform the duties connected with the examination of pilots, conveyed in those instructions, do they not? They do.

1657. Do the Board examine pilots as to their qualifications? Yes.

1658. Do you know whether there have been any other instructions addressed to the Board at any time? No, there has been nothing of the nature of instructions, excepting that letter.

1659. Were the duties of the Board not generally to advise with the Minister in matters relating to the Harbour and Pilot Service? Just as they are put in motion; as I understand, if the Minister consults the Board then they act, but not without.

APPENDIX.

*Colonial Secretary's Office,
Sydney, 29 August, 1849.*

Sir,

The Executive Council having advised the appointment of a Board, to be called the Pilot Board for Port Jackson, I am directed by His Excellency the Governor to inform you that the Board is to be composed of the following members, viz.:—John George Nathaniel Gibbes, Esq., Collector of Customs, Chairman; Merion Marshall Moriarty, Esq., R.N., Port Master; Hutchison H. Browne, Esq., Water Police Magistrate; William Salmon Deloitte, Esq.; and Robert Towns, Esq.

2. His Excellency directs me to inform you, as the Chairman of the Board, that its duties will in the first instance be as follows, viz.:—

1st.—To make rules and regulations for the examination of candidates for the situation of pilot.

2nd.—To report to the Governor whether candidates for the situation of pilots have or have not proved to be qualified, and which is the best qualified, in the event of there being more than one competent candidate at the same time.

3rd.—

- 3rd.—To make rules and regulations for all matters connected with the discipline and government of pilots, subject to the approval of His Excellency the Governor.
- 4th.—To inquire into all matters of complaint against pilots, or breaches of regulations, and to report their decision for the Governor's approval.
3. It has been decided that the pilots shall continue to board vessels according to the system of rotation which is now in use; and His Excellency desires me to request that it may be an early duty of the Board to submit regulations by which the working of that system may be rendered as efficient as possible.
4. Pilots in charge of inward bound vessels (not being immigrant ships, or having gunpowder on board as cargo) are to be allowed to take their vessels as near to the wharf or place at which they intend to discharge their cargo as circumstances will permit. In the regulation which will be required to give effect to this decision, a proviso should be inserted requiring pilots to bring up all immigrant ships to the mouth of Sydney Cove, and to anchor them there in the stream, between Dawes' Point and Fort Macquarie.
5. It is to be adopted as a rule, that a pilot, after having taken charge of a vessel, and got her under weigh for the purpose of taking her to sea, at the request of the master, shall not be allowed to leave the vessel without the master's written permission, provided that the master consents to pay him at the rate of ten shillings a day for any detention of longer duration than twenty-four hours.

Mr. W. J.
Wilshire.

9 July, 1862.

I have, &c.,

E. DEAS THOMSON.

The Collector of Customs,
appointed Chairman of the Pilot Board,
Port Jackson.

Mr. John Cuthbert called in and examined:—

1660. *By the Chairman:* You are Shipwright Surveyor for the Government? Yes, for the Steam Navigation Board.
1661. You have had great experience, I believe, as a shipbuilder? Yes, I have had some experience.
1662. You were called upon by the Government to examine and report upon the "Sea Witch"? Yes.
1663. Will you be kind enough to state from whom you received the instructions to examine her? These were my instructions. (*Letter handed in and read. Vide Appendix.*)
1664. What is the date of that letter? 14th March, 1862.
1665. Do you recollect how that letter reached you? I think by the messenger from the Pilot Office.
1666. What steps did you take upon receipt of that letter? I went on board immediately and made a preliminary survey.
1667. Were you alone? At that time I was.
1668. What was the next step taken in the examination of this vessel? In the afternoon I went down with one of my workmen and looked closely into the vessel.
1669. While she was afloat? Yes.
1670. She was afterwards docked, I believe? She was placed in the Fitz Roy Dock.
1671. Who was present when she was in the Fitz Roy Dock, when you made the survey? The Harbour Master, Mr. Crook, Captain Towns, and myself.
1672. You have some printed correspondence before you—will you be kind enough to look at No. 25, page 9; is that your report? It is.
1673. Will you be kind enough to explain to the Committee what you mean by saying in the last paragraph of your report, that you "consider her to be a good substantial vessel for her age and build"? For an American built vessel of that age, I consider her to be a good vessel.
1674. Were you ever asked your opinion as to whether she was a suitable vessel for a pilot boat? Officially?
1675. Officially, yes? Never.
1676. Do you consider her a suitable model for a pilot boat? No, I do not.
1677. Were you ever asked her value? Never.
1678. Will you be kind enough to state what you consider her value to have been at the time that she was purchased by the Government? It would be an impossibility to place an absolute value on a vessel; I never have done it in Sydney. The value of a vessel I take to be determined by the use for which she is required. A vessel worth only £1,000 at one time may be worth £2,000 some time after.
1679. Taking into consideration the state of the demand for vessels at the present time, what do you consider her value? I should think a vessel of her class, and in the state she was in, would be worth somewhere about £1,000.
1680. You made a very careful examination of her when she was in the dock, I believe? Yes.
1681. What depth of keel has she? I have a note here, I took at the time; eighteen inches deep.
1682. Has she a straight keel? A straight keel.
1683. It does not diminish towards the forefoot or keel? In breadth or in depth?
1684. In depth? No, I do not think it does. If it had been so the blocks would have been laid to suit it.
1685. Will you be kind enough to look at No. 42 in this correspondence—a report from Captain Vine Hall and Mr. William Owen—and read the paragraph referring to her hold of the water:—"Her sailing draught, as we were informed by the captain, is eight feet aft, seven feet two inches forwards. She draws somewhat more, we understand, amidships, having a depth of keel there of twenty-four inches, diminishing towards the forefoot and keel." I think that is a mistake as to its being twenty-four inches deep; I measured it.
1686. Is this statement correct? I do not believe it is.
1687. From your examination of the vessel, are you aware whether it is correct or not; just

Mr. J.
Cuthbert.

9 July, 1862.

Mr. J.
Cuthbert.
9 July, 1862.

just read the paragraph carefully and see what it says. (*Witness read.*) I want to know whether that is the case? It is not the case with reference to the depth of keel; as to the draught of water, I have got it given correctly by the chief officer of the vessel.

1688. Will you give us the draught of water? She drew five feet forward and six and a half abaft.

1689. *By Mr. Weekes:* Were you told that was her sailing trim? Yes, they told me so.

1690. Are you aware what she draws now? No, I have never been on board since she was in the dock.

1691. Do you mean to say that that was her sailing trim—the condition she was in when off Campbell's Wharf? I was told that was her sailing trim.

1692. *By the Chairman:* Look at the next paragraph:—"This, we imagine, would give a sufficient hold of the water for a vessel of sixty-three tons (n. m.) which is measurement of the 'Sea Witch,' and which, in conjunction with her very suitable rig, affords good reason for believing her to be (as the captain assured us she is) a very weatherly craft." Are you of the same opinion? She may be a very weatherly craft for a vessel of her description, but not what we call very weatherly for a vessel with a deeper hold of the water.

1693. Be kind enough to look at the next paragraph:—"Possessing this very essential quality, and properly fitted out, we believe she will render good service as a sea pilot boat." Now, are you of opinion that she would be sufficiently weatherly, as stated in that paragraph, to render good service as a sea pilot boat? No, I do not think so.

1694. Did you ever see a model of the "Mary Taylor"? I think I have got a drawing of her at my office.

1695. The celebrated New York pilot boat? Yes.

1696. Do you think the "Sea Witch" is on the same lines as the "Mary Taylor"? No, to the best of my recollection she is not.

1697. Then if the Honorable the Treasurer has been informed that she is, do you think he has been wrongly informed? I think so.

1698. Have you any idea of the draught of water of the "Mary Taylor"? No; it is some time since I took notice of her.

1699. *By Mr. Weekes:* Are you aware that it is only five feet? No.

1700. *By the Chairman:* Are you aware whether it is twelve feet? I cannot say.

1701. During the time you were surveying the vessel, did you hear the Harbour Master express any opinion about her suitability for a pilot vessel? During the time we were examining the vessel in the dock he appeared to think so; he said she was a suitable vessel.

1702. Have you sent any models to the Pilot Board of vessels for the pilot service? Yes, I have sent two.

1703. Do they resemble the "Sea Witch"? No.

1704. Have you sent any tender to the Pilot Board, or to the Government, to build a vessel? Yes.

1705. Has that been accepted? No, I have heard nothing of it.

1706. *By Mr. Weekes:* None have been accepted yet? No, I believe not.

1707. *By the Chairman:* Were they to be like or anything like the model of the "Sea Witch"? No; the offer I sent in was to build vessels similar to the model.

1708. What did you propose as the draught of water? I think 11 feet, or 11 feet 6 inches.

1709. What price per ton did you offer to build one for? I sent in two models—two sizes; one of 80 tons builder's measurement, at £30 a ton, ready for sea; and one of 120 tons, builder's measurement, at £27 10s.

1710. Will you be kind enough to turn to No. 58 in the correspondence; you will there see a copy of an agreement from Harvey and Sons, containing a specification of the manner in which they offer to build pilot vessels—will you look at that and say whether your vessels were to be fastened and fitted in the same way? My vessels would be equal if not superior; our timber is, I believe, superior.

1711. Would there be no difference;—would yours be fastened precisely in the same way as is there proposed? They would be fastened precisely in the same way; but they would not have two complete suits of sails; they would have two extra sails.

1712. Just be kind enough to look at the rate at which they offer to build these vessels per ton? £22 5s. per ton.

1713. Your vessels, at the price you offer, were to be equipped and fitted in all respects the same as in this specification? In all respects, with the exception that this specification provides for two complete suits of sails, and my tender was for two spare sails in addition to one complete set.

1714. What additional price would you charge to equip a vessel in every respect the same as they offered here at? My price is £27 10s. per ton, and this is £22 5s.

1715. There are some additions here, extra sails I think you say? That is not much—not £100 difference.

1716. *By Mr. Weekes:* I suppose there is a great difference of opinion as to the proper model of any vessel, between scientific and competent men? There always is.

1717. A model has not been arrived at yet on which all sailors and shipwrights agree? And never will.

1718. Some have depth of water, some breadth of beam, some sharp, and some full bows? Yes.

1719. Each one maintaining his particular hobby as the correct one? Yes.

1720. Are you acquainted with two vessels belonging to this port, called the "Pacific" and "Atlantic"? Only so far as seeing them; I have never been on board.

1721. Seeing that the "Pacific" is sixty tons register, and the price at which the Board recommended to the Government that she should be bought was £1,200, and that the "Atlantic," of seventy-one tons, was recommended to be bought at £2,000, is it an unreasonable price for the "Sea Witch," which is sixty-three tons, being more than the "Pacific" and less than the "Atlantic"—is it an unreasonable price compared with the other prices, that she should be bought at £1,425. It is unreasonable. She is not so valuable in comparison.
1722. What is the difference between them? As far as I can understand they were built under inspection, the last one specially for the owner; and the timber is a better description than the American timber.
1723. Do you know what the timber is? I do not know the native name, but it is a most superior timber, and the planking is of Kaurie pine.
1724. You know nothing about their fastenings? Only what I have heard.
1725. Are you quite sure there is an even depth of keel to the "Sea Witch"? To the best of my belief there is.
1726. Was it not necessary while she was in the dock to chock her up amidships, where the greater depth was said to be? She would have to be chocked up at the ends in that case.
1727. Was she not chocked up in such a way as to meet the greater depth amidships? Not to the best of my recollection.
1728. Did you remain there the whole time? No, a short time only.
1729. You are quite clear she has an even keel? To the best of my recollection she has; I am almost confident of it. Mr. Crook, I believe, made the remark that they might have to put a false keel to her, so I took the breadth and depth of it.
1730. She had some ballast in when you examined her? Yes.
1731. Was not that ballast in her when she had her cargo in also—she brought that ballast with her? I do not think she had much cargo on board; it was the ballast she brought with her.
1732. You are not aware what cargo she brought? No.
1733. And you were told that in her sailing trim her draft of water was five feet forward, and six and a half feet aft? That is what the chief officer told me. I asked him if there was sufficient ballast in her, and he said yes.
1734. You have not noticed what she draws now? No.
1735. Was she a good sound vessel? She was a good vessel, a good substantial vessel.
1736. The timber was not rotten? No, not that I could see.
1737. She was a sound vessel? Yes, as I mentioned in my report.
1738. From keel to truck? I did not go aloft.
1739. You reported her spars as sound? Yes, I inquired, and they appeared to be sound.
1740. *By Mr. Piddington*: Have you a good opinion of American timber, as compared with the flooded gum of this country? I would not make any comparison.
1741. It is American timber that is used in building the "Sea Witch"? Yes.
1742. Is not the opinion universal among shipbuilders, that the American timber is inferior for shipbuilding? Yes, it is the universal opinion.
1743. Both at Home and elsewhere? Yes.
1744. *By Mr. Weekes*: Does that apply to all classes of American timber? To most of them.
1745. *By Mr. Piddington*: Are not all the ships built in New Brunswick built of American timber? Yes, generally soft wood.
1746. That has given American timber a bad name? I would not call it a bad name; it is good timber, but not equal to our timber.
1747. Would a ship built of American timber rank at Lloyd's in the same letter as ships built of ordinary timber in the Mother Country? No.
1748. Is there any comparison between the timber used in the construction of the "Sea Witch" and the timber used in the construction of the "Atlantic" and "Pacific"? If the "Pacific" and "Atlantic" are framed with timber such as I saw myself in New Zealand, there can be no comparison.
1749. It is very much superior to the timber used in building the "Sea Witch"? Very much superior.
1750. *By Mr. Wilson*: If you will look at No. 25—your report—you will see that in the first paragraph you have stated that the "Sea Witch" was built in New London, Connecticut, in the year 1855;—how did you obtain that information? From the chief officer.
1751. You did not see her register? No.
1752. Do you know the depth of her hold? No, I have not measured her.
1753. You have stated that seamen and shipbuilders in general have not agreed as to the perfect model of a vessel; but have they not agreed as to certain models or forms of build giving certain properties to a ship? Some parties prefer a deep vessel, built sharp and deep. The Americans generally go on the shallow principle.
1754. *By Mr. Weekes*: The "Sea Witch" principle? Yes, the same as the "Sea Witch."
1755. *By Mr. Wilson*: Is there any dispute among shipbuilders as to a deep and narrow vessel being more weatherly than a shallow and broad vessel? As a shipbuilder I prefer a deep vessel to have her weatherly; others have a different opinion.
1756. Are you aware whether vessels built for weatherly qualities are commonly built broad and shallow? No, never; a vessel built broad and shallow cannot be weatherly.
1757. Then shipbuilders are pretty well agreed as to that point? Yes.
1758. It has been stated here that the "Sea Witch" draws about 9 feet of water—do you think that likely? She must be very deep then.
1759. *By Mr. Weekes*: Are not the New York pilot boats some of the most celebrated sea boats in the world? I cannot say; we have got as good sea boats at Home.

Mr. J.
Cuthbert.

9 July, 1862.

- Mr. J. Cuthbert.
9 July, 1862.
1760. Have they not the reputation of being good sea boats? Yes, they are good sea boats.
1761. *By Mr. Sadleir*: What property will width give a vessel—will it make her weatherly? No.
1762. What other property will it give her? It would make her stiff and stand to her canvas—too stiff sometimes; a ship must be allowed to heel in a certain proportion.
1763. Did you ever know a vessel to have a deeper keel in the centre than abaft? Yes, it is very often the case.
1764. What is the effect on her sailing properties—would it have any peculiar effect upon her staying and wearing and working? Not except the vessel was formed to suit that.
1765. Respecting the model of her—is there much difference of opinion as to the model of a pilot boat, seeing that they all require certain qualities? Yes, there is a great deal of difference.
1766. Would that depend upon the place where they were employed—the coast? Yes; if a vessel has to stand heavy weather she must be able to hold her ground.
1767. Looking at No. 22 in the correspondence, where Captain Towns represents the “Sea Witch” as the perfect model of what we require, do you think she is a perfect model, considering the coast she is going upon? I do not think so.
1768. Do you think she could have been fitted out at a very trifling expense, as he states? I would not consider it so.
1769. And sent to sea in a few hours from her first purchase? She could not as a pilot boat; he must have made a mistake there.
1770. You say she is sound for an American vessel? Yes.
1771. Do American vessels last long? Yes, they do.
1772. As long as English vessels? Not so long as English vessels, generally speaking, though I have known some very old American vessels.
1773. What were they built with? Live oak I think.
1774. Does live oak always last if it is not seasoned? I should think not; I never saw any that was not seasoned, for it is a very rare timber, and very scarce. They do not often use it, except for men-of-war and valuable vessels.
1775. You consider the “Sea Witch” sound for her age? For her age and build.
1776. Might not a vessel of fifty years of age be sound for her age? She might be.
1777. Would that qualify or fit her for a pilot vessel, being sound for her age? No.
1778. Would you recommend her to be bought on that principle for a pilot boat? I would not.
1779. *By Mr. Dickson*: You stated that you have known American vessels very old—were they American vessels built of American wood, such as is described by you as the build of the “Sea Witch”? I scarcely think a vessel built of the same materials as the “Sea Witch” would last very long.
1780. Might the “Sea Witch” be a good vessel for her age for the next five years? She might, going on for that.
1781. Not for much beyond that? Not for much beyond that.
1782. But she might be a good vessel for her age for that time? She might be.

APPENDIX.

(Urgent.)

Pilot Board Office,
14 March, 1862.

Sir,

I am directed to inform you, that the Honorable the Treasurer has requested the Pilot Board to instruct you to report on the condition of the “Sea Witch,” now lying off Campbell’s Wharf. Will you have the goodness to attend to this matter as early as possible?

Your obedient servant,

W. J. WILSHIRE,

Secretary.

The Shipwright Surveyor
to the Steam Navigation Board.

Mr. John William Russell called in and examined:—

- Mr. J. W. Russell.
9 July, 1862.
1783. *By the Chairman*: You are a shipbuilder? Yes.
1784. How long have you been a shipbuilder? I was an apprentice in 1811; but as to the drafting and moulding, I think about 1818.
1785. You have had great experience? Yes.
1786. Have you ever been employed by the Government? I built the dredge “Hercules,” and inspected the building of the dredge “Hunter.”
1787. Is that the only occasion on which you have been employed by the Government? I do not think for the moment of any other.
1788. Were you called upon to survey the “Sea Witch”? I was asked to go down; I had a note to that effect.
1789. Did you go down? Yes.
1790. Where to? The Circular Wharf; the Government boat shed, I believe.
1791. Who requested you to make that survey? Captain Towns.
1792. Did you make that survey? I looked to see to the suitability of the vessel in the first instance, and I concluded, from my experience, that the vessel was not adapted for the purpose; and therefore I did not go into the matter so minutely as I would have done if I had thought she was a suitable vessel.

1793.

1793. Who was present? Captain Vine Hall and Mr. Chowne.
1794. Were you asked to give any report? We agreed among ourselves on the Saturday afternoon to meet at Captain Vine Hall's on the Monday morning, which we did. There were the questions asked in the note, and I said I thought the first consideration was, was the vessel suitable for the purpose; but they did not seem to understand that. I said, I thought I was asked the question, or that I had seen it in writing; but we decided to meet on the following day to see if it was one of the questions, and we found it was.
1795. Will you look at No. 40 in the correspondence, and see whether those are the questions you refer to? I think I have got the memorandum here. (*Letter handed in and read. Vide Appendix.*)
1796. Did you send any reply to that? No, I gave my attendance, and we met as being the surveyors, but we did not decide between ourselves. I do not know hardly why it was not, but it ended without our coming to any report.
1797. Can you state to the Committee why you did not give any report when called upon by Captain Towns? I have not been asked for a report; if asked, of course I should give one, but I was never asked for it.
1798. Did you express any opinion at the meeting to which you refer? I said I was most decidedly of opinion that the vessel was not a suitable vessel for the purpose; she is a kind of vessel that I would not have built on any account for the purpose.
1799. For the purpose of an outside pilot boat? Yes, or for the coast in general, in fact.
1800. Will you please explain why you did not consider her fit? They say she has, a two feet hanging keel. Well, I consider that the form of the vessel ought to have been built so as to have taken that two feet in the bottom of the vessel. She would not have required that plank as a keel now, if she had all that space in her hold to put ballast in; and it would have given her nicer lines and made her more suitable. I think that keel and her flat floor must make her a very uneasy and very uncomfortable vessel.
1801. Do you consider her a model of a weatherly craft? No, I think she is anything but that. I am looking at the vessel in bad weather.
1802. Did you examine her fastenings? I did not examine her so particularly as I would have done if I could have made a report of her being a suitable vessel; I should then have gone into it more minutely.
1803. What do you consider would have been her value in the market, at the time you examined her? I should think it is an average of £600.
1804. *By Mr. Weekes:* You have been told she has got two feet of hanging keel? I have been told so.
1805. Who told you? Captain Towns was mentioning her that Saturday afternoon—at least from twenty inches to two feet; I took it to be two feet. In fact I know nothing about that; but as I said at the time, if I thought the vessel was suitable, and I had to give a report upon her, I should like to have seen her bottom, because I should not have been quite satisfied about the keel on her under those circumstances.
1806. *By Mr. Piddington:* You were requested, in a note sent to you signed by Captain Towns, to inspect the "Sea Witch," were you not? Yes.
1807. Did you go to inspect the "Sea Witch"? Yes.
1808. Who accompanied you? I went down myself in the forenoon to have a look at the vessel, and I had to meet Captain Vine Hall and Mr. Chowne at three o'clock, according to that note. I took it into consideration then and went down. She was inspected pretty minutely by Captain Vine Hall and Mr. Chowne. They referred this and that to me, and I said the vessel was not suitable, but they did not seem to think that was one of the questions.
1809. The only persons present when you examined the "Sea Witch" were Captain Vine Hall and Mr. Chowne? Captain Towns also was present, and Mr. Crook.
1810. At the same time? Yes, and a Mr. Chapman, an American, interested, I understood, in the vessel.
1811. When you went to inspect the "Sea Witch" in the afternoon, Captain Vine Hall, Mr. Chowne, Captain Towns, and the Harbour Master, were present? Yes.
1812. Did you give an answer to Captain Towns' letter? I have not replied to it by letter.
1813. But you practically gave an answer in the negative; you said the vessel was not suitable? When we met on Monday in the forenoon, as we had agreed—Captain Vine Hall, Mr. Chowne, and myself—we were considering what report we should draw up; I said one question is, Is she suitable? they thought that question was not put. We did not agree to anything then, but we agreed to meet next day to get further information; and when we met again we had some conversation, more or less, but it passed off without our doing anything.
1814. Then, as I understand you, Captain Vine Hall and Mr. Chowne did not consider the suitability of the vessel to be worthy of consideration;—they said nothing in favour of considering the suitability of the vessel? They did not say anything against her.
1815. Are you quite satisfied she is not suitable for a pilot boat? It is one I would not undertake to build.
1816. You believe her to be unsuitable, from her build, for an outside pilot vessel? I do not think she is at all suitable.
1817. *By Mr. Wilson:* Was there a Mr. Owen with you when you surveyed this vessel along with Captain Vine Hall? I dare say he might have been there. There were two persons—one a little man, an American, I believe, and I understood him that he did the repairs of the vessel at Tahiti.
1818. *By Mr. Sadleir:* By what authority did Captain Towns request you to examine this vessel? I am not aware. I have been called upon so often to survey and inspect vessels, that it was nothing unusual to be called on to examine this one, and therefore I did not inquire about it.

Mr. J. W.
Russell.
9 July, 1862.

- M. J. W. Russell. 1819. You do not know whether he was authorized by the Government in any way? I am not aware.
- 9 July, 1862. 1820. Do you recollect about the date when you surveyed that vessel? It was immediately after I got this note from Captain Towns.
1821. What is the date of that? 4th April.
1822. Did you know that the Government had actually bought the vessel previously? I did not know anything about the vessel before I went down on the Saturday morning.
1823. You do not agree with Captain Towns as to her being a perfect model for the service? No.

APPENDIX.

Sydney, 4 April, 1862.

Mr. Russell,

Dear Sir,

Will you kindly oblige me by attending a survey to be held on board the Government schooner "Sea Witch," to-morrow, Saturday, at 3 p.m., to inspect the vessel as to her condition, and also, if suitable for an outside pilot boat.

An answer will oblige.

Yours very truly,

R. TOWNS.

P.S.—The schooner is now lying at the Circular Quay.—R. T.

Mr. William James Wilshire called in and further examined:—

- Mr. W. J. Wilshire. 1824. *By the Chairman:* The question I put before was, whether you are aware that the minute No. 23, signed "E. C. W., 13 March, 1862," reached the Pilot Board? Yes, I find that minute reached the Board on the 13th March, the day they met, and their minute upon it is to this effect:—"Pilot vessels. The Board directed that, on Mr. Weekes' "minute of the 13th instant, the Shipwright Surveyor should be called upon to report on "the condition of the 'Sea Witch.'"
- 9 July, 1862. 1825. Who were the members of the Board present on that occasion? The Chairman (Mr. Duncan), Captain Darley, Captain Watson, and Captain Fox.
1826. Now will you refer to No. 26, a minute signed "E. C. W.," dated 15th March, 1862—did that minute reach the Pilot Board? No, the Board did not see that minute at the time.
1827. *By Mr. Weekes:* Are you aware if it went to the Pilot Board Office? Yes, no doubt about that.
1828. And was dealt with by whom? By me, I think.
1829. In the ordinary course of duty? Yes, on verbal instructions from Mr. Duncan. I have some recollection of taking the papers up to him; they were marked "very urgent," and I asked him what I had better do, and to the best of my recollection he instructed me to see Mr. Crook, and have the vessel put in the Government dock. The Board could not have seen this minute at that time, because the next meeting was seven days after the 13th.
1830. Is it usual for the Secretary, with the instructions of the Chairman, to take action on matters between the periods of the Board's sitting? Yes, if the papers are marked "urgent," and come from the Minister direct, as in this case.
1831. *By Mr. Smart:* In terms of the minute of the Board, which you have already read, you called upon Mr. Cuthbert to report upon the "Sea Witch"? Yes.
1832. On what date? On the 14th March.
1833. *By Mr. Wilson:* You wrote to Mr. Cuthbert on the 14th, in accordance with instructions from the Board? Yes.
1834. If you look at No. 22, you will see a letter from Captain Towns, addressed to the Honorable E. C. Weekes, Esq., Colonial Treasurer;—was that letter laid before the Board, at their meeting on the 13th, when they made the minute you have read, calling upon Mr. Cuthbert to examine the vessel? I have seen the papers since I was here before the Committee, and I find the Treasurer's minute of the 13th is on the corner of that letter of Captain Towns. I saw the letter just now, and I am almost sure Nos. 22 and 23 are on the same sheet of paper.
1835. *By Mr. Sadleir:* Captain Browne appears to have acted as Secretary as well as Chairman? He did, as far as writing the minutes.
1836. You say the Chairman takes action on urgent occasions—do you think that a mere report upon the condition of the "Sea Witch" was an urgent occasion? If it was so marked, as it was, it must be treated as such.
1837. Would you suppose it to be an urgent occasion? It is hardly for me to judge of that; if a minute comes down from the Minister marked "urgent," I at once consult the Chairman. I may say, however, that I do not think the Chairman would act upon it if a matter of opinion was involved.
1838. If a vessel was on shore, in danger of being wrecked, or on fire, I presume you would consider that an urgent occasion? Yes, no doubt; but in a case of that kind any communication would most likely be addressed to the Harbour Master.
1839. Would that be an urgent occasion? No doubt it would; but I am not supposed to have any discretion in matters of this kind. If a letter is marked "urgent" by the Minister, some action should be immediately taken upon it.
1840. I am only asking if a vessel were on shore, or on fire, would that be an urgent occasion? I should suppose so.

1841.

1841. Do you think there is any comparison between a vessel in that condition, and merely examining the condition of a vessel—any comparison of urgency? It is not for me to judge what the Minister sees fit to consider urgent.

Mr. W. J.
Wilshire.

1842. *By Mr. Wilson*: Did the Harbour Master report the docking of the "Sea Witch" to the Pilot Board, that they might inspect her in dock? Not to my knowledge.

9 July, 1862.

1843. If he had done so, you would be likely to know, from your position as Secretary? Yes, I should know it, unless he went round to the members at their residences or places of business.

1844. *By the Chairman*: Have you got with you the correspondence that took place between the Pilot Board and the Treasurer, with respect to the recommendation of the Board for the appointment of Mr. Thomson as pilot? I have the minutes of the Board, but not the whole of the papers. On the 31st May, 1860, the Board recommended that Mr. Shanks should be appointed, and it was then they suggested that a sixth pilot should be appointed; Mr. Shanks made but five.

1845. Will you turn to the next minute after that with reference to the same matter? That was on the 11th February, 1861.

1846. What was the minute then? "The Pilot Board forward, for the information and consideration of the Minister for Finance and Trade, the several applications received by them in pursuance of the Minister's instructions of 27 December last, and of the advertisement in the *Government Gazette* and daily papers. Eleven applications were made, and by the individuals undermentioned, viz., Messrs. Appleweight, Hayward, Neilds, Walsh, Garrard, Lee, Coomy, Thomson, Paget, and Levien, and Mr. Robson, late pilot; of whom, after being carefully examined (except Messrs. Lee and Walsh, who did not attend), the Board resolved to report the following as qualified, viz., Thomson, Levien, and Garrard; and their names are placed in the order in which they were respectively elected by the greatest number of votes. The Board also beg to transmit Mr. Robson's application, which is accompanied by certificates, showing that since his removal from office his conduct has been respectable and temperate; and as the Board never had any doubt as to Mr. Robson's qualifications as a thorough seaman, and as to his practical knowledge as a pilot, they will offer no objection (should the Honorable the Treasurer think fit to overlook his previous offence), to his reinstatement. In placing Mr. Thomson's name at the head of the list, the Board beg to report that they consider that he possesses qualifications of a high order for the position of pilot, being not only of a strictly temperate habit, but he has been for some time, and still is, in active employment."

1847. Is there any minute before the one you have just read? Merely a letter calling attention to the necessity of having a sixth pilot appointed.

1848. Where does that letter come from? From the Pilot Board. It is dated 11th June.

1849. Subsequent to that was there no other minute than those you have read? Unless I had the papers I cannot well tell, because I cannot follow the contest. There is a further minute in reference to Mr. Levien's appointment, in these terms:—"Referring to previous minutes and correspondence on the subject of the appointment of a sixth pilot, the Board would respectfully remind the Honorable the Treasurer, that in the election of a pilot for Port Jackson, on the 11th February, they were unanimous in recommending Mr. Thomson, and that it was at the particular request of the Minister that others were balloted for. It was thus only that Mr. Levien appeared at all. Had it been left to the Board, Mr. Levien's name would never have been forwarded. The Honorable the Treasurer's suggestion, that an experienced pilot should accompany one newly appointed, for some time, shall in future be carried out. 6 June, 1861."

1850. Was there any minute subsequent to that? I do not see that there was. I could tell much better if I knew what particular minute was required, or if I could get the papers.

1851. Where are the papers? In the Treasury, where almost all the papers are.

1852. Where they can be obtained? Yes, they are always accessible.

TUESDAY, 15 JULY, 1862.

Present:—

| | | |
|-------------------------|--|--------------|
| CAPTAIN MORIARTY, R.N., | \| | MR. SADLEIR, |
| MR. PIDDINGTON, | \| | MR. WEEKES, |
| MR. WILSON. | | |

SAUL SAMUEL, ESQ., IN THE CHAIR.

Mr. William Clark called in and examined:—

1853. *By the Chairman*: You are Master of the "Sea Witch," pilot schooner? Yes.

Mr. W. Clark.

1854. Have had command of her from the first, since she has been a pilot vessel? Yes.

1855. Had you had any experience in pilot vessels before your appointment to the "Sea Witch"? Yes, I had been in pilot vessels before.

15 July, 1862.

1856. In what position? As a seaman.

1857. Have you had much experience in that way? Not to say a great deal in pilot vessels, but I have had good experience in that class of vessels.

1858. Does the "Sea Witch" resemble the class of vessels you have been accustomed to before? She is the same rig as the pilot vessels—fore-and-aft.

1859. Is her hull the same? Not exactly; she is rather larger than some, and smaller than others.

- Mr. W. Clark. 1860. In what way does she differ from pilot vessels you have seen before? Pilot vessels draw a little more water than what she does.
- 15 July, 1862. 1861. Will you state how the "Sea Witch" acts in a sea-way? She acts, I should say, very well in a sea-way, but not to be in a very heavy sea—what you might call safe to put a boat out.
1862. Does she stay well? Well, she does not stay well in a heavy sea; she has missed.
1863. Will she stay under double-reefed sails? Yes.
1864. What is your opinion of the vessel as to her suitability for a pilot vessel? As a pilot vessel she answers very well in moderate weather, where you can carry double-reefed sails, but when you come to be anything below that, she is a vessel that will not stay in a heavy sea.
1865. It has been reported that she misses stays frequently—is that the case? She has missed stays several times—I could not say the exact number.
1866. Have any members of the present Pilot Board been on a cruise with you since the "Sea Witch" has been employed as a pilot vessel? Yes.
1867. What members? Only a member.
1868. What member? Captain Thomas Watson.
1869. How did she act when he was on board? She acted very well during the time he was on board, but we had no heavy weather while he was with us.
1870. Did she miss stays while he was on board? Yes, once or twice.
1871. Did you hear him express any opinion about her? No, I did not, not addressing me in any way; I do not remember that he passed any remarks in particular.
1872. You sprung your mainboom, I believe, on one occasion? Yes.
1873. Under what circumstances was that? It was blowing fresh, under double reefed sails, with a very heavy sea from the southward, and the pitching of the vessel carried the boom away.
1874. To what do you attribute the springing of the mainboom? To the heavy sea—to the plunge.
1875. Not to any want of management? No. The boom was an old boom, and had been cracked before.
1876. Were the crew in any way to blame? No.
1877. Is the "Sea Witch" a vessel well found? Yes, she is well found.
1878. Well found in gear? Yes.
1879. And stores? Yes, for vessel's stores.
1880. What sort of boat have you? We have two, a four-oared boat and a dingy.
1881. How does the boat answer? The boat is not adapted for the vessel; she is rather short.
1882. Do you know where that boat came from? I do not, for certain.
1883. Have you ever complained of the vessel not being equal to the purpose for which she is required? No, not to my knowledge.
1884. The crew were all discharged on one occasion? They were.
1885. Under what circumstances? For refusing to take in the main boom when it was finished on a Saturday evening; they refused to do any work until the Sunday morning at daylight.
1886. They were guilty of an act of insubordination, in fact? Disobedience of orders.
1887. Were they a good crew in other respects? Yes.
1888. You have a chief officer? Yes.
1889. Is he a person that has had experience in pilot vessels? I believe he has in the English Channel, or in fishing vessels, I am not sure which, but I believe he has been in both.
1890. Have you ever been called upon by the Pilot Board to report regarding the qualities of the "Sea Witch"? I have.
1891. Did you send in any report? Not in writing; I gave it verbally to the Board.
1892. What was the report that you gave? That the vessel had answered very well, and would stay, with moderate weather; I do not know that I said she would stay in a gale of wind, because I could not say it against my conscience.
1893. Is it not in rough weather that a pilot vessel is likely to be more required than in fine weather? Yes, that is the time when the pilot's services are most required. The further off at sea a vessel gets a pilot it would be more beneficial to her than when close in, I should suppose.
1894. Does the "Sea Witch" make any water in rough weather? No.
1895. Have you had much rough weather since you have had her? I had one blow at the time the boom was carried away.
1896. Where were you then? Off to the southward of Bondi, I should suppose, between that and Coogee.
1897. Have you ever been compelled to run into port through stress of weather? I came into port in the last southerly gale. I did not stay out because I saw it looked very bad, and I came in at dark after putting pilots on board ships.
1898. Was that the day the ship "Colonial Empire" came in? Yes.
1899. Are you aware whether that vessel on that occasion came in under topgallant-sails? I think she had her maintopgallant-sails when she came in under the land.
1900. Do I understand you to say that the "Colonial Empire" ran in under topgallant-sails while you ran in from stress of weather? A vessel of that size might carry topgallant-sails a long time before the wind, when I could not make much way where I had to work.
1901. You recollect a vessel called the "City of Aberdeen" coming in here? Yes.
1902. You put a pilot on board of her? Yes.
1903. Had you any difficulty in putting a pilot on board her? No.

1904. What kind of weather was it? If I remember right, the "Colonial Empire" and the *Mr. W. Clark*. "City of Aberdeen" came in the same day.
1905. Do you think a pilot boat ought to be compelled to run in from stress of weather when ^{15 July, 1862.} a vessel could carry her topgallant-sails? That would be according to the circumstances under which a vessel is carrying her topgallant-sails.
1906. Will you state the circumstances under which you ran into port from stress of weather? I came in on account of the appearance of the weather.
1907. *By Mr. Weekes*: Did you come in for pilots? I came in to the reef to get pilots.
1908. *By the Chairman*: Did you remain in? I did not think it prudent to go out.
1909. *By Mr. Piddington*: Was it because the weather threatened? Yes, it appeared to me to be what they call a southerly burster.
1910. You came in under the apprehension of bad weather? Yes.
1911. *By the Chairman*: Would you have done it in any vessel? Most undoubtedly I would.
1912. No matter what might be her qualities as a pilot boat? I think I should.
1913. *By Mr. Wilson*: Would a Liverpool pilot boat come in under similar circumstances? I think she would.
1914. *By the Chairman*: What pilot boats have you been in? American pilot boats.
1915. On the night you sprang your mainboom, are you aware of any vessel having shown lights for a pilot, and running in without one? No.
1916. Is there a log kept on board the vessel? Yes.
1917. Who keeps that log? I do.
1918. Do you insert in that log all the transactions on board? Yes.
1919. Do you insert the number of times the vessel misses stays? I did not the first two days; but I have ever since.
1920. Where is the log book now? On board the vessel.
1921. *By Captain Moriarty*: How did it happen that you did not insert in the log for the first two days the times when the ship missed stays? It was an oversight of mine.
1922. *By the Chairman*: Have you been master of a vessel before? Yes, of several; principally fore-and-aft vessels.
1923. What was the last vessel? The "Bertha."
1924. The survey vessel? Yes.
1925. Is she a good sea boat? Yes, a very good sea boat.
1926. Do you think the "Sea Witch" a good vessel on a lee shore with a stiff breeze? Yes, while she can carry canvas to it.
1927. *By Mr. Weekes*: Do you consider her a good sea boat? I do.
1928. Can she carry a great press of sail? Yes.
1929. It was on the Sunday evening you ran into port, I think? Yes.
1930. And on that afternoon, or evening, you had placed pilots on board the "Colonial Empire" and "City of Aberdeen"? Yes, I think the "City of Aberdeen" was one.
1931. Under ordinary circumstances, and following out your instructions, would it not then have been your duty to have run in for fresh pilots before night closed? Yes, it was dark when I got the pilots.
1932. Then you ran in for the purpose of obtaining other pilots to go out with? Yes.
1933. When did the gale begin to rise to any strength? It commenced to rise on Sunday about noon, and at dark it was blowing more than I could carry double-reefed sails to. Had it been daytime I should probably have gone further out and staid longer, but at night I thought it prudent to come in.
1934. Was that a very heavy gale? It was.
1935. Did it continue on the Monday? Yes, but not to blow so hard as on Sunday night.
1936. Was there a very heavy sea between the Heads? Yes.
1937. Did you see any steamers endeavouring to make their way out of port? I saw one.
1938. Was it a large steamer? A Newcastle boat.
1939. Do you know her name? No; but I have it in the log book.
1940. Did she try for some time? She tried to go out between the Heads, and saw the impossibility, and she came back.
1941. The sea was running so heavy that she was unable to go out? Yes.
1942. Did she return to port? She returned to town.
1943. To her wharf? Yes, as far as I could see her, past Bradley's Head.
1944. Do you know when the steamer made another attempt to go out—was it the next day? On the Tuesday morning, I think.
1945. Do you think you could have gone out? I could not have gone on Monday morning.
1946. Do you think any vessel could have gone out, with the sea and gale then raging? I do not.
1947. *By Captain Moriarty*: How was the wind? To the southward—south by east or south by west.
1948. Was there any easting in it? I think there was.
1949. Was it south-east? No.
1950. How did it happen that a steamer going to Newcastle—to the northward—could not go out of port? She could not go through the Heads.
1951. *By Mr. Weekes*: Will you look at the *Sydney Morning Herald* of Tuesday, 24th June, and read what it says where I have marked it? "The 'Kembla' (s.) bound to the Clyde River, and the 'Illalong' (s.) for Newcastle, returned from the Heads yesterday, 'unable to proceed to sea, owing to the boisterous state of the weather.'"
1952. That was the day to which you refer? Yes.
1953. Is there not sometimes, in certain states of the weather and sea, considerably more difficulty

- Mr. W. Clark. difficulty in getting a vessel to stay than at other times? Yes, especially anywhere near these Heads; there is much more difficulty to stay there than some miles further out.
- 15 July, 1862. 1954. Is not missing stays a thing to which all ships are liable at times? Yes, they are all liable, at times, to miss stays.
1955. Not from want of skill alone in handling the vessel, but from other causes? There are many circumstances under which a vessel will not stay, besides want of skill.
1956. Do you think the "Sea Witch" is in proper sailing trim? Yes, she is in good sailing trim.
1957. What is her draught of water? Not quite 8 feet aft, and I should suppose nearly 9 feet amidships.
1958. Are you speaking from your own knowledge now? Yes. The water and stores make a good deal of difference.
1959. *By Captain Moriarty*: When the water is on board what does she draw? Not quite 8 feet aft.
1960. *By Mr. Weekes*: And what forward? I could not say the exact depth.
1961. Is she what you call a dry vessel in a gale of wind? As dry as any vessel of that size would be carrying a press of canvas.
1962. Is it not impossible, at times, to lower a boat from any vessel? It is.
1963. It would be risking the lives of the crew sometimes to lower a boat from a ship in certain states of wind and weather? It would.
1964. Then it would be quite possible, at certain times, that a pilot could not be put on board a vessel outside? It would.
1965. What would you do in that case? I should make the best of my endeavours to get a-head of the vessel and fetch her in through the Heads.
1966. Lead her in? Lead her in.
1967. Was the "Sea Witch" under reefed sails when she missed stays? The first time she missed stays she was not under reefed sails. There are many ways in which a vessel may miss stays. Sometimes the wind may haul a little and fetch her further in to the sea or further off from the sea, which would make a difference in her staying.
1968. When the crew refused to take the boom on board where was she lying? In Farm Cove.
1969. Then it was sheer idleness on their part? I do not know what you may term it. They refused to take it in because it was night, and they had been at work all the night before and all that day.
1970. Does the "Sea Witch" make any water? No, she does not make sufficient water to keep her sweet.
1971. Then if it has been stated that during the heavy weather you were obliged to keep the pumps constantly going it is untrue? It is.
1972. There is no foundation for it? There is no foundation for it. When we had the first blow there was a little water in the vessel, which with the motion of the vessel would make a noise, and I had the pumps at work two or three times in the night to try and get some of it out for the comfort of the pilots.
1973. *By the Chairman*: Did the bilge water annoy them? Yes.
1974. *By Mr. Weekes*: Bilge water is not very pleasant, is it? No.
1975. Not fragrant? No.
1976. It is desirable, where you can, to get rid of it? Yes.
1977. The vessel does not leak enough, in fact? She does not leak enough to keep her sweet.
1978. Is it not the duty of the pilots who remain on shore to carry out what was the previous system, and board any vessels between the Heads that may have escaped the pilot boat outside? Yes, that is the regulation.
1979. That is the regulation during the time there is only one pilot boat? Yes.
1980. Then if a vessel escaped your pilot boat and came in without seeing a pilot at all, were not the inside pilots to blame? They cannot tell, in many instances, whether there is a pilot on board or not.
1981. They ought to be on the look-out? Yes.
1982. Do you know what the New York pilot boats' draught of water is—are you acquainted with any of the more modern boats? No, I am not.
1983. Do you know the "Mary Taylor" pilot boat? Yes, I have seen her.
1984. Do you know her draught of water? No, I do not.
1985. Have you represented to the Pilot Board your opinion of the small boat—that she is too short? I have not; I have not had an opportunity to do so lately, unless I wrote to them; the weather has been so fine lately.
1986. Is she a life boat? She has cork under the thwarts; you may term her a life boat.
1987. *By the Chairman*: Did you not come into collision lately with a French vessel? I did. It could scarcely be called a collision with the vessel; it was with the end of the yard.
1988. Under what circumstances did that collision take place? I was running into the Quarantine Ground to put a pilot on board the French vessel which had gone in there without one, and in working between the land and the ship I got too close to the vessel, and ranged alongside, and took the end of his studding-sail-boom away.
1989. Has the master of the vessel claimed compensation for the damage? I have not heard.
1990. *By Mr. Wilson*: I gather from your evidence that it was in American pilot boats you were? I have been in American pilot boats.
1991. New York boats? Yes.
1992. Would any of the New York pilot boats you have been in have run in on such a night

- night as that when the "Colonial Empire" came in? Yes; they generally have a lee that *Mr. W. Clark.* they can run under for shelter—the lee of the land.
1993. They do not go into harbour? They do not go into harbour. They have a lee that *15 July, 1862.* they can lay under; or probably they may run into harbour. They do not stay out in bad weather.
1994. *By Captain Moriarty:* If they can get under the lee of the land they do? Yes.
1995. *By Mr. Wilson:* On the Sunday night to which I refer, did you attempt to go out? I did; I stood out.
1996. Did the "Sea Witch" miss stays then? No, not in attempting to go out.
1997. Did she miss stays that night at all? In the afternoon she missed stays once, but that was owing to my own fault, not the fault of the vessel.
1998. Do you consider the "Sea Witch" a weatherly vessel? Yes, she has proved herself a weatherly vessel.
1999. Is she a weatherly vessel in heavy weather? Yes.
2000. Do you consider the build of the "Sea Witch" to be that you would choose for a weatherly vessel? If I were going to build a vessel for a pilot boat I would not build her exactly like the "Sea Witch"; she has a little more beam than they generally have.
2001. Do you think she is as weatherly as it is possible for any vessel to be? No.
2002. Is it not a great consideration in pilot boats that they should be as weatherly as possible? Yes.
2003. So that they should be enabled to hold their ground in heavy weather? Yes.
2004. And you think a more weatherly vessel might have been got than the "Sea Witch"? I dare say there might be more weatherly vessels.
2005. You have stated that her draught of water is nearly 8 feet aft, and 9 feet amidships? Yes.
2006. How do you know it is nearly 9 feet amidships? I go by what the captain of her told me when I took charge.
2007. You do not know it of your own knowledge? No, because I have not seen her out of the water for a year.
2008. How do you suppose she can be 8 feet aft, and 9 feet amidships—she must be nearly 10 feet forward? No, because her false keel is put on deeper amidships.
2009. Are you sure that the false keel is deeper amidships? I would not go on my oath to it.
2010. Have you seen it? No.
2011. If it is true, as has been stated in evidence, that the keel is straight, she will not draw more water amidships? No.
2012. *By Captain Moriarty:* You imagine her bottom to be an arc of a circle? Not her bottom, her keel only.
2013. *By Mr. Wilson:* Have you seen any weather on this coast, since you have been in command of this vessel, in which it would be dangerous to launch a boat out of a proper vessel? Yes, I have.
2014. Are not some vessels much more dangerous than others, from their build, to launch a boat out of? I do not know.
2015. Do vessels of great breadth of beam and light draught of water roll more or less than vessels of less breadth of beam and greater depth of water—which rolls the most in a sea-way? I should suppose a flat-bottomed vessel did, but I have never experienced it in a narrow vessel; I have always been in one with great breadth of beam.
2016. Is not the great danger from rolling? The "Sea Witch" does not roll very heavy.
2017. I am not alluding to the "Sea Witch" particularly now—is it not dangerous to launch a boat when the vessel rolls much? A vessel would not roll much in heading into the sea.
2018. Do you not lower a boat generally on the lee of a vessel if possible? Yes, if possible; sometimes to windward though.
2019. Do they not sometimes take pilots out of the vessel with a whip from the yard-arm? It has been done, I believe.
2020. Comparing the seas that you have seen running on this coast with those you have seen in the Atlantic, are they much worse here? They are worse here.
2021. In what respect? There is a heavier swell and heavier rollers.
2022. Are they not more regular here? I think not.
2023. *By Captain Moriarty:* Do you think the sea heavier here than in the Atlantic? Yes, I do; for the wind I have seen I think the sea heavier.
2024. *By Mr. Wilson:* Under any circumstances do the seas get higher than in the Atlantic? I have not been out in a perfect gale of wind here to see it.
2025. You have seen as heavy seas in the Atlantic as any you have seen while in command of the "Sea Witch"? I have.
2026. *By Mr. Saddleir:* Do you think this vessel failed in staying for want of skill on your part? I know she did once.
2027. It seems she has frequently failed in staying—has it been from any want of skill? No.
2028. What was the reason she failed in staying? She failed in staying once with me, after putting a pilot out; I was watching the boat, and kept the vessel too close to the wind, without sufficient headway to put her round.
2029. To what do you attribute her not staying? I attribute it to the sea.
2030. Was there a heavy sea on? Yes.
2031. Did it break over the forecastle? Not exactly over the forecastle; it came in over her rail.
2032. The spray or the sea? The sea.

- Mr. W. Clark. 2033. Would that be from want of skill? No, putting the helm down will not always stop a sea from coming on board.
- 15 July, 1862. 2034. What sails had you then? Double-reefed sails.
2035. Do you think her want of staying is owing to her construction? No, I do not think so.
2036. Have you been in a heavy head sea with her? Yes.
2037. Has she pitched her bows under? She has pitched her nightheads under—her bowsprit.
2038. Do you think her pitching is owing to her want of length? No.
2039. Would a vessel longer than her, or of a different build, pitch in the same way? Yes.
2040. To injure her mainboom? There are many instances of vessels carrying away their mainbooms.
2041. Do you not think her construction is one cause of her pitching—if she is too short she will not cover two or three seas at a time? No, that is evident, that she cannot cover two or three seas at a time.
2042. And consequently —? And consequently she has to pitch; but I do not see that she pitches any worse than any other vessel would of her size.
2043. *By Captain Moriarty*: Were you ever on board a first-rate man-of-war? No, never at sea.
2044. Did you ever hear of a first-rate man-of-war pitching her bowsprit under water? Yes, I have heard of one pitching her masts out—the “Dido.”
2045. *By Mr. Sadleir*: You have never been out in very heavy weather with the “Sea Witch”? It was pretty heavy weather the night we carried away the boom.
2046. You thought it prudent to come in because the weather was threatening, and because you wanted fresh pilots? I came in at first for pilots, and I had them on board before I came to an anchor.
2047. *By Captain Moriarty*: Had you any when you bore up? I came in as far as the Hornby Light, and took three in there.
2048. When you bore up to come there had you any on board? No.
2049. You had three when you started originally, and you put them on board ships that were coming in? I put one each on board the “Colonial Empire” and “City of Aberdeen,” whether I had one left I cannot say. I came in then for pilots, and when I had my complement on board I was standing out again, but, looking at the threatening appearance of the weather, I thought it best to bear up and come to an anchor.
2050. *By Mr. Sadleir*: Do you think you were justified in running into harbour with your complement of pilots on board? I do not know, but I imagine a great deal is left to my judgment, whether I am to come in or not.
2051. What is the object of a pilot vessel? I believe to put pilots on board ships.
2052. In bad weather or good weather? In all kinds of weather.
2053. Is it not an object that in bad weather they should be able to assist vessels? It should be so.
2054. And you ran in when you suspected bad weather, when you had pilots on board? Yes.
2055. You think you were justified in doing so? Yes, or I should not have come in. Had any vessel been near the land in such weather I should think she would most undoubtedly have stood to sea.
2056. Would you venture to get the “Sea Witch” under weigh in a dark night, with a pretty heavy sea, and beat her out to sea? Yes. If it was a very heavy sea of course I would not attempt it.
2057. *By Captain Moriarty*: You said she was well found? Yes.
2058. I think you said also the boom was defective? The boom was defective that was carried away.
2059. It was defective before it was carried away? Yes, there were nailholes where it was carried away.
2060. Were you aware that that boom was defective? No.
2061. Do you imagine the vessel was well found when the boom was defective? It is impossible to discover all defects of that kind; if that had been known, most probably it would have been provided for before she went out. The main boom I have now is a good one; you cannot see any deficiency in it, but there may be such a thing which no eye can see, and I would defy any eye to have seen it in the one that was carried away; you could see there was a plug in it, that was all.
2062. Would not that lead you to suspect something? No; many a spar has a nailhole or a plug in it, and is not condemned on account of that.
2063. You do not know what the vessel draws forward? No.
2064. With a straight keel she must draw less amidships than aft? Yes.
2065. Do the pilots assume any authority when they get to sea in this vessel, or have you the entire control without reference to them at all? I have the control.
2066. And you go in and come out, although you have pilots on board, without reference to them? In such a case as that I would ask the opinion of a pilot.
2067. I did not exactly gather from you what description of vessels you have been in? Fore-and-aft vessels principally; I have been master of fore-and-aft vessels, with the exception of twice, for the last eight years. I had two brigs.
2068. You have commanded several fore-and-aft vessels? Yes.
2069. Of what tonnage? From 120 tons to 25.
2070. Schooners and cutters? All schooners.
2071. This is a schooner? Yes.
2072. *By Mr. Sadleir*: You say the “Sea Witch” is a good sea boat; are not many of the coasters in the coasting trade good sea boats? I should suppose so.

2073. Does her being a good sea boat constitute her a good pilot boat without any other Mr. W. Clark. qualification? I consider that one qualification for a pilot boat.
2074. That is not the only qualification required? I should think that would be the 15 July, 1862. principal one.
2075. Would it not be the principal one if she is weatherly? She is weatherly.
2076. A good sea boat might have a bluff bow; a Dutch galliot might be a good sea boat? Yes.
2077. Would she be fit for a pilot boat? No.
2078. You say the "Sea Witch" carries a heavy press of sail? Yes, when required.
2079. Do you not think a vessel may carry a heavy press of sail and yet not sail well? Yes; when I say she carries a press of sail, I mean without making leeway, or any quantity of it.
2080. *By the Chairman:* You say the vessel draws nearly 8 feet aft? Yes.
2081. Does she trim much by the stern? I think she trims nearly a foot by the stern.
2082. Do you know the depth of the hold of the vessel? No, I do not.
2083. Do you know the depth of her keel? I have been told it is 23 inches. I do not know.
2084. You have stated before, in reply to a question, that she has proved herself a weatherly vessel? Yes.
2085. Will you tell us how she has proved herself a weatherly vessel? On her passage from the States out.
2086. Were you on board her then? No.
2087. Has she proved herself a weatherly vessel since you have been in charge of her? Yes.
2088. Under what circumstances? In standing out from the Heads to the southward the night I carried away the boom; I found myself in the morning further to the southward than I expected to, under a mainsail and jib part of the night.
2089. Do you recollect at what time you boarded the "City of Aberdeen"? It must have been four o'clock.
2090. Not after dark? No.
2091. Are you sure of that? Yes, if that was the ship that came in the same day as the "Colonial Empire."
2092. Then if it has been stated that you boarded her after dark, it is an error? Yes.
2093. You stated just now, that if the weather was rough, vessels would have stood off? Yes.
2094. That is the reason why you felt justified in coming inside? Not altogether, but from the appearance of the weather I felt justified.
2095. I understood you to say, that you felt justified in coming in because the weather was threatening, and if any vessels had been near at hand they would have stood off? Yes, I suppose they would.
2096. Is it not the object of the outside pilot service to put pilots on board when the weather is threatening, and ships are near at hand? Yes.
2097. Do you think it ought to enter into consideration of a person in your position that vessels will stand off when the weather threatens? Yes, I consider that if I had been out I could have rendered little or no assistance to them with my boat; and even had they been there that night they would have passed me in the squalls and rain.
2098. You stood in before the storm actually came on? Before the worst of it broke I stood in.
2099. Had the storm broken before you stood in? Before I came to an anchor it had.
2100. Before you stood in, I ask? No, it had not come to its height then.
2101. You have stated, in reply to a question, that there are occasions when it is impossible to lower a boat? Yes.
2102. Is it within your knowledge that pilot boats do lower boats in very rough weather—the Liverpool pilot boats for instance? I could not say for the Liverpool pilot boats.
2103. Is it not the case with the American pilot boats that they lower boats in very rough weather? I have not seen them in such weather as that. They have always a lee they can make for and board vessels.
2104. *By Mr. Weekes:* That Sunday evening you came in, did you not come into Watson's Bay about one o'clock in the day? Yes.
2105. What did you come in for? For pilots.
2106. How many pilots did you take on board on that occasion? I did not take any, because the pilot had not returned from town that I came for. I had previously taken two pilots on board.
2107. What did you do then? I stood out with them.
2108. In the course of the afternoon did you place these two pilots on board two vessels? Yes.
2109. The "Colonial Empire" and the "City of Aberdeen"? Yes. I forget whether I had the third pilot off.
2110. After having placed the pilots on board these two vessels it would be your duty to return for a fresh supply of pilots? Yes.
2111. Did you so return? Yes.
2112. Where? To the South Reef, and took in two or three pilots—I am not certain which—out of the whaleboat.
2113. What did you do then? I stood out to sea.
2114. Did you go out to sea? Yes.
2115. How far? About four miles.
2116. Was it blowing heavy then? Yes, blowing hard.
2117. From what point? The southward.
2118. What decided you to run in? After I stood out and saw the appearance of the weather, I thought it more prudent to come in.

- Mr. W. Clark. 2119. Did you consult the pilots? I asked one of them what he thought of the appearance of the weather, and he told me it was looking very bad; I asked another, and he said it had a bad appearance, and that was all I asked of them.
- 15 July, 1862. 2120. Did you ever know a ship that was perfect in all points? No.
2121. From your own experience you are able to state that the "Sea Witch" has weatherly qualities? Yes.
2122. Have you ever forced her against a foul wind and heavy sea without making much leeway? Yes.
2123. She possesses the property that sailors call weatherly? Yes.
2124. *By Captain Moriarty*: Can she hold her own in bad weather? I have not experienced what they call bad weather here.
2125. Do you not call that bad weather the day you came in? I was not out in the worst of it.
2126. *By Mr. Weekes*: On that Sunday night did she beat well to windward? Yes, under double-reefed sails, as long as I could carry them, and made good way.
2127. When you beat four miles to windward it was blowing hard? Yes.
2128. *By Mr. Wilson*: Are you aware whether there is any current on the coast? Yes.
2129. Which way does it run? To the southward.
2130. Where were you going that time when beating to windward? Going south.
2131. The current was with you? Yes.
2132. Consequently you have not had such a good opportunity of testing her weatherly qualities as you would have had in a place where there was no current? Not exactly, because the current was in her favour.
2133. *By Captain Moriarty*: Are you sure you had the current in your favour? I should suppose there was a current.
2134. *By Mr. Sadleir*: Can you carry double-reefed sails in a gale of wind? No.
2135. What kind of weather was it when you carried double-reefed sails, was it blowing fresh? Yes.
2136. When it is blowing fresh she works pretty well? Yes.
2137. But you have not been out in her in a gale of wind? No.
2138. *By the Chairman*: You have sent in no written report to the Pilot Board? No.
2139. Did the Pilot Board, in writing, call on you to report? They did.
2140. How long since? It must be a month.
2141. *By Mr. Wilson*: From whom do you receive your instructions? From the Pilot Board.
2142. Through the Secretary? No, from the Chairman.
2143. Who is the Chairman? Mr. Duncan.
2144. *By the Chairman*: Are you in constant communication with members of the Pilot Board? No.

Mr. Thomas Chowne called in and examined:—

- Mr. T. Chowne. 2145. *By the Chairman*: You are a shipwright, I believe? I am.
- 15 July, 1862. 2146. Have you had much experience in shipbuilding? All my life; not as a journeyman alone, but I have been foreman and master the whole of my life—before I was out of my time.
2147. Were you called upon by any one to make a survey of the "Sea Witch"? Yes, I was asked to go on board and look at her.
2148. By whom? Captain Towns.
2149. Were you asked in writing? I had a note asking whether I would be kind enough to go on board and look at her.
2150. Have you got that letter with you? No.
2151. Did you go on board? I did.
2152. Did you make a survey? I made no report; I was requested to look at her and I did so, and left her at that; I took no more notice of it—I made no report.
2153. How was it you did not make a report? I can hardly tell you why,—I hardly knew what they wanted of me, but I understood there was some objection about her not being copper-fastened, and several other little matters.
2154. Is it not usual when shipwrights are requested to go and look at a vessel for them to make a report? Yes, and people generally pay us for so doing; but in this case I was not asked for a report.
2155. After having looked at the vessel did you express any opinion about her? No.
2156. Did you not do so to Captain Towns? No, I did not see Captain Towns again for months afterwards.
2157. Then although you were called upon to make a survey, there the matter ended? I do not know that I was called upon to make a survey; I was asked to look at her. It was said she was copper-fastened, and I saw she was not; I found that I could not speak favourably of her, and so I left it.
2158. What is your opinion of the suitability of the "Sea Witch" for the purpose for which she is required? I think she is too short; she will do very well in fine weather, but in bad weather she will be glad to come inside.
2159. Are pilot vessels required in fine weather altogether? No, they must work in bad weather as well.
2160. Do you think the "Sea Witch" a suitable model for a pilot vessel? The model of her I cannot speak much of; she is Yankee built; and, if I may so express myself, the two ends do not belong to the same ship; that we do not like in a ship.

2161.

2161. What do you think was her value in the market at the time you saw her? About £600, speaking merely at a guess; somewhere thereabouts; I did not see the inventory, and the inventory is a great point in the price, because you may soon spend £200 or £300 in sails and stores.
2162. Supposing her to be well found? Supposing her to be well found, I should say £700.
2163. Just look at No. 25 in the printed correspondence, with respect to the purchase of the "Sea Witch," and you will see there Mr. Cuthbert's report, which states how she was found (*witness read the report*)? Yes, that is a very fair description of her.
2164. After seeing that description, what do you think her value? I should say £700. She was not worth much more in the market; but at times, when an article suits us, we may give a little more than it would fetch in the market, so as to secure it—perhaps £100 or £200 more.
2165. Are you about building a pilot vessel for the Government? I made an offer some months ago.
2166. You have not made any contract? No.
2167. Did you send in any specification, or state on what model you proposed to build? Yes, both.
2168. Was it on the model of the "Sea Witch"? I should think not.
2169. Have you ever seen the lines of the "Mary Taylor," a celebrated American pilot boat? Yes, last night, and I have them in my house now.
2170. Is the "Sea Witch" built on the lines of the "Mary Taylor"? I should think not.
2171. Then if the Treasurer has been informed that she is, he has been incorrectly informed? As I have heard it, she was built after the lines of the "Mary Taylor," with an improvement, as they thought, in the fore part.
2172. Then the "Sea Witch" is an improvement on the "Mary Taylor"? Yes, so they intended.
2173. Do you consider the alteration an improvement? No.
2174. Who considered it an improvement? The owner or captain of her, who was on board; he seemed to be great on it.
2175. It was from him you heard this opinion, that she was an improvement on the "Mary Taylor"? Yes.
2176. Have you any objection to state what price you offered to build a vessel for, for the Government? Not the least.
2177. What price was it—so much per ton? I asked £20 a ton.
2178. *By Mr. Weekes*: Builder's measurement? Yes; it came to somewhere about that; it is brought up to even money.
2179. *By the Chairman*: Will you look at No. 58 in these papers;—you will see an offer there from Harvey and Sons, of Ipswich, to build a vessel at the rate of £22 5s. per ton;—is your vessel to be fastened in exactly the same manner? Thoroughly copper-fastened below the deck.
2180. Is she to be fitted as is stated in that specification? No; in the first place, she is not to have mahogany lockers, because mahogany cannot be got here; in the next place, I am not going to sheath my deck—it will be copper-fastened, but not sheathed; then I will use treenails in the topsides, unless the Government approve of spikes.
2181. *By Mr. Weekes*: Is your specification as good as this on the whole? I consider it was when I first handed it in.
2182. *By the Chairman*: Are you to find two suits of sail? Two suits of sails and two boats. I do not find knives nor forks, nor sundry little items of that kind.
2183. *By Mr. Weekes*: I suppose you would have no objection to your specification being put in as one of the papers in this investigation? No; but I would rather it should appear in the shape in which it was first given in, because many things are increased in size unnecessarily since then; for instance, the clamps inside have been increased in size, and I recommended New Zealand pine for them, but they preferred to have hardwood. That I will willingly use, for New Zealand pine is 36s. a hundred now, and I can get hardwood for from 18s. to 20s; but when I said pine, it was for the benefit of the vessel, thinking to make her a light smart vessel.
2184. Are you willing to pit her against any vessel that ever was built? That is putting rather a hard face on it; but I think that, without mentioning the iron boat, which I have not seen, I might pit her against anything we have got inside the harbour.
2185. *By the Chairman*: Would she be equal in every respect to a vessel such as is offered by these parties? I consider she would as to copper-fastening; I do not know that I ever saw a vessel thoroughly copper-fastened but once, that is, all her bolts copper.
2186. Were you never asked by any one to make a report, after you were called upon to look at the "Sea Witch"? No.
2187. Were you expressing your opinion at all freely to any one? No.
2188. *By Mr. Wilson*: If your opinion had been favourable, would you have considered yourself called upon to have reported? Perhaps I might have, under the circumstances.
2189. *By the Chairman*: Did not the note from Captain Towns intimate to you for what purpose your attendance was required? No. I was asked to see whether she was copper-fastened, and whether she was sound, and I considered she was sound; she is a sound vessel, as sound as any of her class and age. It was reported she was rotten, but I saw nothing rotten about her; she is as good a vessel of her class as you could pick out of a hundred, perhaps.
2190. *By Mr. Weekes*: Do you know the schooner "Atlantic"? I know her by seeing her.
2191. What do you think she would fetch in the market? I do not know the state she is in; I never examined her, and never took particular notice of her, to put a value on her.

- Mr. T. Chowne.
15 July, 1862.
2192. Do you thing her worth £2,000 in the market? I should hardly think she was. I think £2,000 rather more than the value of her; she is old, I believe, and whether copper-fastened or not I do not know; I should say not; I should say she is only fastened like the "Sea Witch." It is customary to have the centre fastenings of iron.
2193. Is it essential for a vessel to be copper-fastened at the butts? Yes; and so it is in a good vessel for the centre fastenings. Below the copper they must be, or they will be off in a very little time.
2194. *By the Chairman*: You do not know when the "Atlantic" was built? No.
2195. And you never examined her, and do not know whether she is copper-fastened? No.
2196. *By Mr. Weekes*: Are you able to speak of the draught of water of the "Mary Taylor"? No. I did notice it, too.
2197. Can you say whether, from the load line to the rabbit of the keel, it is only five feet? She has not a great deal of draught of water.
2198. Is she not a very shallow vessel? She is. She is one of the old school of Yankees, with a shelving bow that stands almost out of the water.
2199. Is she not a comparatively new vessel? I do not know what year she was built in.
2200. Have you ever seen a model of the "America," the celebrated yacht? Yes.
2201. Are you aware what her draught of water is? I think nine feet.
2202. *By the Chairman*: Do you know her tonnage? I could not speak positively; I think about 120 tons.
2203. *By Mr. Weekes*: For £20 a ton you are prepared to turn out a vessel equal to one built according to the specification set forth here by Harvey and Sons, of Ipswich? I am willing to try to do so.
2204. You think there is plenty of mechanical skill in the shipwrighting line to build a vessel in New South Wales, without having recourse to England? I think there is; there ought to be, out of the number of men that have come here lately. I have seen the time when it was very difficult to get a good piece of work done.
2205. There are plenty of skilful men in the Colony now? Plenty, as good men as any in the world.
2206. I suppose it is a disputed point, even now, amongst scientific men, as to the proper model of a ship—do they not differ in their views? Widely. They all acknowledge that length is a benefit to them, but there are all other shapes and forms. We are as far from having any settled model as ever we were.
2207. *By the Chairman*: Do you consider hold of the water necessary to make a vessel weatherly? It depends on the build of the vessel. One vessel will be very weatherly with a small draught of water, while another with a great draught of water will drive where she likes.
2208. Did you notice the draught of water of the "Sea Witch"? Eight or nine feet, I think. Eight and a half I think it was, the last time I was on board. I did not look, but they told me they had put more ballast in.
2209. Do you notice that in Mr. Outhbert's report, No. 25, he says it is five feet forward, and six and a half feet abaft? They rose the copper, and very likely put more ballast in her. I think she is drawing nine feet now.
2210. If she has a greater depth of keel amidships than forward or aft, would she draw more water amidships than aft? No, I think not, drawing less forward than aft.
2211. *By Mr. Wilson*: Are you acquainted with the Liverpool pilot boats? No, not much; I never was much in that part of the world.
2212. Are you acquainted with the lines on which they are built, or have you seen any models of them? I have seen the lines of some of them.
2213. Have you seen the lines of the "Mary Taylor"? Yes.
2214. *By the Chairman*: You have plans of them in books? Yes.
2215. *By Mr. Wilson*: Are you aware as to their particular build—whether they have great draught of water for their size, or not? Some of them have, and some have not. There are various crafts all along the coast of England. One man will build a vessel standing nearly up on end. One of the Rothschild's cutters drew eleven and a-half feet aft and three feet forward—she sat right up on end. So are some of the Scotch boats and some of the Irish boats built in the same way. In fact, I have built a vessel with a stem three feet long and a stern-post nineteen.
2216. *By Mr. Sadleir*: What was the object in building a vessel of that kind? Whim. The paper was put into my hand and I followed it out.
2217. Was it to obtain any particular quality? Yes, I suppose it was to get great speed. The shape of her on deck was as near the shape of a boy's kite as anything you can name.
2218. Do the models of vessels generally depend on the purpose for which they are built? Yes; but we are not all of the same opinion in building. I myself would build three vessels of equal tonnage—one should draw more water forward than aft, one should be on an even keel, and one should draw more aft than forward; let me mast them and rig them, and I would not lay an old hat on any one of them.
2219. The rigging of a vessel and the model ought to go together? Yes.
2220. A vessel built for a cutter should be of a different construction to one built for a schooner? Yes.

Mr. Daniel James called in and examined:—

- Mr. D. James. 2221. *By the Chairman*: You are mate of the "Sea Witch"? Yes.
2222. Have you been mate of her since she became a pilot vessel? Yes.
15 July, 1862. 2223. Have you had much experience in small vessels? I have, all my lifetime.

2224.

2224. Have you been much on board pilot vessels? I have been in the habit of taking pilots out of vessels in the English Channel for eleven years—that is, on the north of the English Channel. Mr. D. James.
15 July, 1862.
2225. Have you seen a good deal of pilot vessels on the English coast? Yes.
2226. How does the "Sea Witch" act as a pilot vessel? The "Sea Witch" acts in fine weather very well, but in bad weather she does not answer.
2227. Will you state in what way you consider her deficient? Her missing stays so much.
2228. Is she a weatherly craft? No, not in bad weather.
2229. Do you consider her suitable for a pilot vessel? Not at all times.
2230. If you were purchasing a pilot vessel yourself, is she the sort of vessel you would purchase? No.
2231. Have you seen her tried to be stayed in a heavy sea? Yes.
2232. How did she act then? She acted very badly; she came up head to the sea, and then ran astern, would not come round, and paid right off again.
2233. Have you seen her trying to work to windward? Yes.
2234. How did she act? She goes to windward very well as long as you keep out in the southerly current clear of the land, but you must not come near the land with her.
2235. Have you been out in rough weather with her? Yes.
2236. How often? We have been out three times in rough weather now, if I recollect right.
2237. On these occasions had you to put pilots on board vessels? Yes.
2238. Was there any difficulty in doing so? No, it was not such bad weather; there was a heavy sea, but not such a great deal of wind.
2239. Do you recollect on one occasion running into port in consequence of the weather being threatening? Yes.
2240. What sort of weather was it then? There was all the appearance of dirty weather—a gale of wind coming.
2241. She did run in on that occasion? Yes.
2242. During the height of that gale did any vessels come in from seaward? Not that I recollect.*
2243. *By Mr. Wilson:* Do you remember the date? No.
2244. *By the Chairman:* Was it on that occasion the "Colonial Empire" came in? No, she came in before we came in with the schooner.
2245. *By Mr. Weekes:* The same day? The same day.
2246. *By the Chairman:* During the time the "Colonial Empire" was running in, how did the "Sea Witch" act then? Very well, except once I saw her miss stays while I was hanging on to the ship after putting a pilot on board.
2247. Did the "Colonial Empire" come in under topgallant-sails? No, not when the pilot was put on board; she was running in clewing up her sails as she came, ready to come to an anchor.
2248. Do you remember putting a pilot on board the "City of Aberdeen"? Yes.
2249. What period of the day was that? About three o'clock in the afternoon, or thereabouts.
2250. Was Captain Watson out with you during the first few days, or on any occasion? Yes.
2251. How did she behave during the time he was on board? She missed stays several times.
2252. What did he think of it? He did not think much of her.
2253. Did he express any opinion? Not in my hearing, only once, and then I could not say exactly what it was.
2254. *By Mr. Weekes:* How do you know he did not think much of her? By his appearance and the way he acted.
2255. How did he act? As if he would rather see her stay than fall off again.
2256. *By the Chairman:* Where was the vessel at the time the mainboom was sprung? I was five miles from Botany Heads, west-north-west; as near as I could judge, it was twenty minutes past three in the morning.
2257. What was the cause of the mainboom being sprung? A sudden heavy sea striking her—a sudden plunge.
2258. Does she pitch much in heavy weather? A great deal.
2259. Is the vessel well found? She is not over and above well found.
2260. Does she make any water? No.
2261. Does the boat belonging to her answer well? No, it does not.
2262. In what way is it not suitable? It is too short.
2263. Do you know where it came from? No.
2264. Do English pilot vessels use similar boats? No.
2265. Can you lower the boat with ease when there is any sea on? We can lower the boat if there is a sea on, but it is not safe to get into her.
2266. *By Mr. Weekes:* That is from the character of the small boat? Any boat at times you could not lower from that schooner.
2267. *By the Chairman:* Are her davits so placed as to render it difficult? No, they are placed very well.
2268. Why is it difficult to lower a boat from her? Because she rolls so sudden.
2269. During your watch has she missed stays often? I do not think she has more than in the captain's watch.
2270. Is it usual for pilot vessels to come into port in rough weather? I cannot say, for I have never been aboard of them.

2271.

- Mr. D. James. 2271. Did I not understand you to say you had had some experience? Ycs, in taking pilots out of ships outward bound.
- 15 July, 1862. 2272. *By Mr. Weekes*: You never were in a pilot boat? No.
2273. *By the Chairman*: Do you know of your own knowledge whether they come in in rough weather? Sometimes they do.
2274. In the sort of weather when the "Sea Witch" came in—was the weather then unusually boisterous? It was threatening for that.
2275. Did it turn out to be such a gale that you could not have stayed out? We could have stayed out, but we could have been of no service.
2276. If the model of the vessel had been different, would she have been of any service? I do not think she would.
2277. *By Mr. Weekes*: You mean to say no pilot boat would have been of service on that particular night? I do not think she would—not as regards lowering a boat.
2278. *By Mr. Sadleir*: Could you not have led a vessel in that night? Yes, ahead of her.
2279. Without lowering a boat? Without lowering a boat.
2280. *By the Chairman*: After you came in, and were lying inside, were any pilots put on board vessels with the boats? Ycs.
2281. Do you recollect where the vessels were boarded? Some out far and some near. I went out with the pilot to almost every one.
2282. The water was not so rough but you could go out in a whaleboat and board these vessels? Yes, in a whaleboat, one of the shore boats. I would not go out in the schooner's boat.
2283. In such a breeze do you think an English pilot boat would have come in? I think the English pilot boats that I have seen would have stayed out as long as they could carry sufficient canvas to keep them to windward.
2284. How long did you remain in port when you came in? Till Wednesday.
2285. What day did you come in? Sunday.
2286. Why did you remain in so long? On account of the sea being so high; we could not get out.
2287. Did you make the attempt? Not with the schooner.
2288. Is she considered safe on a lee shore? No, I do not consider her safe.
2289. I think you said she makes no water? No, she made no water with us; but in that breeze we did keep the pumps jogging now and then, to see whether she did.
2290. Do the decks leak? Not that I have observed.
2291. Does the vessel labour much? She labours very heavy.
2292. What water does she draw aft? About 7 feet 4 inches, to the best of my knowledge.
2293. Is she in good sailing trim with 7 feet 4 inches draught of water—is that her proper trim? I cannot say if it is her proper trim.
2294. Have you seen her in dock? No.
2295. Do you consider her a weatherly craft? I do not, not in bad weather.
2296. *By Mr. Weekes*: What do you go upon—what do you found that opinion upon? Because she is too short for the breadth that she has, and too shallow.
2297. Are you aware that there are pilot boats as shallow as she? Not the same model, I should think.
2298. From your own experience of this vessel, do you form the opinion that she is not weatherly? From my experience since I have been in her.
2299. Does she beat to windward? She beats to windward as long as she has got the southerly current with her.
2300. Did she beat that evening against the southerly wind some four or five miles? Ycs, she did.
2301. How long have you been in the Colony? Eight years.
2302. Have you ever been in Captain Smith's employ? Yes.
2303. How long? Four years.
2304. Have you had any conversation with Captain Smith about this ship? No, I never saw him since until to-day.
2305. Nor communicated with him? No.
2306. You have been some time coxswain at Watson's Bay? Yes, three years and a quarter.
2307. From your experience there, do you prefer the inside pilot service or the outside service—say with suitable vessels? I prefer the outside as long as I have a vessel I can trust to.
2308. Do you think the outside service as useful in all weathers? I would sooner be outside the Heads in a cutter in any weather than go outside the Heads in bad weather in a whaleboat, as long as I had one under my feet I could trust to.
2309. Then you think it desirable to maintain, with suitable vessels, the outside pilot service? Well, I think it is an improvement on the boats, as long as there are sufficient craft, and they are adapted for it.
2310. You think it an improvement on the old system? I think at times it is; not at all times.
2311. At what times is it inferior to the old system? I think in bad weather you cannot lower boats to board ships at a distance off the land. I think a steamer would be the best; a steamer would be far superior to the schooners at all times.
2312. Do you think a boat could be lowered from a steamer to enable a pilot to be put on board a ship when it could not be lowered from a sailing vessel? No.
2313. How would you deal with a vessel then? Steam in ahead, and let her follow me until I could put a pilot on board.
2314. Then you prefer the pilot schooner system outside to the old system of whaleboats, but you prefer a pilot steamer before all? Yes.

2315. *By Mr. Wilson* : Was it through Captain Smith's influence that you got your present situation? Not that I am aware of. Mr. D. James.
2316. Were there advertisements issued for parties to hold the situation? Yes. 15 July, 1862.
2317. And you were selected as being a suitable person? I was selected.
2318. *By Mr. Sadleir* : Do you think the "Sea Witch" a safe vessel off the coast in bad weather? At a distance off she is, but not close to it.
2319. Could you work her out between the Heads in a dark night and heavy weather—I do not mean in a bad gale? No, I would not, not after taking a reef in the sails.
2320. Why? Because I should be afraid of her missing stays.
2321. What do you suppose is the reason of her missing stays, is she masted badly? I cannot say what it is; but as soon as ever she comes near the wind her way is done, and she begins going astern before the jib can act, and if a sea strikes her she pays off again.
2322. Is it her construction,—is she too short? I think she is.
2323. Is that the reason she pitches? Yes, I think it is.
2324. What kind of tackle have you for lowering boats? Ordinary tackle.
2325. Not patent tackle? No, the old ordinary two-double blocks.
2326. *By Mr. Weekes* : You never have been in the pilot service at all at Home? No, only what the fishermen call the pilot service, taking pilots out of ships coming from London outward bound.
2327. *By Mr. Wilson* : Were you in the habit of being out in very severe seas? Yes.
2328. You had plenty of work such as is required of the "Sea Witch"? Yes.
2329. There is as much danger and difficulty in taking a pilot out of a ship as in putting one in? Yes; the only difference was that we had sand banks that we could get under the lee of.
2330. *By Mr. Weekes* : You state that the "Sea Witch" has not the proper proportions for a vessel? I do not think she has.
2331. Do you know the proper proportions? No, I do not.
2332. Then what is your opinion founded on? According to the smacks I have been accustomed to be in.
2333. What are their proportions? I could not tell exactly; they run various sizes, lengths, breadths, and depths.
2334. *By Mr. Wilson* : Are they longer in proportion than the Sea Witch? Yes; the one I served my time in was lengthened three times.
2335. *By the Chairman* : Is the "Sea Witch" very wet? She is wet forward.
2336. *By Mr. Weekes* : Is not that a common failing? No; in the one I served my time in, that was the driest part of the ship; any wave that burst at all she put it over amidships.
2337. *By Mr. Wilson* : You state you have been for a considerable time in connection with the pilot service at the Heads? Yes.
2338. What is your opinion of the seas that run here compared with those on the coast of England, are they as bad? I think they are.
2339. Are there as many bad days here as in England? No.
2340. But when a bad day comes you think the sea is worse? Yes.
2341. *By Mr. Sadleir* : Were you ever in the Bay of Biscay? Yes.
2342. Do you think the seas here worse than in the Bay of Biscay? I think not.
2343. You say this vessel is very wet forward? Yes.
2344. Do you attribute that to her want of length? Yes, want of length to keep her steady.
2345. Were you ever in a vessel of something like the proportions of this one before? No.
2346. *By Mr. Weekes* : Do you know what the proportion of the "Sea Witch" is? No, I do not.
2347. How then do you know you were never before on board such a ship? By the appearance of her.
2348. *By Mr. Wilson* : Looking at her with the eye of a seaman? Yes.

Mr. John Jenkins called in and examined:—

2349. *By the Chairman* : You are Senior Pilot at South Head? Yes. Mr. J. Jenkins.
2350. You have been many years a pilot? Eight years. 15 July, 1862.
2351. Have you been out at all in the "Sea Witch"? Yes, four weeks altogether; I was on duty in her the first fortnight, and now our turn is just over again.
2352. Is it every fortnight you take? Yes, we relieve every fortnight.
2353. What sort of weather had you during the time you have been out in her? Generally fine weather.
2354. Any unfavourable weather at all? Yes, the first fortnight there was a little unfavourable weather.
2355. How did she behave? She missed stays four or five times, and made anything but good weather.
2356. Were you compelled to run in? No, only when the main-boom was sprung.
2357. Do you consider she answers as a pilot vessel? In fine moderate weather she does.
2358. Have you been called upon to report upon her to the Pilot Board? I have.
2359. Did you report in writing? I did.
2360. Will you state what the substance of that report was? That she was very well in moderate weather, but in bad weather not what ought to be expected of a pilot vessel.
2361. Is it not principally in bad weather that you require a pilot vessel outside? In bad weather we cannot board ships from her.
2362. Do you consider her a suitable vessel for the service? Not altogether, I do not.
- 2363.

- Mr. J. Jenkins.
15 July, 1862.
2363. Were any other pilots called upon to report upon her? The whole of us were.
2364. Were any members of the Pilot Board on board during the time you were out in her? Captain Watson was.
2365. Did she miss stays during the time he was on board? She did, under all sail.
2366. Did he appear to think her suitable? I cannot say.
2367. Did you hear him express any opinion? I did not. It only seemed to me that he did not at all like her conduct at that time.
2368. *By Mr. Weekes*: Did he say anything? No.
2369. How could you tell, then, what was his opinion? By the look of him.
2370. *By the Chairman*: Did he appear angry? A little angry.
2371. What sort of weather was it then? A fine whole-sail breeze.
2372. Did you find any difficulty in lowering a boat from her in rough weather to board vessels? We have not had a trial in rough weather. The night I have been alluding to we could not have lowered a boat. She was rolling the boat in the water.
2373. Do you think it would have been safe to lower a boat from her? It would not have been prudent.
2374. *By Mr. Weekes*: Is it safe to lower a boat from any ship sometimes? No.
2375. *By the Chairman*: On this particular occasion? It would not have been safe to lower a boat.
2376. Not from any vessel? Not from any vessel.
2377. Do you think you can carry on the outside pilot service efficiently if you cannot lower boats in rough weather from the vessel? I do not think we can.
2378. Is it not most important to be able to lower a boat from a pilot vessel in ordinarily rough weather? Yes, but then you lower the boat at the risk of every one's lives.
2379. Then it cannot be done? It cannot be done.
2380. Was this extraordinary rough weather? No; we were under double-reefed canvas.
2381. Do you not think it a necessary part of the service that you should be able to board vessels in that kind of weather? Yes, but it can be done with a whaleboat.
2382. Then in fact it is the boat that is not suitable? We could not have lowered a boat from the vessel.
2383. Could you have lowered it from any vessel? I believe not.
2384. Have you seen the Liverpool pilot boats? I have.
2385. Would they have remained out in such a gale? Yes.
2386. Would they have lowered a boat? I do not doubt but they would; they would have got under shelter.
2387. Could you not have done that here? No.
2388. Do you think there has been any weather since the "Sea Witch" has been out that a Liverpool pilot boat would not have stopped out in? I can hardly express an opinion with regard to that. They have a different class of pilot boats at Liverpool to what they were when I was there.
2389. Do you consider the "Sea Witch" a weatherly vessel? In fine weather she is, but in heavy weather I do not consider her weatherly.
2390. Do you consider her safe on a lee shore? No, not in a gale of wind.
2391. Then on all occasions in bad weather you think it would be prudent for the "Sea Witch" to run into port? In heavy weather, with an easterly or south-easterly gale, it would.
2392. Is there not a heavy sea on with a north-easter? Nothing like the same.
2393. Could you lower a boat in a north-easter? I think we could, because we could manage to get under a lee.
2394. Do you consider the "Sea Witch" now suitable for the work in which she is employed? In moderate weather she is.
2395. Generally, I mean—because you have all kinds of weather to contend with? Generally in heavy weather she is not.
2396. Could a more suitable vessel be built? I should think there may be.
2397. Will the "Sea Witch" stay under close-reefed sails? She has been tried under double-reefed sails, and missed stays four or five times. I have never seen her under close-reefed sails.
2398. Is she a dry vessel? No, she is not, but not extraordinarily wet.
2399. Were you on board the day she ran in, when the "Colonial Empire" and "City of Aberdeen" came in? I got on board between the Heads as she was coming in.
2400. *By Mr. Weekes*: And she then stood out? No, I went on board after the pilots had been put on board; I was on shore duty; it was my relief.
2401. After you came on board did not the vessel stand out to sea? She stood in and came to an anchor.
2402. *By the Chairman*: Have any members of the present Pilot Board, besides Captain Watson, been on board the vessel during the time you were there? No.
2403. Have you had any conversation with any of the present members of the Pilot Board about the vessel? None whatever.
2404. *By Mr. Weekes*: You have had considerable experience of the pilot system as recently carried on, by whaleboats? Yes.
2405. From your experience, is that as good a way of conducting the pilot service as by outside-schooners? I do believe it is.
2406. You think the system of whaleboats lately in operation, and partially so now, is preferable to the outside system? I believe it is.
2407. What is that opinion grounded upon? If we are outside with a schooner when we cannot be put on board, the schooner is obliged to run in and lead the ship in—

2408. I mean supposing that the outside system were carried on with suitable vessels, setting the "Sea Witch" altogether aside, will you state your objections to that system as compared with the old system? We can pull out with a six-oared whaleboat when no schooner could beat out, and go alongside a vessel, or lead a vessel in, when we cannot get out with the schooner.

Mr. J.
Jenkins.

15 July, 1862.

2409. Are there times when, with the wind and sea between the Heads, it is impossible for any schooner whatever to beat out between the Heads? Yes, there are times when it would be impossible for any vessel to go between the Heads.

2410. And also when it would be quite impossible to lower a boat from any pilot schooner in certain conditions of the sea outside—when it is blowing a heavy gale of wind from the south-east? Yes. Even that night after we boarded the "Colonial Empire" it would have been impossible to have put a pilot on board from any vessel outside.

2411. And therefore you consider the outside schooner service would fail when most required? I do think so, because we could not render that assistance to a ship that we ought to do.

2412. Do you think that a ship is likely to get into danger between the Heads before she could be boarded by a pilot on the old system? No, I do not think so, because a person of any thought at all would never run in with a gale of wind without he was prepared to come in under easy sail, and prepared to come to an anchor; and then the pilot should be on the look-out for him with the boat to take him into safety. If there was a schooner she would be obliged to do the same—run in ahead of him.

2413. *By the Chairman:* That is if she could stop out? If she could stop out or get out.

2414. *By Mr. Weekes:* Would you think it right to run into port with a pilot schooner in a heavy gale of wind from the south-east? I should keep out as long as I thought it prudent.

2415. Still would there come a period of the gale when you would think it prudent to run in, from your knowledge of the seas on this coast? Yes, I think it would not be safe to keep a vessel out in a very heavy gale, and she could be of no service.

2416. No pilot schooner whatever? No pilot schooner whatever.

2417. Then from your experience, your deliberate opinion is that the system by whaleboats is preferable to that of outside pilot schooners? Yes.

2418. What is your opinion of the reason of the "Sea Witch" missing stays—is it not the case that in certain conditions of the wind and sea there is more difficulty than at other times in a vessel staying? Yes, but in my opinion the "Sea Witch" has not hold enough of the water.

2419. Do you know her draught? Under eight feet; and I think a pilot vessel on this coast ought not to be less than eleven or twelve feet.

2420. Have you any acquaintance with American pilot boats? Not at all. I have seen pilot vessels in the English Channel, Calcutta, and Bombay.

2421. Have any accidents happened to vessels entering this harbour from the whaleboat system being in operation? Not that I am aware of; I cannot call to mind any.

2422. You cannot recollect if any accident has happened through that system? The only accident on the old system was the wreck of the "Catherine Adamson."

2423. Do you attribute that to the old system? I do not; the pilot was on board; the vessel was boarded well out.

2424. Then, in point of fact, when most required—that is, in the terrible south-east gales that prevail on this coast—the outside pilot schooner service would be a failure? Yes, I believe it would.

2425. From the impossibility of lowering a boat from any pilot vessel? Yes.

2426. *By Mr. Wilson:* Are the pilots paid by salary? We are now.

2427. When was that system commenced? Last month; the month of June.

2428. How were you paid before? We had £100 a year, and a gratuity from each ship we boarded beyond a certain distance; that system was in force upwards of three years.

2429. How did that system work? I believe it worked very well; I do not think there were many complaints; if we did not board in time we did not get paid.

2430. Do you think that system would work better than the present one? Yes, I think it would.

2431. That is to say, the pilots would be stimulated to exertion if their incomes depended on it? No doubt; but at the same time I do not mean to say the duty is or will be neglected because we have salaries now.

2432. You stated that you reported to the Pilot Board as to the "Sea Witch"—have all the pilots reported? I believe they did; there was a letter to each.

2433. You gave in separate reports? Yes.

2434. And of course you do not know anything about what your brethren in the service reported? No.

2435. *By Mr. Sadleir:* What kind of tackle has the "Sea Witch" for lowering boats? Iron davits, with double blocks, on the old style.

2436. If she could not lower a boat she could only lead a ship in? Yes, and then she could not get out again.

2437. Do you think a suitable vessel ought to stay under double-reefed sails? That is a very nice point; hardly any ship under close-reefed canvas will stay in a heavy sea.

2438. Do you attribute this vessel's not staying when under all sail, to her trim, or the position of her masts, or her construction? It is owing to her construction, I think. As soon as she comes head to the wind she loses all way; she is too short, and has not hold enough of the water, and has too much beam for her length.

THURSDAY, 17 JULY, 1862.

Present:—

| | | |
|-------------------|--|-----------------|
| MR. WEEKES, | \| | MR. PIDDINGTON, |
| CAPTAIN MORIARTY, | \| | MR. WILSON. |

SAUL SAMUEL, Esq., IN THE CHAIR.

W. A. Duncan, Esq., Collector of Customs, called in and examined:—

- W. A. Duncan, Esq. 2439. *By the Chairman*: You are Chairman of the Pilot Board? Yes.
2440. How long have you been Chairman of that Board? Well, I did not think of looking up the date, and I do not remember exactly.
- 17 July, 1862. 2441. You succeeded Captain Browne? I succeeded Captain Browne.
2442. Do you produce the register of the "Sea Witch"? Yes. (*Register produced.*)
2443. Will you be kind enough to look at that register and say whether the age of the vessel is given there? It is not.
2444. Will you be kind enough to state how that is? It is necessary that I should state, in the first instance, that the bill of sale of this vessel was not made out in the usual way. It was made out by the Crown Solicitor. Properly speaking, a vessel should not be registered without giving the age and build; but in this case, as the matter was put into the hands of the Crown Solicitor, I left it entirely in his hands.
2445. Have you a copy of the bill of sale? I think I have got the original. I should state that we do not make copies of bills of sale; we merely give the substance of them in our register.
2446. I understand you to say that the bill of sale of this vessel was not made out in the usual way? It was not prepared in the Custom House, but by the Crown Solicitor.
2447. There is a form in the Custom House bills of sale for the transfer of vessels? Yes; I produce a copy of the record of the registry at the Custom House.
2448. This is a copy of the record of the bill of sale of the "Sea Witch"? Yes. (*Document handed in. Vide Appendix A.*)
2449. That is the bill of sale you are looking at now? Yes.
2450. Does that bill of sale contain a copy of the original register? No. One-half of the original register has to be sent to the American Government.
2451. Does the bill of sale contain a copy of the original register? No, bills of sale do not contain now, strictly speaking, copies of the register. This is the portion of the register in our possession (*portion of document produced*). The other half has to go to the American Government.
2452. Is the half containing her age here? Not very distinctly. There is a portion of it there, but I could not with certainty say from that when she was built.
2453. I understood you to say that it is not usual now to set forth the register in the bills of sale? It gives the dimensions. That is the bill of sale (*produced*). It gives the dimensions, but it does not recite the register, as the old bill of sale used to do.
2454. This does not cite her age either? It does not.
2455. It does not say when she was built; but I see that there is a column here for the age of the vessel? Yes, there is.
2456. And it does not give the date? No.
2457. Can you state how that omission has occurred? I am not aware. We have the means of giving the exact date, generally, but as I said before, I had less to with the registering of this vessel than usual. It was placed in the hands of the Crown Solicitor, and I took it for granted that he would do what was requisite; therefore I did not think it necessary that I should interfere.
2458. There is another bill of sale besides this Customs bill of sale? There is the original bill of sale prepared by the Crown Solicitor. The other is an abstract for record.
2459. Have you the bill of sale prepared by the Crown Solicitor? That is the real bill of sale (*produced*). There are several other papers here, but I do not think they bear on the question.
2460. Is this the only bill of sale that was prepared, are you aware? I believe that is the only bill of sale. There were several interviews between Mr. Jackson of the Crown Solicitor's Office and myself, and I cannot state distinctly whether there was another bill of sale prepared or not. That is the real bill of sale which was made out in the Crown Solicitor's Office. The other (*Appendix A*) is the record of sale at the Custom House.
2461. Will you be kind enough to look at the correspondence which has been printed and laid on the Table of the House relating to the "Sea Witch"—look at No. 20? Yes.
2462. Do you recollect the meeting of the Pilot Board that took place on the 8th March? Yes, very well.
2463. Was Captain Watson present on that occasion? He was present.
2464. Were the Board unanimous in determining upon this minute which was sent to the Honorable the Colonial Treasurer? The Board were unanimous.
2465. That is on the 8th of March? Yes.
2466. There is a minute of the 21st of March? Captain Watson was not present on the 21st.
2467. Since the removal of Captain Darley, Captain Smith, and Captain Fox, has any examination of persons desirous of becoming pilots taken place by the Pilot Board? Oh, yes; a great many.
2468. By whom are those examinations now conducted? At first, during Captain Watson's absence, they were conducted by myself; since his return I have generally asked him to put the questions, as he is better acquainted with the harbour than I am.
2469. Do any of the new members take part in these examinations? Certainly.

2470.

2470. Are they active in examining candidates for certificates? Yes, now they are; at first they naturally were a little slow at putting questions, but now they take an active part.

2471. To what do you attribute that slowness? I suppose that a person newly entering upon any office would be a little cautious at first.

2472. Do you attribute it to any want of local knowledge on their part? No, I do not.

2473. Have you ever known any other instance where the age of a vessel has not been inserted in the bill of sale and register? There have been instances where the age of a vessel has not been known; always when it is known it is our duty to put it in.

2474. Is it not contrary to law not to insert it;—is it not expressly provided for by law that the age should be inserted? I am not quite sure whether it is in the Act or in the instructions under which we act. In addition to the Act of Parliament we have special instructions; I know that it is either in the one or in the other, and we are requested to be very strict in reference to the matter. There are instances, however, when it would be impossible to register the age of a vessel; there are instances—and particularly in the case of foreign vessels—where the age is not known. There are not many such instances (though some do occur occasionally) of a similar kind in reference to our own vessels. Again, a piratical vessel might be seized and condemned, and in that case we could not register her at all if we were obliged to give her age.

2475. I see the poop is included here in her measurement, making her sixty-two and eight hundredths;—is it usual to include the poop and round-house? The poop always; there is a special rule for measuring the poop of a vessel.

2476. *By Mr. Weekes*: Do you hold in your hand a copy of the certificate of registry of the "Sea Witch"? Yes.

2477. Will you have the goodness to state the dimensions of the vessel as set forth there;—what is her length? Her length is sixty-nine feet.

2478. What is her breadth? Her breadth is nineteen feet and two-tenths.

2479. What is her depth of hold? Seven feet and seven-tenths.

2480. What is her tonnage? Fifty-seven tons and thirty-eight one-hundredth parts.

2481. What is her total tonnage? Her registered tonnage is sixty-two tons and eight hundredth parts.

2482. Is that (*document indicated*) a certified copy of the register of the "Pacific" which you hold in your hand? Yes.

2483. Will you have the goodness to give her dimensions;—what is her length? Seventy-two feet.

2484. What is her breadth? Nineteen feet.

2485. What is her depth of hold? Seven feet and eight-tenths.

2486. What is her tonnage? Sixty tons and two hundredth parts.

2487. Is that a certified copy of the register of the "Atlantic" which you now hold in your hand? Yes.

2488. What is her length? Her length is seventy-six feet and two-tenths.

2489. What is her breadth? Her breadth is nineteen feet and eight-tenths.

2490. What is her depth of hold? Eight feet and six-tenths.

2491. What is her tonnage? Seventy-one tons and sixty-seven hundredth parts.

2492. Then, according to those dimensions, the "Pacific" appears to be three feet longer than the "Sea Witch"? Yes.

2493. She is two-tenths less in breadth? Yes.

2494. And she has one-tenth more in depth of hold than the "Sea Witch"? Yes.

2495. Is the "Sea Witch" the first vessel belonging to the Government that has been registered in the Custom House since you have been at the head of it? I think so.

2496. Belonging to the Queen? To the best of my recollection, it is.

2497. Do you think it anything but a proper caution on the part of the Government, that in the transfer of this vessel, and to ascertain the correctness of her title, they should employ their own officer—the Crown Solicitor? No, I do not think there is anything extraordinary in the Government's taking such precaution as to the title.

2498. You were asked just now, whether the new members of the Board abstained from asking certain questions for want of local knowledge;—do you consider that Captain Towns possesses any local knowledge of the port? Oh! I have no doubt he does; but there is a certain routine of questions we ask, that any person, however good a seaman he might be, and however well he might know the port, would feel a diffidence in asking at first. In fact, no new man on that Board could properly ask the questions without some little experience, however well he might know the port. I can ask the questions, but I could not, perhaps, bring in a ship. Captain Towns might feel awkward at asking the questions, in the first instance, and yet be able to bring in a ship.

2499. You now have in your hand that portion of the register of the "Sea Witch" which she brought here? Yes.

2500. Do you see a date in the left hand corner? Yes, I see "1854," which I suppose to be the date, but, of course, the document being imperfect, I would not like to say positively.

2501. And you believe that date —? Refers to the date of her build.

2502. *By Mr. Wilson*: What is that document now before you cut in two? I have not examined it closely, but I believe it to be half the register of the "Sea Witch."

2503. Who has cut it in two? I do not know of my own knowledge, but I believe it was done in the Consul's office.

2504. Was that document entire when the "Sea Witch" came to the Colony? I have no doubt that it was, but I do not know positively.

2505. Then it was entirely in the hands of the captain previously to its being cut in two? I should not like to give a positive answer to that question. I merely conjecture, that being

W. A.
Duncan, Esq.
17 July, 1862.

an American he would not like to sail without his register, because he would be liable to have his vessel seized.

2506. You say you gather that that ship must have been built as early as 1854? I concluded that from the figures, but there is nothing sufficient to give a positive answer to the question.

2507. Have you any reason to suppose that that "1854" was put down for any other purpose, or that it is a date previous to the building of the ship? I have no reason to suppose that such has been the case.

2508. But the captain having that register must have known when the ship was built? I have no doubt that an American register, like a British register, always shows, when it can show it, the date when the ship was built.

2509. If that register showed that the ship was built in 1854, and the captain stated that it was built in 1856, he would state what was untrue? I would not like to go so far as that. No doubt he ought to have looked at his register before making any statement as to her age.

2510. Had the Civil Crown Solicitor a sight of that register before he prepared the bill of sale? That I do not know; I believe he had.

2511. The age of a ship is always in her original register? Always in the register when it can be ascertained.

2512. Always in the original register? Always in the original register.

2513. Does that appear to have been the original register of this vessel? It may be a register *de novo*, but I cannot say as to that, because it is not complete.

2514. But you would say it is a fair copy of the original register? I have not the least doubt it is a fair copy; that it is either the original register or a register *de novo*.

2515. And it is always customary, in documents connected with the transfer of ships at the Custom House, to insert the age of the vessel, when it is known? Always.

2516. And if the age was known in the case of this "Sea Witch," and it has been placed in the register as unknown, of course that is contrary to the regulations of the Board? Yes, if they had the means of stating it.

2517. You state there are certain routine questions asked at the Board on examination for certificates of competency—are the same questions asked of all seamen? Not always. Very often a defect in any answer leads to other questions, to ascertain the competency of the candidate.

2518. But generally the same questions are asked? As a general rule they are much the same.

2519. Do you not think that system might lead to persons priming themselves for examination, when it becomes known what are the questions asked by the Board to test the qualification of candidates? The Board are very careful to ascertain the length of service of the parties applying, and their knowledge of seamanship, as well as asking the routine questions I spoke of.

2520. But do you not think it would be more advantageous to the service if the questions put were not routine—if they differed, so as to prevent various parties who had been examined comparing notes and informing the public, or those who were about to become candidates, what questions were to be asked? A great part of the questions must always be routine questions. We have certain buoys, beacons, or marks, in the harbours, and the questions in reference to them must be the same to all parties. It is merely an examination for piloting in a vessel, and as the same marks and bearings apply to all, the same questions must, to a great extent, be asked; but the Board, so far as I have been connected with it, have been very exact and strict in their examination.

2521. Have the Government bought another schooner lately for the Government service? There has been another vessel bought for the public service; but not having had any particular duty in connection with her, beyond merely registering her, I —

2522. *By Mr. Weekes*: What vessel is that, pray?—what is the other vessel you spoke of as having been registered? I imagine the Honorable Member refers to the vessel engaged in the coast surveying service; that is what I understood.

2523. *By Mr. Wilson*: That is what I am alluding to. Was her age known or unknown at the time of her registry? I have not any documents here with respect to her, and I should not like to give an answer in reference to that matter without having the documents.

2524. Perhaps you will be kind enough to inform the Committee as to whether the age is known or unknown? Her age is known; she appears on the register to have been built in 1848.

2525. *By Mr. Piddington*: When the "Sea Witch" was placed on British registry at the Custom House, did you not demand to see the original American register? That is always the first step in registering a vessel when she is registered at the Customs, as vessels usually are; but this was done in a somewhat different manner, as I have mentioned.

2526. If you had insisted on seeing the original American register, would you not have been enabled to ascertain the date when the "Sea Witch" was built? No doubt; if it had been done in the usual way the date would have been given.

2527. You have looked at the original register, so far as it is perfect;—have you any reason to doubt that the 1854 refers to the period when the "Sea Witch" was built? I see no particular reason to doubt it.

2528. *By Captain Moriarty*: Is it not usual to have any change in the master of a vessel registered or recorded on the back of the register of the ship? It is the usual practice.

2529. It is invariably done, is it not? I am sorry to say it is not invariably done, because the masters do not always come, on being appointed, for the purpose.

2530. But is it possible for them to clear at the Custom House without doing so? They have done so occasionally.

2531.

2531. Is not that an infraction of the law? It is.
2532. I presume you have seen other American registers? Oh! yes; a number of them.
2533. A number of them; and they are all made out in the same way, are they not? Yes, they are all made out in the same way, as nearly as possible.
2534. And according to the general plan of these registers, would not this 1854 indicate something distinct to your mind? There is no doubt whatever that it has a meaning there.
2535. And, in general, what would it mean in other cases? I think the date of the build.
2536. There is no doubt, in your mind, that that '54 relates to the date of the build? I would say, in a general way, that that was the date of the build; but as the document is imperfect, I would not like to give a positive answer.
2537. However, that is the conviction on your mind, from your general knowledge of such documents? I think, judging from other registers, that that would be the date of the build.
2538. Is it not the custom of this port for American vessels, when they come in, to deposit their registers in the hands of the United States Consul? Yes.
2539. Therefore the Consul is the person who is responsible for them? Yes. In the case of British vessels they are deposited in the Custom House. We have no power to compel foreign vessels to deposit their registers, or to require the names of the masters to be written upon the registers; that is a matter for the Consul.
2540. But in all British vessels it is done? In all British vessels we require the masters to have their names indorsed upon the registers.
2541. *By the Chairman*: Do you know whether the other half of this register is filed in the Consul's office here? I was told that it was to be sent to America; but whether it has been sent or not I am not aware.
2542. *By Captain Moriarty*: If it has not been sent, then it is in the Consulate? I should imagine so.
2543. *By Mr. Weekes*: The Consul's office is the proper place of deposit, if it is not sent to America? Yes.
2544. *By the Chairman*: If it has been stated to the Government that this vessel was built in 1856, has it been wrongly stated? That depends upon whether my conjecture is right, that that date means the date of the build.
2545. *By the Chairman*: Will you be kind enough to look at No. 26 of the correspondence;—you will see a minute there from the Honorable Colonial Treasurer, initialled E.C.W., 15th March? Yes.
2546. Are you aware whether that minute ever reached the Pilot Board? I do not think it did—I believe it reached me as Chairman of the Board. If I am not mistaken, it reached me on a Saturday afternoon.
2547. Will you be kind enough to say what course you pursued on receipt of that minute? I first sent to the Secretary of the Board, but he was gone. This came on Saturday afternoon, when Mr. Wilshire and the Harbour Master were both gone, and not being able to find either of them, I could not act upon it at once.
2548. Do you recollect what was done with it afterwards, or what course you pursued after its receipt? I think that, on the Monday following, the Harbour Master directed the vessel to be put into the dock.
2549. Then do I understand you to say, that it went from you to the Harbour Master? It would go from me to Mr. Wilshire, and I dare say it would be shown by him to the Harbour Master, and the Harbour Master seeing his name mentioned in it, would take action immediately.
2550. Are special meetings of the Pilot Board occasionally called? Yes.
2551. Was any meeting called on this occasion to submit this minute to the Pilot Board? Unless I had the minutes of the Board to refer to, I should not like to give a positive answer in reference to that matter. On referring to the Board's minutes, I find that no special meeting was called on occasion of this minute. It was laid before the Board at the ordinary meeting on the following Thursday.
2552. *By Mr. Weekes*: Are you aware whether this vessel has ever been represented to the Government as having been built in 1856? I have a recollection that something of that kind was said, but I can hardly say by whom.
2553. *By the Chairman*: Look at No. 18 of the correspondence—a letter from Mr. Chapman? It is stated there that she was built at New London, in 1856.
2554. *By Mr. Weekes*: Look at No. 25—a letter signed by Mr. Cuthbert—does it state there that she was built in 1855? Yes, in the year 1855.

W. A.
Duncan, Esq.
17 July, 1862.

APPENDIX.

A.

Copy of Record of Bill of Sale of the "Sea Witch."

Custom House,
Sydney, 27th March, 1862. 12:26 P.M.

Benjamin Franklin Chapman, late of New London, Connecticut, in the United States of America, but at present of Sydney, New South Wales; and John Joshua Platt, of the Island of Raitea, Society Islands, have transferred, by Bill of Sale, dated 27th March, 1862, the whole of the shares to Her Most Gracious Majesty Queen Victoria.

£1,425.

W. A. DUNCAN,
Registrar.

James

James Ross, Esq., called in and examined:—

- J. Ross, Esq. 2555. *By the Chairman:* You are captain of the ship "Colonial Empire" Yes.
 2556. What is the size of your vessel? 1,305 tons.
 2557. Is that your registered tonnage? Yes.
 17 July, 1862. 2558. Have you been often in this port? Yes, sir; I have been coming here for about nine years regularly.
 2559. You are well acquainted with the port, then? Yes, very well.
 2560. Have you generally taken a pilot on board? Yes.
 2561. Where have they generally boarded you—I am talking of occasions previous to your last trip? Generally, just outside the reef.
 2562. Where did the pilot board you this time? Just before we came to the south reef; I was close in under the land.
 2563. This time? Yes. I cannot tell the bearings; I think it is in my log book, and I could have told you if I had brought it with me.
 2564. Can you give us somewhere about the distance? From the south reef?
 2565. Yes, from the south reef? Oh! it was no distance; I suppose about a mile.
 2566. Was a pilot put on board of you from the "Sea Witch"? Yes, from the pilot vessel.
 2567. What kind of weather was it at the time? The weather was rather stormy. I was carrying a maintopgallant-sail and royals before I came in; but it was threatening weather, blowing from south or south-east.
 2568. You were carrying the maintopgallant-sail? Yes, until the pilot came on board.
 2569. Did you take particular notice of the pilot vessel? No, I did not take particular notice; I was rather astonished to see a pilot vessel at all, having been here so frequently before. I did not take much notice of her, because I was close under the land, expecting to work up the harbour, and was therefore looking after my own ship.
 2570. From what you did see of her, do you consider that she is a vessel adapted for the purpose? I was quite astonished to see such a thing as a pilot vessel.
 2571. Would you be kind enough to tell the Committee in what way you think her unsuited to the purpose? I think she is too shallow a kind of vessel. The day after, when I towed over from the Quarantine Ground, I saw her; the wind was blowing hard, but she could have kept to windward if she had been a suitable vessel for the purpose; but she is too shallow a kind of vessel; she has not hold enough in the water to enable her to keep to windward.
 2572. Was there any difficulty experienced in putting a pilot on board of you? No.
 2573. Did the vessel act as pilot vessels usually do? She came up under my lee, and I had to wear right round before the wind.
 2574. I understood you to say that you lay in the Quarantine Ground some days afterwards? I came in here on Sabbath night, and the pilot did not think it prudent to work up the harbour with such a heavy ship as mine, and we ran into the Quarantine Ground; the next day I took steam, and had to pay very high for it too.
 2575. During that time was the weather such that a pilot vessel ought not to have been out in? Certainly not.
 2576. Would the weather that we had after your arrival for a few days be such that, in your opinion, a pilot vessel ought to be out in? Yes, very comfortably.
 2577. From what you have seen of the weather on this coast, would there be more difficulty in putting pilots on board ships from a pilot vessel than would be experienced on the English coast? I do not think it. This last time coming out, the pilot was put on board when my big ship was under close-reefed canvas. This was when I had to bear up for the Isle of Wight in a gale of wind, and took a pilot for the purpose.
 2578. Are pilot vessels usually out off the English coast in all weathers? Oh! yes, in all sorts of weather—in the heaviest gale that blows.
 2579. Have you sailed at all out of Liverpool? Yes; I sailed as chief mate out of Liverpool for a good few years.
 2580. Are the pilot vessels there driven in from stress of weather? I never knew an instance.
 2581. Will you be kind enough to give us your opinion whether ship-masters visiting this port would prefer receiving a pilot from a pilot vessel outside, to receiving them by the old method, from boats? I think they would much rather prefer the pilot vessel, especially strangers. I think it would be a very great help to a man to have a vessel outside, and to get a pilot in good time; I think it would be a very great help.
 2582. Then you think the service, properly conducted, would really be of advantage to the shipping coming out to this port? I think it would, to the shipping in general.
 2583. From your experience of pilot vessels on the English coast, can you tell us whether they are capable of working to windward in heavy weather? Oh! yes; they will work to windward under balance reef mainsail and what they call a spitfire jib; they will keep to windward in any weather.
 2584. In working to windward do they "stay" or "wear"? They can do it either way, but they always stay—it is much the handiest.
 2585. I am alluding to boisterous weather? In boisterous weather they always stay. It is a dangerous thing to wear a fore-and-aft vessel in heavy weather.
 2586. Would they consider a vessel a good pilot vessel, or suitable for the purpose, that would not stay in the seaway? She would be of no use at all.
 2587. *By Mr. Weckes:* You say, Captain Ross, that you came in on Sunday afternoon? About five o'clock.
 2588. Was it not blowing a gale nearly all the next day? It was blowing very hard.
 2589. And there was a heavy sea running between the Heads? There was a good deal of sea running betwixt the Heads.

2590. Did you see on that day any steamers attempt to go out between the Heads? There was a steamer towed me across the Heads, and there was nothing to prevent a ship from going outside.
2591. Did you see one or two steamers attempt to get out? I think there was one of the Newcastle boats, but I am not sure.
2592. You did not notice her return either? No.
2593. That was a day when you say a pilot vessel might comfortably remain outside? I did not see anything to stop them.
2594. Then if a pilot has stated that on that particular day a vessel could not have remained outside with any advantage, he takes a different view from yourself? I do not understand your question.
2595. If a pilot asserts that on that occasion he could not have remained outside to have been of any use as a pilot, he takes a different view of the state of the weather to yourself? Well, he must. I have told you frankly that I think there was nothing to stop a good pilot boat from being outside.
2596. And if nautical men have stated also, that during certain gales on this coast it would be prudent for any vessel to run into port, they likewise differ from your view of the matter? To run into port?
2597. That it would be prudent or desirable on some occasions, when gales of wind occur on this coast, to run into port? Oh! you mean pilot vessels; I thought you meant ships in general. There may be times, such as that of the great gale when the "Dunbar" was lost, when a vessel might come in; but in my experience I have never seen weather but such as any vessel could stop outside in.
2598. There is no possibility of getting any shelter on this coast, is there—you cannot lay under the lee of the land? You have not any lee, but there is plenty of shelter. In the English Channel we have no lee with the stormy wind from W.S.W., which is generally the direction of the gales bearing up the English Channel; but we can always get a pilot on board.
2599. You have stated that you think this vessel too shallow? I had only a cursory look at her, and have not examined her, but from what I have seen of her I think her too shallow.
2600. Do you know her draught of water? No, I am not aware what it is; but looking at the size and make of the vessel, I do not suppose it is above eight or nine feet.
2601. Is that a draught of water which you consider to be insufficient? I should say that a pilot vessel of 90 tons on this coast would require to have a great long keel.
2602. But in a vessel of 60 tons, is a draught of water of eight or nine feet insufficient? I rather think so.
2603. For that amount of tonnage? I am not so much of a ship-builder as that I would like to give an opinion upon that point.
2604. Your conclusion is, having frequently visited this port, that for the outside pilot service pilot schooners are preferable to the former system of whaleboats? I certainly think so.
2605. You think the system conduces to the safety of the shipping visiting this port? I think it conduces very much to the safety of the shipping and the comfort of ship-masters, especially strangers. It would not matter much to me, but I know that a stranger must feel diffident in coming along by this iron-bound coast.
2606. Have you ever yourself been placed in any position of danger on coming into this port by the old system of pilotage? Well, I came into this port one voyage when I was dismasted, and tacked, I think, off the Middle Head, and got a pilot on board then; but I would not have stopped outside; I could not, because I had no sails to keep me outside if it had come on to blow.
2607. Then you were not boarded until your vessel —? Was inside.
2608. Had you made signals for a pilot on that occasion? Yes, we shewed a light, I think.
2609. Then you consider that your ship, on that occasion, was placed in some degree of jeopardy by the then pilot system? Well, if I had been a stranger she would have been; but I had been often here before, and knew the harbour well, and was in a position to work my own ship up the harbour. I would now have no diffidence in coming in here at night; but I know that on the first voyage I made to this port I would have been very glad to have got a pilot outside.
2610. *By Mr. Wilson:* When you were talking about the possibility of a vessel remaining outside the Heads, on the Monday after you came in, I suppose you were alluding to such vessels as the Liverpool pilot boats? To the ordinary boats in the Channel.
2611. If a vessel will not stay in rough weather, would it be safe for her to remain outside in a gale of wind? Certainly not.
2612. I suppose it is absolutely necessary, for a vessel to be a good pilot boat, that there should be some confidence in her staying in all weathers? Yes, under any canvas, if it is blowing a hurricane.
2613. And in all weathers? In all weathers.
2614. Then if it has been given in evidence that they have no confidence in the "Sea Witch" staying in bad weather, I gather from you that, in your opinion, she is not suitable for a pilot boat? If she will not stay she is very unsuitable for it.
2615. *By Mr. Fiddington:* On the Monday after the day on which you arrived in this port, was the weather so stormy at the Heads as to prevent any suitable pilot vessel remaining outside? Certainly not, nor any other good vessel.
2616. Does the "Sea Witch" resemble in her model the English pilot vessels? I cannot say. I only saw her when I was in the excitement of looking after my own ship, and I did not pay that attention to her which I might have done, had I known you were going to ask me these questions.
2617. From the cursory notice you have taken, do you consider her such a vessel as would be used in England as a pilot vessel? No.

J. Ross,
Esq.

17 July, 1862.

Alexander Hector Taylor, Esq., called in and examined:—

- A. H. Taylor, Esq. 2618. *By the Chairman*: You command the "City of Aberdeen"? Yes.
2619. When did you arrive here? On the 22nd.
2620. The 22nd of June? The 22nd of June.
- 17 July, 1862. 2621. Where did you get a pilot on coming into port? The inner South Head was bearing south-west; the head was bearing to the south-west of the light.
2622. What was the distance? Perhaps about a mile and a half.
2623. How was the pilot put on board? He was put aboard by a boat from the schooner.
2624. The "Sea Witch"? Yes.
2625. What sort of weather was it? It was blowing a strong breeze, and there was rather a cross sea.
2626. Was there any difficulty in putting a pilot on board? No, not much.
2627. Did this schooner appear to you to answer as a pilot vessel? No, I do not think so at all.
2628. You do not think so? No.
2629. Will you be kind enough to tell the Committee why? I was running down with foresail up, and I think the schooner was going to stay, but when they luffed her round she did not stay. There was a sharp head sea at the time. I sang out to them what were they going to do, and I had to wear my ship right round. They neither stayed nor went off. When the pilot came in the boat I had to fill the ship and get clear of the schooner. I thought she was going to stay and go round, but she was coming stem on to me. I had to wear round and stand out to sea again; and I took the boat in tow that the pilot was aboard.
2630. Is that the way a pilot vessel ought to act? Of course if she had kept ahead of me it would have been all right, but she should not have come across a vessel's hawse in that way. She should have either weared or stayed. It is always the pilot boat's duty to keep out of the way when she is laying-to. I was laying-to, with my main yard to mast.
2631. Did you notice the model of the vessel at all? No, not particularly; I could not say anything much about it.
2632. From the opportunity you had of seeing the vessel—looking at her shape and build—do you think she is suitable for the purpose of a pilot vessel? No, I do not.
2633. Was there much sea on at the time? There was rather a strong cross sea—a short sea.
2634. Did you see her keel at all? Yes.
2635. You saw her keel? Yes, three or four feet sometimes, when she was luffed up to stay.
2636. Have you been often in and out of this port? No, I have never been here before.
2637. Do you think it an advantage to have a pilot put on board from a vessel outside, instead of being boarded from the boats between the Heads? Oh! yes, I think it a great advantage to be able to get a pilot from a vessel outside.
2638. You do not know the sort of weather we get on this coast? No.
2639. Have you seen much of pilot vessels on the coast of England? I have always been trading to London.
2640. Have you approached the English coast in very bad weather? Yes, in very bad weather at times.
2641. And have you on those occasions been boarded by a pilot? Yes, always.
2642. Do pilot vessels in England usually run in in bad weather? No, I do not think so now. It is, I think, eighteen months since the new regulations were issued in reference to the Dungeness pilots. They must have now, I think, always one vessel under way. I have passed Dungeness without a pilot at night, but now I think there is always one vessel out in any weather.
2643. Did you ever know of their being driven in from stress of weather? Never.
2644. After you came into port where did you anchor? In Quarantine Bay.
2645. How long were you in Quarantine Bay? Two days.
2646. What sort of weather was it during the time you were there? It was rough weather.
2647. Do you know where the pilot vessel was during that time? She was laying—brought up—on the opposite side.
2648. From the state of the weather which prevailed then, where do you think she ought to have been? If there was anything to do she ought to have been out.
2649. Was the weather such that a pilot vessel of proper construction could not have been out, in your opinion? Any good ship might have been out.
2650. Then you think it would be an advantage to vessels coming to this port, if vessels were cruising outside, to put pilots on board? By all means.
2651. Does the "Sea Witch" resemble any vessel you have ever seen? It resembles the American schooners, but they are very much larger rigged. I have seen Quebec pilot schooners rigged like the "Sea Witch."
2652. Have you seen much of the American pilot vessels? I was four years in that trade.
2653. *By Mr. Piddington*: The St. Lawrence? No.
2654. Not in the United States? No, I refer to the Gulf schooners.
2655. *By the Chairman*: Are they vessels of a similar class? They are just like that vessel, but larger—150 or 100 tons.
2656. *By Mr. Weekes*: May it not have arisen from want of skill that the pilot vessel was placed in a wrong position when endeavouring to put a pilot on board? I really do not know, but it was not seamanship at all, either in the people on board or the vessel. A pilot vessel at all times gives way to a sailing ship and manœuvres round her.
2657. But it must be a matter of seamanship? I do not know.
2658. However good the qualities of a vessel may be, if improperly handled, she will of course fail? Yes.

2659. And did it strike you as being what is usually called a lubberly trick to be in that position? I thought she was a bumboat-looking thing when I saw her; she did not appear to be a vessel like a sea pilot cutter. A. H. Taylor,
Esq.
17 July, 1862.
2660. You did not consider her suitable? She did not seem deep enough in the keel, or deep enough in her draught of water.
2661. Do you know her draught of water? No. I saw about four feet of her keel out of the water. She seemed to be a vessel of about eight or nine feet draught.
2662. And do you think that, for her tonnage, eight or nine feet is an inadequate draught? Yes, I think so, for a cutter, or for a sailing vessel to keep on a station, or for any vessel of that class.
2663. Are not the American pilot boats required to keep on their station? Yes.
2664. Do you know their draught of water, generally speaking? No, I do not.
2665. You are not aware whether they are of light draught? They are larger ships.
2666. You are not aware whether, compared with English pilot boats, they are of smaller draught? No, I am not.
2667. Do you say that on the Monday after you came in (on the Sunday), a vessel could have easily beaten out to sea through the heads? A smack—yes.
2668. Could easily have beaten out? Yes. I was coming out in my own ship, but the steamer would not tow me. There was a strong sea, but nothing to prevent a smart ship from getting out.
2669. Then if it has been stated that on that day a vessel could not have beaten out between the Heads, you differ in opinion? Yes.
2670. You have no hesitation, have you, in giving the preference to the outside pilot system, as compared with that of whaleboats rowing out between the Heads? I would give the preference to the outside sailing vessel, for many reasons. This is the first time I have been here, and I do not think I should have come in if I had not seen the schooner; if I had come in alone I should probably have lost the ship; I had a good chart and thought of coming in, but if I had done so without a pilot I should have been in an awkward position. The schooner ought to be out or to have a signal for ships to stand off when it is too rough. If I had come in at night I would have been in an awkward position. I think a pilot vessel ought to have a signal for vessels to stand out to sea or speak to them. This system of boats is I think very bad.
2671. That is, you think a vessel would be in danger before she was boarded? Yes.
2672. Do you think it an unsafe position for a vessel to lay to in a heavy gale from the southward, waiting to receive a pilot? I do think so, in a gale.
2673. Do you know any ports where mere whaleboats are employed for the pilot service? No.
2674. Is it the universal system, is it not, to have pilot schooners to board vessels before they come into danger? Yes.
2675. *By Mr. Wilson:* Is it a necessary quality in a good pilot boat that it should be able to stay in all weathers? I think so.
2676. Then if it has been given to us in evidence that this pilot boat at Sydney does not stay in bad weather, do you think she is unfit for the pilot service? Yes.
2677. *By Mr. Piddington:* If you had been called upon to recommend a vessel as suitable for a pilot vessel, would you have recommended the "Sea Witch"? No.
2678. Was there anything in the weather the day after you arrived in port which would have prevented any English pilot vessel from remaining out at sea? Nothing at all; I have seen them go out in much worse weather, and when there has been a much heavier sea running; I have seen an English cutter out under a two-reefed mainsail and a storm jib; but that cutter might have had all her sails set the day after I came in.
2679. Does not suitability depend much on the ability to remain out at sea in all weathers? It all depends on that. American schooners come down to the banks of Newfoundland that have been three months out; and in the Downs a pilot boat will stay, round a ship and put a man on board or take him out in any weather.
2680. If it has been stated that the "Sea Witch" could not go out of this port on the Monday after you arrived, with safety, that statement is a proof, as far as it goes, that she is not suitable for a pilot vessel? Yes.

Mr. Thomas Robinson called in and examined:—

2681. *By the Chairman:* You are one of the pilots? Yes.
2682. Have you been out in the schooner "Sea Witch"? Yes.
2683. During the time you were out in her did you have any bad weather? Yes, during the first fortnight; about the eleventh or twelfth day out.
2684. Was that the occasion when Mr. Jenkins was on board? Yes.
2685. Were you compelled to run into harbour? No, we did not run in until the next day. We lost the main boom.
2686. How does the "Sea Witch" answer as a pilot vessel? Not very well.
2687. Will you state in what respects you consider her unsuitable? She does not stay properly by a long way, and she is not a good sea-boat.
2688. Does she work to windward well in rough weather? She is moderately so, sir; moderately.
2689. Have you been called upon to send in a report to the Pilot Board upon the "Sea Witch"? Yes.
2690. Have you so reported? Yes.
2691. Did you report in writing? Yes.
2692. What was the substance of your report? That she was in the habit of missing stays.

Mr. T.
Robinson.
17 July, 1862.

- Mr. T. Robinson. 2693. During the time you were out in the vessel were any members of the Pilot Board out with her? Yes.
- 17 July, 1862. 2694. Which of the members? Mr. Watson.
2695. Did she miss stays during the time he was on board? Yes.
2696. Have you had any experience of pilot vessels on the English coast? I have been master on the English coast, not of a pilot vessel, but of a ship; and I sailed thirteen years out of the port of Liverpool.
2697. And you have of course seen the Liverpool pilot vessels? Yes.
2698. How long is it since you were the master of a vessel? It was in 1854.
2699. How long have you been in the pilot service of this Colony? Three years and two or three months down at the Heads, and three years at Moreton Bay.
2700. Do you consider the "Sea Witch" a vessel that could stay out in boisterous weather? Not with the wind from the eastward; in a heavy gale of wind I am sure she could not.
2701. Have other pilot vessels you have seen been so constructed that they could stay out? I have seen them out in all weathers, both in the English Channel and St. George's Channel.
2702. Is the weather more boisterous on this coast at times than you have seen it on the English coast? The wind is not more boisterous, but the sea is, certainly, than in the Channels.
2703. Do you mean that the sea is worse? The sea is heavier than it is in the Channels, because there is a drift of 1,100 miles here, whereas you have only in the Channel a couple of hundred miles.
2704. During your experience in this Colony, has the weather on many occasions been such that a pilot vessel of proper construction could not stay out? I believe a vessel could be constructed so that nothing could stop her from keeping out—nothing in the world.
2705. Do you believe that the outside pilot service is more beneficial than the old method of putting pilots on board by boats? No, I do not think this new principle is as good as the old.
2706. Why? Well, sir, from the fact of us never having any complaints found during the old. We have always been able to get out at a good distance.
2707. You form your opinion from the fact that no complaints have been made? Yes.
2708. It is more comfortable to be inside the harbour, is it not, in rough weather? I am not one to study comfort where duty is to be performed.
2709. Yes, but it is more comfortable, is it not, as a matter of fact? Yes, it is.
2710. But you form your opinion that the outside pilot service is not more advantageous because no complaints have been made? Yes.
2711. And from no other reason? I think it has always been done quite as well.
2712. From what you have seen of the "Sea Witch," do you think that in rough weather she can remain out? She may remain out, but I do not think there will be any possibility of lowering a boat from her.
2713. Do you think she is a safe vessel on a lee shore? No.
2714. Do you think it possible to make her stay under close-reefed sails? Not if there is any sea; she would not do it.
2715. Is she a dry vessel? She is moderately so; she throws not a deal of water on deck, but reasonably so.
2716. Has she a proper boat? That might be much better; it is very heavy and short.
2717. Were you on board of her when a pilot was put on board the "City of Aberdeen"? No.
2718. *By Mr. Weekes:* Was the old system more profitable to you than the new one with a fixed salary? Yes, it was.
2719. It was more profitable? Yes.
2720. Then, in introducing the system of outside pilots with a fixed salary, you are at some pecuniary loss? Yes.
2721. And you think likewise that it is more comfortable to be in Watson's Bay during a heavy gale of wind than knocking about outside? Most decidedly; still for all that I would look to duty, sir.
2722. Have you ever given any evidence on the system of pilotage? No.
2723. In the several inquiries that have been held? No.
2724. And setting aside any personal motives in the matter, are you of opinion that the old system of whaleboats is preferable, and as safe for vessels frequenting this harbour, as the system of outside pilot schooners? Yes, I do believe the old system is better, unless the service were performed by a steamer.
2725. In a heavy south-easterly gale how far do you go out to board a vessel entering the Heads? Well, if it is thick weather we might get out half a mile or three-quarters of a mile outside the south reef—or a mile.
2726. Are there any occasions when you would be unable to get out at all? I have never seen an occasion when I have been unable to get out; but I have known instances when I have not been able to board. Then I have been able to steer my ship in by going ahead until I got her into smooth water so that I could get on board.
2727. And do not you consider a ship in danger in a heavy gale from the south-east, running in within half a mile before finding a pilot? No.
2728. Could a vessel lay to? Yes, with a south-east wind, comfortably.
2729. Between the Heads? Yes.
2730. And safely? Yes; he would throw his ship's head right into the Gap, and his main-topsail and mizen-topsail back, and there he would lay until the time you got on board; he would not drift a couple of hundred yards.
2731. Are you aware whether the captains of vessels coincide with your opinion in reference to

to the two systems? I have not spoken to any one of them; I have kept myself as much as I possibly could.

Mr. T. Robinson.

2732. *By Mr. Wilson*: Do you think the "Sea Witch" misses stays because she is not properly handled? No; I think you could not find a better man, or a man more capable of managing her, than Captain Clark. 17 July, 1862.

2733. Might not the "Dunbar" have been saved if there had been a pilot vessel outside the Heads? I do not know any more than by what I have heard of the state of the weather at the time of the loss of the "Dunbar;" but from the state of the weather, I should say nothing could have saved her. Down at the Heads now, we often see it so thick that we cannot see the lighthouse from the lightship; neither the one nor the other; neither the Hornby Light nor the Macquarie Light, in thick weather.

2734. *By Captain Moriarty*: In foggy weather? In thick south-east weather.

2735. *By Mr. Weekes*: But would not a pilot schooner on that occasion, lying in the track of vessels up the coast, have been of service to the "Dunbar?" The chances are two to one she might have missed the pilot schooner.

2736. *By the Chairman*: But she might not? She might not. But then, with the state of the sea, without she had been a very good vessel, she could not have launched a boat.

2737. *By Mr. Weekes*: Is it not impossible at times, in certain states of the sea on this coast, to lower a boat at all? I should say that there are times when it would be a matter of impossibility to lower a boat; but with properly constructed vessels they do not lower boats—they launch them. Our pilots at Liverpool never think of lowering boats; they launch them from the deck.

2738. What kind of boat is that—a dingy? Yes, about two feet longer than the dingy of the schooner. They launch pilot and crew in her and all.

2739. A pilot and crew in a dingy? Yes, a pilot and two men.

2740. Is that the only kind of boat the Liverpool pilot schooners have? They have a larger boat on deck, but she is so constructed that I have been into Liverpool when it has been blowing a perfect gale of wind, so that she could not be launched.

2741. *By Captain Moriarty*: From what point? It has been generally from the south-west, and again from the north-east.

2742. But those are not the winds that cause the great sea at Liverpool? No, the north-west winds.

2743. There is shelter from the south-west winds? Yes.

2744. *By Mr. Wilson*: Is there anything in the construction of the "Sea Witch" that makes it more difficult to lower a boat from her than there would be in lowering a boat from a well-constructed pilot boat? She has too much beam and too little hold in the water.

2745. She rolls too much? Yes, she is too quick in her movements. She would roll on top of the boat.

2746. *By Captain Moriarty*: You stated that there was a heavier sea here than was to be found in the St. George's Channel or the British Channel? Yes.

2747. And I think you ascribed that to the fact that there was a greater drift—some fifteen hundred or sixteen hundred miles? Yes.

2748. Do you think gales begin fifteen or sixteen hundred miles off? No.

2749. Then how can the sea be affected by all that distance? The land will affect it in a considerable degree.

2750. Have you ever been off the Skerries in a gale of wind? Yes.

2751. Have you ever been off the Skerries when there was an ebb tide running, and when there was also a gale from the north-west? I can hardly call to my recollection. Yes, I have—not off the Skerries but off Holyhead, with an ebb tide, when we could make no ground whatever.

2752. That is a different position; the ebb tide runs there eight knots; but have you been off the Skerries with the ebb tide running, and when it has been blowing a gale from the north-west? I believe I have.

2753. Have you any recollection of the sea at that spot? I should say the sea on the banks, up the Victoria Channel, was far worse than it was there.

2754. What, off the Skerries? Yes.

2755. I have had some experience in that place, and I think not. Wherever the tide runs violently—seven or eight knots—against a gale of wind, in such circumstances the sea is always dreadful? Yes, there is always a cross sea.

2756. Is it not a more dangerous sea for boats or vessels of that description than any other you can think of? Yes.

2757. It is a broken sea? It is a broken sea.

2758. You said that the old system was preferable to the present system, according to your estimation? Yes.

2759. And that you were enabled to board vessels better than now? Yes.

2760. Did you board them further out to sea? Under the present system we have not boarded them more than three miles out.

2761. And what was the general distance you were ordered to board them formerly? At about one and a half miles from the reef we saved our distance.

2762. You saved your pilotage if you did that? Yes.

2763. Was the order that you were to board vessels outside a line from the South Head to the North Head? Yes, we did so; our orders were to board them as far out as we could.

2764. At least three miles? No; we saved our pilotage outside of a line bringing the Heads north-west and south-west, the point of the angle being about two and a half miles from the reef.

2765. The North Head bearing north-west and the South Head bearing south-west, the point would be two and a half miles from the South Reef? Very near.

- Mr. T. Robinson.
17 July, 1862.
2766. I think not. I would recommend you to look at your chart again, and you will find yourself further off? I think not.
2767. At any rate, you state that formerly you boarded ships as far out to sea as you are in the habit of doing now? Yes.
2768. And you consider the present plan no improvement upon the old system? I do not consider the present plan any improvement.
2769. Do you think it was compatible with your duty to board a vessel, in a pilot boat, within half a mile of the south reef;—was that your duty, do you think, at night time? If it was thick weather and we could not get out any further. Under those circumstances we boarded them where we could. If we saw the ship coming in we made towards her as fast as we could. We have boarded vessels as much as three, and four, and five miles off.
2770. Your opinion is that the "Sea Witch" is not suitable for the purposes for which she is employed? I think she is not.
2771. Have you had much practice in fore-and-aft vessels? No.
2772. You are not a fore-and-aft sailor? No; but I can manage a schooner very well, although I was not brought up to it.
2773. You have not served much time to it? No.
2774. There is a different management of vessels which a man acquires by experience? Yes.
2775. One man handles a ship better than a schooner, and another a schooner better than a ship? No doubt. The first schooner I went in I was almost lost in her; I had always been accustomed to good sized vessels.
2776. *By Mr. Weekes*: With any kind of pilot schooners, however suitable, you still think the old system of whaleboats preferable? No, not with any kind of schooner, because there are boats built about the English coast that would stay under a jib.
2777. I asked you generally, just now, as to the two systems, and I understood you to say all through that you gave the preference to the old system of whaleboats;—do you or do you not? I give my opinion that the old system is the best.
2778. Whatever pilot schooners might be employed? No, I could not say that.
2779. Very well, we will modify it;—With a suitable pilot schooner outside, do you think the outside system would be preferable to the old one of whaleboats? I think it would answer just about as well; I do not think it would be preferable. I think it is almost a matter of impossibility to keep a boat in a position here, the land is so constructed. It is not like as if it were a deep bay, or a bay at all, where you could lay a boat off this point or that; but here it is a small place to come into; you may be only a short distance away, and yet miss vessels even with two vessels.
2780. With two of the best vessels? With two of the best vessels.
2781. You consider that they would be driven from their station? No, I do not think they would be driven from their station; if they were really good vessels, and properly constructed, they would keep their positions, I believe.
2782. Well, then, keeping their positions, would they not be able to supply vessels with pilots much safer than could be done by the old system of whaleboats? I dare say they might, but I cannot see that they would, because the coast is so dangerous here. With a lee coast you have got no chance whatever if your vessel will not hold out to windward; you have no place to go to; there is Broken Bay, and Botany Bay, but you may be between the two and not be able to fetch either; there is no anchorage that a vessel could lay to outside these Heads.
2783. Does not that opinion go to condemn the outside pilot schooner service? Yes.
2784. *By Captain Moriarty*: You speak of the superiority;—I understand you to convey an idea that it requires two pilot boats outside always for the proper fulfilment of the duties? Yes, I should say so.
2785. One stationed to the northward and the other to the southward? Yes.
2786. It has been insisted upon that the schooner system would be of great advantage at times when ships would be unable to get a pilot from a boat: but now, supposing it is calm for three or four days, and the pilot schooners are four miles outside the Heads, where will they be at the termination of that calm? Oh! four miles outside the Heads they would get bottom. If we found the vessel drifting in consequence of the southerly current we should let go the anchor.
2787. In what depth of water? From thirty-five to forty fathoms.
2788. But supposing you were off the bank? We must take our chance.
2789. Do you not know much deeper water within the distance? Yes, sixty fathoms.
2790. Why could you not let go the anchor at a hundred fathoms? We should run a risk.
2791. And where would she be found at the end of the calm if she continued drifting for four days to the southward or to the south-east;—on what spot would you be below Jervis Bay? I cannot say; I have not been down that way for a long time.
2792. *By Mr. Weekes*: Is the current always running to the south-east? There is a northerly set, I have heard, outside.
2793. Does that accord with your own experience? Yes; I have been up along the coast to Moreton Bay.
2794. Yes, but off these Heads is the current always setting to the south-east throughout the year? It appears to me to be so; I have always found it so since I have been here—that is, close at hand.
2795. It is always setting to the southward? I think so.
2796. Throughout the year? Yes.
2797. *By Captain Moriarty*: Then if the pilot boats drifted down below Jervis Bay, vessels coming in from the northward would be unable to get a pilot? Yes.

2798. Particularly if a gale were to set in from the northward? I do not think a vessel would be able to hold up against a northerly gale and the current.
2799. But supposing she had drifted down off Jervis Bay, and a breeze were to spring up from the northward? It would take her ten days to get back again, if it kept blowing.
2800. And during that time ships coming from the northward would have no pilots? No.
2801. *By the Chairman*: In the case of the Dunbar—if there had been pilot vessels outside, might they not have put a pilot on board before dark? They might have done so.
2802. But supposing the vessel had been ten or fifteen miles to the southward? I think if the pilot had got on board she would never have run in.
2803. That is not the question; but he would have prevented the loss of the vessel? Yes.
2804. But if there had been pilot vessels out on that occasion, might they not have sighted the vessel before dark, and put a pilot on board? They might have done so.
2805. *By Mr. Wilson*: Or have told her to stand off? Yes, or have told her to keep off.
2806. *By the Chairman*: They would have tried to communicate with her? Most likely, if they had seen her.
2807. All that night where were you? At Moreton Bay, lying at anchor.
2808. And you consequently do not know what the weather was here? I have a pretty good idea of it. I was lying there at anchor, and the vessel had the lower yards and topmast down.
2809. Was that weather in which a pilot vessel of good construction might have stayed out? I do not think she could; we were lying with the better end of two cables out.
2810. But you do not know whether we had precisely the same sort of weather here? No; that was the sort of weather we had at Moreton Bay.
2811. On the night of the loss of the "Dunbar" it rained very heavily;—Is the sea usually so high when there is a heavy rain? Not usually; it settles the sea down for a time until it "dries up" again, and then the sea will rise again.
2812. Then during a time of heavy rain a vessel would have a better chance of remaining out than in fine weather? The "Dunbar" was a ship which ought to have been able to remain out in any weather, or work off any coast.

Mr. T.
Robinson.

17 July, 1862.

Mr. John Fullerton called in and examined:—

2813. *By the Chairman*: You are one of the pilots, I believe? Yes.
2814. Have you been out in the "Sea Witch"? Yes.
2815. During the time you were out in her had you any rough weather? Yes, we had one gale.
2816. On what occasion was that? I think it was on the 13th of last month.
2817. Was that the time when Mr. Robertson was out in her? Yes.
2818. Was that the time when she sprang her main boom? Yes.
2819. How does she act as a pilot vessel? She does very well in moderate weather.
2820. How does she do in moderately rough weather? Well, very indifferently.
2821. Have you had any experience in pilot vessels on the English coast? No.
2822. Have you ever seen anything of the pilot service on the English coast? Yes; I have taken pilots out and landed them several times.
2823. You have taken pilots out of them? Yes.
2824. When in command of a vessel? Yes.
2825. And you have put them into them? Yes; they have taken the pilot out.
2826. When you were leaving they have put a pilot on board, and when you were going to sea they have taken the pilot from you? Yes.
2827. Does the "Sea Witch" stay well? No.
2828. Is it a necessary qualification for a pilot vessel that she should stay well? Yes.
2829. Is she a weatherly craft? If there is any sea she is not.
2830. Is it necessary that a pilot boat should be a weatherly craft when there is any sea? Yes.
2831. Do you think the "Sea Witch" is suited for the purpose of a pilot vessel? She is well enough for moderate weather.
2832. But pilot vessels are required to be out in all weathers? Yes.
2833. Generally, do you consider her suited to the purpose? I would be very sorry to be on board of her in a rough easterly gale.
2834. Do you consider her safe on a lee shore? No.
2835. Do you consider the pilot vessels on the English coast safe on a lee shore? That I could not say much about.
2836. Have you ever seen pilots put on board vessels during rough weather in the English Channel? Yes.
2837. How were they put on board? They waited till the schooner got under a headland, so as to smoothen the water, and then put them on board.
2838. Did they do that with ships going to sea? Yes.
2839. Have you never had a pilot taken out of you in the seaway, or in any other way than when under the lee of the land? Yes, I have seen them taken out where the sea has been pretty rough.
2840. Are you aware whether the English pilot boats stay out in boisterous weather? Yes.
2841. Would the "Sea Witch" be able to stay out in boisterous weather? That I do not know.
2842. Would you like to stay out in her during boisterous weather? No.
2843. Have we rougher seas on this coast than those which prevail in the English Channel, as far as your experience goes? Yes.

Mr. J.
Fullerton.

17 July, 1862.

- Mr. J. Fullerton. 2844. You think we have rougher seas? Yes.
2845. Have you been called upon to send in a report to the Pilot Board? Yes.
2846. What has been the nature of that report? Just what you are asking.
- 17 July, 1862. 2847. Repeat it again? That I had been on board the "Sea Witch" for a certain time; that she answered extremely well in moderate weather; but that in a rough sea she plunged at a fearful rate, and had to be wore at all times, and that under double-reefed sails it was dangerous to approach the land.
2848. Were you on board when a pilot was put aboard the "City of Aberdeen," or the "Colonial Empire?" No; I came aboard her at the time the pilot was going up the side of the "Colonial Empire."
2849. Did you see her put a pilot on board the "City of Aberdeen"? No.
2850. During the time you were out in her, was Captain Watson on board? Yes.
2851. Did she miss stays during the time he was on board? Yes.
2852. Did she miss stays often? I saw her miss stays three times one night in the middle watch; but there was a heavy sea on at the time.
2853. Is she a dry vessel; Yes, she is pretty dry.
2854. Do you believe that the outside pilot service is more beneficial than the old method of putting pilots on board by boats? No, I do not see it.
2855. Why do you think the old method superior to the present one? Well, we were of great use in helping ships to come round in light weather in beating through the Heads; the pilot boat was then of great use.
2856. Have you any other reason? We could get out with the whaleboat when we could not get out with the schooner.
2857. With this schooner? Yes.
2858. But could you not get out with a schooner properly constructed? Not at all times; there are times when the sea is such between those Heads that no vessel could get out.
2859. Is that frequently the case? I should say not above four or five times in the course of the year.
2860. Do you recollect the time when the "Colonial Empire," and the "City of Aberdeen" came in? Yes.
2861. Did the "Sea Witch" lay in port then for two or three days? Yes, for two or three days.
2862. What sort of weather had you then? It was very bad.
2863. Was the weather such that a pilot boat could not remain out? The "Sea Witch," ought not. If she had been close to the land she would not have been able to get off, having to wear every time.
2864. Was the weather so boisterous that a pilot boat of proper construction could not have remained out at that time? No; the weather was not anything like so bad as what I have seen pilot boats out in.
2865. Have you no other reason than that which you have stated for thinking that the outside pilot service is not so good as the old method;—have you no other reasons for giving the preference to the old method? My reason for preferring the old method is that we could get out with a boat when we could not get out with the schooner.
2866. You are now speaking of the "Sea Witch"? Yes, or with even any other.
2867. Were you in this Colony when the "Dunbar" was lost? I arrived the night before, as pilot of the "Emu" mail steamer from Melbourne.
2868. Do you not think it possible that if we had had pilot schooners then outside, they might have put a pilot on board before dark? Yes, if they had been far enough to the southward.
2869. That is, if they had seen her? Yes.
2870. Do you not think that in all probability they would have saved that vessel? That is a question I could not answer.
2871. *By Captain Moriarty*: That is a mere matter of opinion? Yes; it was a fearful night.
2872. *By Mr. Weekes*: Do you not consider it probable that in a gale of wind from the south-east a vessel would be in danger before she could be boarded by a whaleboat under the old system? No, sir.
2873. How far out are you accustomed to go with your whaleboats in a gale, to board vessels? Sometimes eight or nine miles.
2874. Do you go eight or nine miles against a gale of wind from the south-east? Sometimes more than that when a vessel heaves to; I have been as much as five hours pulling out.
2875. Is that in a gale of wind? In a heavy gale of wind. When the sea is running high between the Heads we only go to the end of the reef and hoist a flag, and when the ship is running in we drop on board.
2876. How far? Just off the south reef.
2877. Can a vessel lay to under those circumstances safely, in a gale of wind? She would not lay to; she would only back the yards to the wind.
2878. Does your experience lead you to give the preference to the whaleboat system? No; if we had a suitable vessel; but I think a steamer would be better than either.
2879. Do I understand you to say that the best system would be to have a steamboat outside? Yes, and it should be self-supporting.
2880. That is the best system? I think so.
2881. And suitable outside pilot schooners the next best? Yes.
2882. And the whaleboat system the last? Yes—either of them. The whaleboat, in bad weather, is better than the schooner.
2883. Do you think an outside pilot schooner would be able to hold her position;—I am speaking

- speaking of a suitable vessel? Yes; but she would not always be able to put a pilot on board.
- 2884. It would not always be safe to lower a boat? No.
- 2885. Not from any vessel? No.
- 2886. *By Mr. Wilson*: But she might lead ships in? Yes, she might lead them in.
- 2887. *By Mr. Weekes*: Is there a current along this coast? Yes.
- 2888. Setting which way? Principally to the southward; but it is uncertain, running to the southward one day and to the northward the next.
- 2889. Do you think a pilot vessel could hold her own against a strong north-east wind, and a current running to the southward? That is a question I could not answer; I have known ships five days in sight working up; I have been nine days in a vessel beating up from Jervis Bay.
- 2890. Is the present system of outside pilot schooners any pecuniary loss to you? Yes.
- 2891. You got more under the old system? Yes, we made more under the old system.
- 2892. On an average? Yes.
- 2893. Is Watson's Bay an agreeable place? Yes, it is very good.
- 2894. Is it more agreeable to be there in a bitter night than to be boxing about outside in a schooner? Yes, I should say so.
- 2895. At all events, I gather from your evidence that if suitable pilot schooners are provided, they are preferable to the whaleboat system? Yes.
- 2896. *By Mr. Wilson*: Is the "Sea Witch" well handled? Yes; I think she is.
- 2897. Her missing stays was not on account of mismanagement? No.
- 2898. Is the accommodation for the pilots pretty good on board her? Very good indeed.

Mr. J.
Fullerton.
17 July, 1862.

TUESDAY, 22 JULY, 1862.

Present:—

| | | |
|--|--|--|
| MR. DICKSON, CAPTAIN MORIARTY, MR. SADDLEIR, | \| | MR. SMART, MR. WEEKES, MR. WILSON. |
|--|--|--|

SAUL SAMUEL, ESQ., IN THE CHAIR.

Captain Thomas C. Kerr called in and examined:—

- 2899. *By the Chairman*: You command the ship "White Star"? I do.
- 2900. What is the tonnage of your ship? 2340.
- 2901. She is, I believe, one of the largest sailing merchant vessels that has ever been built? She is.
- 2902. She is the largest that has ever come into this port? Yes.
- 2903. Have you been often to Sydney? No; I came here about twelve months ago; I have since been repeatedly in and out of the harbour.
- 2904. You have been to Newcastle several times? Five voyages.
- 2905. Are you aware of the old system of pilotage that prevailed here, of putting pilots on board ships inside the harbour by boats? I was boarded in that way twelve months ago.
- 2906. Which system do you consider the best for the requirements of this port,—the putting of pilots on board by boats by the old system, or by sailing vessels outside? I prefer the system of sailing vessels.
- 2907. You think that is preferable? For large ships, decidedly so.
- 2908. Have you seen the schooner "Sea Witch"? I have seen her only once under way, when I received a pilot from her; I have seen her lying at anchor.
- 2909. How did she act when she put the pilot on board your ship? The weather was rather unfavourable to judge of a vessel, for there had been a heavy sea rolling in, and there was but very little wind, so that I could not form a very correct opinion of her capability.
- 2910. Did you take any notice of her at all? No, only when she was nearly under our bows, and we nearly came into collision with her.
- 2911. From what you saw of her, do you think she is suited for the purpose of a pilot vessel? From what I saw of her I should hardly think she was, but I have seen so little of her that perhaps I ought not to form an opinion hastily.
- 2912. Do you know anything of the Liverpool pilot boats? I have sailed out of Liverpool for eighteen years, ever since I first went to sea.
- 2913. In what manner are pilots put on board ships from the port of Liverpool? Nearly always by small boats built for the purpose, that are either towed by the pilot vessels or lowered from davits.
- 2914. Do the Liverpool pilot boats generally remain on their stations in bad weather? I have never known but one exception. I was in the gale when the "Royal Charter" was lost, and I lost my mizen-mast and ——— sail. There were three out then.
- 2915. Do they stay well in a seaway? Very well, and under very low canvas.
- 2916. Would you consider a vessel that did not stay well in a seaway, suitable for a pilot vessel? No, a pilot vessel ought to be able to stay under almost any circumstances.
- 2917. Do I understand you to say that instances of their running into port from stress of weather are very rare? Very rare indeed. I have known but one case during 20 years, and then she did not run back to Liverpool; she simply ran in round Point Lynas, for shelter from the lee of the land.
- 2918. Did you ever fail to get a pilot from one in Liverpool? Never but once, and that

Captain
T. C. Kerr.
22 July, 1862.

- Captain
T. C. Kerr.
- 22 July, 1862.
- was more in consequence of a thick haze, approaching to a fog, than of anything else. You cannot well miss them, for there are five boats on the station.
2919. Do they put pilots on board in bad weather? In very heavy weather.
2920. From what you have seen of the weather off this coast, do you think such vessels as you have seen in the Liverpool pilot service would be able to keep out at sea here in bad weather? I do.
2921. And put pilots on board? And put pilots on board in very bad weather. I have sometimes seen such weather at Liverpool that they could not accomplish it, and when that has been the case they have run before and the ship has followed. The same thing could be done here.
2922. Do you think from your experience here, that the seas are heavier here than they are in the English Channel? It is a different quality of sea. In the English and St. George's Channel the sea is short and chopping; here a heavier swell seems to rise.
2923. Do you think a vessel would have more difficulty in holding her position off this coast in heavy weather than she would on the English coast or Channel? It depends upon what sort of vessel is employed. A very small vessel, under low canvas, in very heavy weather, would become becalmed when in the trough of the sea here, but in the English Channel the sea is not so heavy, and though as bad to contend with, the sails are not screened from the wind.
2924. Do you know the New York pilot boats? Very well indeed; I have been into New York frequently.
2925. Of course you have received a pilot from New York pilot vessels? Yes, quite as far to the eastward as George's Shoals, 200 miles from New York.
2926. Do they resemble our pilot vessel, the "Sea Witch"? No.
2927. Did you ever see the celebrated "Mary Taylor"? I cannot recollect the names of pilot boats, but though there may be a little difference in size and fittings there is a great similarity in them.
2928. Are they generally of light draught of water? They are very deep, with a very long keel; they nearly all draw 13 feet aft and 8 forward. I have seen them in dock repeatedly.
2929. *By Mr. Weekes:* You say a vessel that will not stay well, lacks a very good quality? I think so.
2930. And a vessel that will not steer well, lacks a good quality also? Yes, but they generally combine those two qualities.
2931. Still a vessel that will not steer well is not a suitable boat for a pilot boat? I think not at all.
2932. In fact it is almost a truism, that a vessel that will not steer well is not a good sea boat? I think not; it requires the handiest description of boat to get alongside a vessel.
2933. Is it not more difficult in certain conditions of the sea and wind for a vessel to stay than at other times? Yes, very much more. There are times when I do not think any vessel could possibly stay, from the small amount of canvas she could carry.
2934. Does not the trim of a ship also affect her staying qualities? Very much indeed.
2935. A ship in ballast not to her proper depth, would she so readily stay as if she were in proper sailing trim? Are you speaking of larger or smaller vessels?
2936. Generally? Larger vessels will not stay so well when light as when deeper in the water, because she has not so much momentum, and will not go ahead in stays.
2937. I suppose there is no particular model of a ship in which all sailors and shipwrights agree as the best? There are a great many conflicting opinions upon that matter.
2938. As to the particular shape and the proportionate breadth, depth, and length? It is generally recognized that a vessel of a particular build will work better either staying or wearing than others. For instance, a short ship is a much handier vessel than a long one, for either wearing or staying.
2939. A short vessel is more handy? I think so. Of course, in speaking of a short vessel I mean that due consideration must be had of other things; I would not build her so short that she would not have fine ends.
2940. Have you had much experience of heavy weather on this coast since you have been on it? I have had pretty heavy gales between here and New Zealand; in fact, I might say that I have had two very heavy gales from the southward, also from the eastward.
2941. Is there any part of this coast where a vessel would obtain what we call a lee? Yes.
2942. What part of the coast? From looking at the chart between here and Newcastle, I should say there are plenty of places where a vessel would be dead on a lee shore, with the wind to the east-south-east.
2943. I do not perhaps express myself correctly;—I am not speaking of getting on a lee shore, but of obtaining a lee? I do not think there is. There are harbours of shelter, but I do not think there are any places where you could get under the lee of the land.
2944. Are you aware whether there is any current on this coast? Generally speaking, there is a current to the southward.
2945. Do you think any vessel would be able to retain her ground when the current was setting the same way as the wind? Not with a strong wind and a strong current; it would be a most difficult matter. The morning I came in here there was a current of two knots an hour between Newcastle and this place—I knew that by the distance the ship was running, and the speed with which she was going through the water—and had it been blowing hard I do not think the vessel could have maintained her position and course.
2946. She would naturally have gone to leeward? With the united effects of the wind and sea, for if it had been blowing very hard the ship would have been unable to carry much canvas.
2947. *By Mr. Sadleir:* Have you met with vessels that you cannot stay except in fine weather? Yes, if you speak of large vessels, I have. 2948.

2948. Any class of vessels say of 100 or 150 tons? I think I have met with such vessels.
2949. What do you attribute their not staying to? It may be owing to light winds and a high sea running that a vessel will not stay, or it may be owing to her bad model, or the bad manner in which she is worked.
2950. You said a short vessel would stay well;—had you reference to the beam of the vessel;—do you think a short vessel with a broad beam would stay well? I mean, of course, with a proper amount of beam; it would require consideration; one point must not be looked at to the exclusion of others.
2951. You mean that there must be a due proportion to her breadth? Precisely.
2952. A broad vessel will not stay if she is shallow? Shallow vessels will not stay; it is necessary to have a good hold of the water; a shallow vessel can never maintain her position—she will drive too much to leeward.
2953. *By Mr. Wilson*: Are you aware whether boats are not sometimes launched from pilot vessels with their crew on board? No, I have never known that to be the case; I have known boats to be launched from the pilot vessels and the crew then to step in.
2954. You have known cases where boats have not been lowered from davits? Yes; that would apply rather to the English than to St. George's Channel.
2955. Would you consider the draft of 7 or 8 feet sufficient for a pilot boat of over 60 tons? I should think 8 feet almost sufficient for a vessel of 60 tons.
2956. Do you know the tonnage of the New York boats? I think they average about 100 tons; some are as small as 90, and some as large as 120.
2957. Is there any difference of opinion among nautical men, as to the necessity for a good draught of water for pilot vessels? I think all I have spoken to are united in opinion that there ought to be a good draught—that it is one of the necessary things to enable a vessel to maintain its position.
2958. Is it not of great importance to pilot boats which may be very near a lee shore, to be able to stay readily? I think it is indispensable, as if a vessel is compelled to move in short boards she cannot maintain her position.
2959. It would not be safe for the crew of a pilot boat to be on a lee shore if she were constantly obliged to wear? If very close to a lee shore, as a pilot boat must necessarily be sometimes. I think it is almost an indispensable requisite that a pilot boat should be able to stay almost under any circumstances. I have seen a Liverpool pilot boat stay under balance reefed sails when you would think it almost impossible that she could come round.
2960. *By the Chairman*: You said the "Sea Witch" nearly came into collision with your vessel? Yes.
2961. Will you state under what circumstances this happened? It was early in the morning that I arrived off the North Head, and hove-to to receive a pilot. They were very prompt, and came off. Of course I had to back the main yard till I received the pilot on board; the pilot kept the main yard aback for a little time, and I asked where the schooner was going; he said she was going into the harbour. About twenty minutes had elapsed, and I thought she must have been a long way a-head, and have got into the harbour, when I heard the pilot say, "Put the helm hard up," and I saw the "Sea Witch" just under our bows. That might, however, have been attributable to the light wind, and the nasty heavy sea that was rolling in.
2962. *By Mr. Weekes*: I suppose if a ship is not skilfully handled, that must affect her staying qualities? I think it is one of the main points; the best vessel, under mismanagement, will never do anything at all.

Captain
T. C. Kerr.
22 July, 1862.

Edward Leavenworth, Esq., called in and examined:—

2963. *By the Chairman*: You are, I believe, the United States Consul? I am.
2964. Have you the register of the vessel now called the "Sea Witch" in your possession? No, I have not; half was given to the Government here, and the other half was sent home to my Government.
2965. It is not in the Colony? No, it went home by the April mail.
2966. Do you know anything of the vessel? I have seen her lying in the harbour, that is all I know of her.
2967. Do you know anything of her history? I know where she was built, and when.
2968. When was she built? In 1854, according to the record in the books of my office, taken from her register.
2969. Where was she built? In New London.
2970. Beyond that you know nothing of her? Beyond that I know nothing of her; that is merely a transcript taken from her register at the time she arrived.
2971. *By Mr. Weekes*: After the "Sea Witch" was purchased by the Government, are you aware that any party requested your predecessor, Mr. Merrill, to offer to re-purchase her from the Government, at the price at which she was bought? Mr. Merrill told me that Captain Pearce had authorized him to re-purchase her, and had stated that he would pay any additional charges.
2972. In addition to what the Government had paid, he would give a reasonable amount? He would pay any reasonable expense that might be incurred. Captain Pearce was captain of an American whaler, and had sold his ship about the time that the "Sea Witch" was sold.
2973. And he authorized Mr. Merrill to repurchase her, and to pay back to Government all that had been expended upon her for alterations? So Mr. Merrill told me repeatedly.

E. Leavenworth, Esq.
22 July, 1862.

2974.

- E. Leavenworth, Esq. 2974. Are you acquainted at all with any of the American pilot boats, as to their build? Yes.
- 22 July, 1862. 2975. Have you ever seen the "Mary Taylor"? Yes, I have sailed in her.
2976. Is she not a vessel that has obtained a good character as a sea boat? She is considered to be one of the fastest out of the harbour of New York.
2977. Are you aware of her dimensions and draught of water? I cannot say I am; I could not recall them now.
2978. Do you know whether she is considered to be a vessel of light draught? All our pilot boats are of rather light draught.
2979. She was built by Steers, the builder of the "America"? Yes.
2980. Do you know the draught of water of any of these boats? No, I cannot remember just now.
2981. *By Mr. Sadleir*: Are you aware for what purpose Captain Pearce wanted to purchase this vessel again? To trade among the islands.
2982. Or for whaling? I imagine not for whaling.
2983. *By Mr. Wilson*: Are you aware whether or not the register of the "Sea Witch" was ever in the hands of the Government of this Colony? Before the vessel was sold?
2984. Before the vessel was sold? I believe a gentleman came from the Treasury and looked at the register, but it was never out of my office.
2985. The age of that vessel was stated on the register? It was 1854.
2986. As far as you would suppose, the parties drawing up the bill of sale would have no reason for saying her age was unknown, when they had the opportunity of examining the register? No.
2987. Are you aware of the value per ton in America of such a vessel as the "Sea Witch"? No, I am not.
2988. The value of a vessel depends very much upon the purposes for which she is required; for instance, if a person wanted to get a vessel of a light draught of water to go into bar harbours, and there were only one vessel of that description for sale, he would be willing to give a higher price than he would under other circumstances? That follows as a matter of course.
2989. It has been stated that American pilot boats draw thirteen feet aft and eight forward? There is a considerable difference in the draught.
2990. I suppose, when you state generally that they are of light draught, you consider that a light draught? I should not have thought they were of such great draught, but I never had much to do with seafaring matters. I think, if I remember rightly, the famous "America" had a draught of only ten feet.
2991. She was a yacht? Yes.
2992. Might she not be built more for sailing than for staying—there may be certain qualities required for a yacht that are not for a pilot boat? Very possibly; but her great excellence was, that she stayed so well.
2993. You cannot state positively what her draught was? I cannot; that is merely my impression.
2994. *By the Chairman*: You have stated that Mr. Merrill informed you that Captain Pearce authorized him to purchase the "Sea Witch" from the Government? Yes.
2995. Are you aware whether any offer of that kind was made to the Government? I am not.
2996. Do you know of the sale of any American-built vessel since you have been in the Colony? There have been several; there have been two condemned and sold, and there are these two schooners that were sold to the Government.
2997. Do you know the price the "Bertha" sold for? I do not remember; I have heard it.
2998. Do you know the value of vessels of the class of the "Sea Witch" in this market? No.
2999. This is mere hearsay about the desire of Captain Pearce to purchase the "Sea Witch"? It might be hearsay.
3000. It might be a joke? Mr. Merrill did not tell me as a joke.
3001. Do you know the draught of water of the "Sea Witch"? No, I was never on board of her; I have only seen her at a distance.

Mr. Henry Gibson called in and examined:—

- Mr. Henry Gibson. 3002. *By the Chairman*: You are one of the pilots? Yes, I am.
3003. Have you been long in the pilot service? Nearly twenty-two years.
- 22 July, 1862. 3004. Have you been out in the schooner "Sea Witch" since the Government purchased her? I have.
3005. During the time you were out in her what sort of weather had you? Principally fine.
3006. Had you any rough weather at all? Not what I may call rough weather; we had two pretty good breezes.
3007. How did she act while you were on board her? Very well while it was moderate.
3008. When it was not moderate how did she act? She missed stays once or twice.
3009. Do you consider that an objectionable proceeding on her part? Rather so.
3010. How do you think she answers as a pilot boat altogether? I have not had sufficient experience to say—I have not been out in her in a heavy breeze of wind; but from what I have seen of her, I should say she does not come up to the anticipations that were formed of her.
3011. Have you seen anything of the pilot vessels on the English coast? Not much.

3012. It is many years since you were in England? Twenty-three years; I have been twenty-two years in the pilot service here. Mr. Henry Gibson.
3013. Do you think the plan of boarding vessels outside from pilot vessels is preferable to the old plan of boarding them from boats? In moderate weather, as to distance, it is very possible it might be carried out better. 22 July, 1862.
3014. Do you not think it a great advantage in bad weather for a vessel outside to have a pilot put on board, or to have a pilot vessel to lead her in? It would be better, no doubt, for the pilot boat to lead her in, but I consider it impossible to board in bad weather—it is impossible to lower a boat.
3015. Do you mean that it is impossible to lower a boat from the "Sea Witch," or does your remark apply to all vessels? A vessel of larger size than the "Sea Witch" might do it better than she could, but I do not think it possible in the weather we have occasionally, to lower a boat at all from any vessel.
3016. Do you not board vessels in very bad weather by the old method? We do as far as we prudently can, but that is in a whaleboat with six men. We pull as far as we can with safety; we then put our pilot flag up, and conduct them under the lee of the reef, where we board.
3017. Have you been called upon by the Pilot Board to report as to the capabilities of the "Sea Witch"? I had a letter from the Secretary.
3018. Did you give an opinion? I gave an opinion something similar to what I am giving you now; I have not a copy of it.
3019. It is in substance what you have stated here? As near as I can remember.
3020. During the time you were out in her, were any members of the Pilot Board on board? Captain Watson was there part of one day.
3021. How did she act while he was on board? She missed stays once.
3022. Do you consider her a safe vessel on a lee shore? I do not.
3023. Do you think it possible to make her stay under close-reefed sails? I doubt it very much; if there was any sea I am almost confident she would not.
3024. Is she skilfully handled? I think the captain handles her as well as he possibly can, and as well as any other person could.
3025. Has she a good boat? She has a good boat, as far as her constitution is concerned, but she is not long enough; you can put only two men in her to pull; she is sufficiently large for the size of the vessel.
3026. Can the boat be lowered from her when there is any sea? Not in safety; they might lower her, but the chance would be that she would be either capsized or in upon the decks.
3027. Do you think the "Sea Witch" would be able to go out in bad weather? She might stay out as far as regarded safety to ourselves, but she could not render any assistance to a vessel. It would depend upon the wind; if the wind was off shore you might go out, but if the wind inclined to the eastward you must make an offing, for the safety of the vessel and those on board.
3028. Do you consider her a weatherly craft? I should think not; I have not had much opportunity of trying her, but when we have a southerly wind and a southerly current against her, I think she would be very leewardly; she is too short.
3029. *By Mr. Weekes:* You say she is not long enough—what is the proper proportion of length as to breadth? About a fourth, I think, as near as I can guess; I go by the appearance of a vessel when I get on board, without measuring the dimensions.
3030. Do you know her dimensions? I think about sixty odd feet to twenty-one feet beam.
3031. Twenty-one feet beam? Near upon twenty-one.
3032. Are you aware that it is nineteen feet? No, I am not.
3033. It has been stated here that her beam is nineteen feet? I just took the measure roughly; it is about twenty feet six.
3034. You prefer the old system, I think you say? I prefer it; I consider that it renders better assistance to the shipping than the present.
3035. That is, you prefer the system of whaleboats to that of schooners? I think it serves the ships better, taking it generally the year round.
3036. You are well acquainted with the weather on this coast? Pretty well.
3037. Do I understand you to say that it would be impossible to lower a boat with safety from any pilot vessel at times? I think so, or from any other vessel, pilot or any other.
3038. What would a pilot boat do in a case when she could not put a pilot on board? Run in before her.
3039. If she ran in during a violent south-east gale, would she be able to beat out again till the gale was abated? She never could.
3040. I am speaking now of any vessel;—is not the sea in such a state at the South Head, at times, that no pilot vessel could go out in a south-east gale? It would be impossible for her to work out; the distance is too short and the sea too heavy.
3041. *By Mr. Sadleir:* You say that in very bad weather it would be necessary for a pilot vessel to lead a ship in? Yes, when the pilot could not get on board.
3042. How many vessels would you require for this service? Three.
3043. Two would not be sufficient, then? No.
3044. You say she is very short;—does she chop much in a heavy sea? She pitches very much.
3045. And therefore cannot stay? When she comes head to sea she loses way and pays off.
3046. *By Mr. Wilson:* In speaking of the proportional length and breadth of the vessel, you, as a seaman, judge more from the eye than from actual measurement? I depend a good deal upon my eye; upon going on the deck of a vessel I can tell in a moment.
3047. Perhaps even better than by putting a measuring line to it? Yes. If it is not im-

Mr. Henry
Gibson.
22 July, 1862.

pertinent, I would like to remark, that when ships come in here sometimes it is impossible for us to work them up, and there is no place of safety to take them to when we get them in, Quarantine Ground only being large enough to accommodate two large vessels. I would suggest that there should be a steamer attached to the pilot service, and the same number of men would be able to work her as could work one of the cutters, and she would be available for the purpose of towing up a vessel into the harbour when entering. The "Catherine Adamson" would never have been lost if there had been a steamer attached to the pilot service. I have often seen vessels in a very precarious situation, requiring immediate assistance, and could not get a steamer; if they go into the Quarantine Ground there is scarcely room for two ships to swing clear of each other, and a ship is far better at sea. If we had a steamer, in most weather, as soon as a vessel passed the reef she could be taken hold of and towed into a place of safety. In light winds, if a vessel misses stays, there is almost as much danger as there is in heavy weather, and the signal for a steamer may be up for hours without being taken notice of.*

3048. *By Captain Moriarty*: You are the senior pilot? I am, as regards the number of years' servitude.

3049. Your experience is therefore of course equal to that of any other man, at least? I should hope so.

3050. You believe that the present system is not so good as one by which you would have a steamboat at command? Decidedly not.

3051. You think that the best mode of conducting the pilot service would be to have a steamboat attached to the department? I do.

3052. For the various reasons you have just stated;—next to that system, which do you consider the better one? I think the boats are better, for the reason I have mentioned, that they can give more assistance to vessels both going out and coming in.

3053. You have frequently been able to render assistance to vessels by your boat that otherwise would not have been able to get out? Yes.

3054. You have towed vessels round when, without the assistance of your boat, they would have been in great peril? I have, scores of times.

3055. So that the present system is, in your estimation, rather a doubtful advantage? It is. There are no hidden dangers outside the Heads; it is when you enter the Heads that there is danger.

3056. Suppose you were on board the pilot cutter, a vessel came up and you got on board five or six miles from the Heads, and that it fell calm, where would the pilot cutter be in four and twenty hours? There is generally a light wind some part of that time, but if there were not she would fall away to the southward.

3057. Suppose there were a vessel cruising off Bondi, and another off the North Head, both those vessels would be to the southward if the wind fell very low and the current was to the southward? Yes. I have seen a sloop of war, the "Favorite," off the Heads, with a north-east wind; a pilot was put on board, and I think she was three days to the southward. She was sighted with a heavy press of canvas, and I think it was the third day before she fetched up to the Heads.

3058. A change has taken place in the system of late years;—I believe, formerly, the system was that the pilots received all the pilotage, and employed and paid their own men? Yes.

3059. Now, I believe, a different system obtains? Yes.

3060. The pilots are paid certain salaries, and the men are employed by Government and paid wages? That is the present system.

3061. How long has that been in force? I think three to four years.

3062. Do your men live with you? No, they have quarters of their own, erected by Government.

3063. Did they never live with you? They did when we paid them and provided for them.

3064. Since the change has taken place have the men never lived with you at all? They did, for a length of time. When the new system came into operation the Government were not prepared with quarters for the men, and Mr. Crook, the Harbour Master, came down to the Heads—I then held the position of senior pilot—and he said, "We are not prepared with quarters for the men, will you keep them in your house?" He said, "So long as you do so you shall be remunerated." He told me so, and the rest of the pilots.

3065. How long was that system continued? I had the men in my quarters for five or six months.

3066. Were you, during this time, remunerated for the accommodation of these people? No.

3067. You were not paid your expenses? No.

3068. Have you never been paid? There is some objection; Mr. Crook will not sign the accounts, for what reason I do not know.

3069. Do you mean to say that Mr. Crook told you to board these men, and that you should be paid by Government, and that he afterwards objected—is that the case? Yes, I am prepared to prove it.

3070. *By Mr. Weekes*: When you say board, do you mean only that you lodged them? I mean that I gave them accommodation.

3071. You lodged, not boarded them? I lodged them.

3072. They found themselves? Yes.

3073. *By Captain Moriarty*: In point of fact, you did not board them? I merely found them house-room; there were no quarters for them.

3074. *By Mr. Weekes*: What provision was there for the crews of the rest of the pilots? A tent was provided for them.

3075.

* NOTE (on revision):—I mean no steamer will come, without one of Mr. Manning's boats should be in port, and an agreement made for her to do so.

3075. Did none of the pilots but you provide lodgings for the men? The men stayed with them a short time, and then they were turned out. Mr. Henry Gibson.
3076. Are you aware whether they sent in a claim or not? I do not know; I believe they did not; but I do not know positively. 22 July, 1862.
3077. You have sent several letters to me on the subject? I have.
3078. Are you aware whether they have been referred to the Pilot Board several times? I believe so.
3079. And they have reported upon them? I believe so.
3080. Do you know that their report has been unfavourable? I have been told by members that it was favourable.
3081. Do you mean that they recommended payment? They told me so. I called upon the Chairman after the last letter I received from you, wherein, as nearly as I can recollect, you said the matter had been referred to the Pilot Board, and they had objected to the payment, and Mr. Duncan told me he did not recollect that it was so.
3082. It has been referred to them over and over again, upon your repeated application? I believe so. I did not communicate with the Board, but with you. When these men went out of the other pilots' houses it was not in consequence of an official order, but they turned them out; but I considered that I was doing my duty, as my superior officer, Mr. Crook, had said it was the wish of the Government, and that I should be remunerated. A tent, when I required their quarters, was bought for the accommodation of these men. He said it was a just debt, and Mr. Wilshire also said it was a just debt.
3083. *By Captain Moriarty*: What was the amount of your claim? £15 or £16, as near as I can recollect. I had no written agreement with Mr. Crook, but the men were in a most wretched condition when in the tent, and I took them in.
3084. The present pilot boat you say is not a satisfactory one—she does not stay well? In fine weather she does very well, and smooth water. She would make a good passage by giving her a point of the compass and a foot or two of the sheet, and she will sail well; but as to answering in heavy weather I am satisfied she never will. She will never meet the anticipations of Government, I am satisfied.
3085. She is not quite so bad a vessel as she has been described to be? I do not see anything wrong in the vessel constitutionally.
3086. *By the Chairman*: You have heard her described as a bad weatherly boat? I have; certainly she is very laboursome, in consequence that you cannot bring the ballast up in her midships; she is too short, and has not sufficient hold of the water to contend against heavy weather.
3087. You say she is not so bad as she has been described to be? No.
3088. When you heard her described as a bad vessel, what were the qualities that were said to be bad? They said she was rotten.
3089. I am speaking of her qualities as a sailing vessel;—have you heard people say that she was not a safe vessel upon a lee shore? I have heard that.
3090. Do you say that she is not? I do.
3091. Have you heard people say that she is not a weatherly craft? Yes.
3092. Do you say so? I never had an opportunity of trying her against a current.
3093. Is she a weatherly craft? She gains to windward, because she has never had smaller sail than double-reefed canvas, and current with her; but if she came to have a close-reefed mainsail, I think she would fall to leeward.
3094. Is she a dry vessel? She does not ship a great quantity of water. I have not been in her in very bad weather.
3095. I think you said you had seen her miss stays several times? I have, when I have been in her.
3096. *By Mr. Weekes*: Do you think her sailing qualities would be improved by her trim being altered? She is too short, trim her as you like.
3097. You said that part of her indifferent staying quality was owing to the indifferent stowage of the ballast? That is as to her being laboursome; by bringing her ballast up into midships she would be more easy; she rolls fearfully; she will be a good friend to the sailmaker.
3098. Is she too much out of the water? She is not a bit too high; if you were to put her down she would be under water, and could carry no boat at the davits.
3099. What is the deck from the sea? Three feet; when you have to carry a boat on the davits that is not too high.
3100. *By Captain Moriarty*: Has she the apparatus for lowering the boats? No, only the ordinary tackles.

Captain John Shanks called in and examined:—

3101. *By the Chairman*: You are one of the pilots? I am.
3102. Have you been long in the pilot service? Rather more than two years. Captain John Shanks.
3103. Have you been out in the "Sea Witch"? I have. 22 July, 1862.
3104. During the time you were out, what kind of weather had you? Principally fine weather; we had one breeze.
3105. How did she act as a pilot vessel? In fine weather, very well.
3106. And in the other sort of weather you have had? Very badly.
3107. In what way did she act badly? By missing stays very frequently.
3108. Have you had any experience on the English coast at all? Not a great deal. I have taken pilots from vessels on coming off from long voyages.
3109. You had had command of vessels before you became pilot? Yes.

- Captain
John Shanks.
22 July, 1862.
3110. Did you ever take a pilot from a vessel in very bad weather? Not in very bad weather; we ran into the Downs in very bad weather, past Dungeness.
3111. Are you aware whether the Liverpool pilot boats stay out in very bad weather? I have never been there. The London pilot boats go under Dungeness.
3112. Have you seen much rough weather in the English Channel? Not a very great deal; I have been accustomed to long voyages principally.
3113. Have you been called upon by the Pilot Board to report upon the "Sea Witch"? I have.
3114. Did you report? I did.
3115. What was the nature of your report? That I thought she was too short for the service. I did not think she was fit for bad weather, but would be obliged to run in. She would never be able to lower her boat in bad weather, but would have to run ahead of the ship, and then I think it would be difficult to get her out again.
3116. Do you consider her a weatherly craft? I do not think so, in bad weather; in moderate weather she is very well.
3117. Do you consider her a safe vessel on a lee shore? I should say not.
3118. From your experience, which do you think the most preferable plan of carrying out the pilot service,—that of boarding in the old way by boats from the inside, or by pilot vessel outside? I think in fine weather it may be done very well by the cutter, but in bad weather it would be done better by boats.
3119. Do you think if vessels could be got suitable for the service, that outside pilot boats would be the best? I do not think so.
3120. What is your opinion altogether as to the "Sea Witch," as to her adaptability to the service? I think she is too short, and has not hold enough of the water.
3121. *By Mr. Weekes*: Have you had much experience of this coast? Not a great deal; I have been in two or three gales on the coast. I had the schooner the "Coral Queen"; she belonged to me.
3122. What experience had you had when you were appointed pilot? I had been here two years, and had made several voyages here as master and chief officer of one of Dunbar's ships.
3123. You have been here long enough to have had experience of bad weather? Yes.
3124. Do you think in some weather we have had, a boat could be lowered from any vessel? I know it would have been impossible in one gale. I think it was in June or July, two years ago. It would then have been impossible to have lowered a boat from any vessel.
3125. You are paid by a salary under the new system? Yes.
3126. Is it any pecuniary loss to you? It is; perhaps £50 a year—may be more.
3127. There is always an amount of danger, I suppose, on a lee shore? Yes, whatever vessel you may be in.
3128. It is not a pleasant place to be near? Decidedly not; there is no beach to run for if you are on a lee shore here.
3129. Is the "Sea Witch" a good sound boat? As far as I have seen; I have never seen her bottom in the dock.
3130. I am speaking of her general character? She is tight enough; she does not make any water, as far I have seen.
3131. Then the statement that she was obliged to be pumped during all one gale is a mere fiction? I was not there. She has been pumped three or four times when I have been on board, but then it has been moderate weather.
3132. *By Mr. Wilson*: Were you on board when the "White Star" came into the harbour? No.
3133. Were you when the "City of Aberdeen" came in? I was.
3134. Are you aware that some difficulty occurred between her and the "Sea Witch"? I know that she tried to beat up, and had to run to the Quarantine Station; and in towing up she parted her hawsers coming across the Heads.
3135. Did not the "City of Aberdeen" nearly run foul of the pilot boat—the captain of the "City of Aberdeen" stated that he had to wear his ship to keep out of the way of the pilot boat? I think not; I do not think that is true; he might have had to wear her to keep her head off shore, he was too close to the land to round her head in.
3136. You do not remember the "Sea Witch" missing stays immediately before his bows? No; but I remember her missing stays immediately after the pilot was put on board. I was preparing at that time to go to the "Colonial Empire." I do not remember whether she missed stays before or after.
3137. Is she worked well—pretty well managed? Yes, I think very well; the man seems to understand his business.
3138. The missing stays was not owing to negligence on his part? No, I think she has not sufficient weight; when she comes round she loses her way so very quickly.
3139. *By Captain Moriarty*: You brought in the "Crest of the Wave"? Yes, last night.
3140. Where did you board her? The North Head, N.N.W., about two miles from the light-house.
3141. At what time did you get in? It was about eight or nine when we anchored.
3142. You anchored a long way down? She is a long ship, and we could not come up.
3143. Is it not an accommodation to passengers to bring them higher up, and save them money? We generally do bring them further up.
3144. You were speaking about the pilot system in the English Channel—you say the pilots do not board you till you get about Dungeness—is there not very good shelter there? Yes, in westerly gales.
3145. Those are the gales you generally contemplate danger from? Yes; but then we should run into the Downs.
3146. But a pilot boat would not run into the Downs? No.

Captain Joseph Walsh called in and examined:—

3147. *By the Chairman*: You are one of the pilots? Yes.
 3148. Have you been long in the pilot service? About three months.
 3149. What were you before you joined the pilot service? Master of a vessel.
 3150. Have you been out in the "Sea Witch"? Yes.
 3151. Previously to joining the pilot service in this Colony, had you had any experience of pilot vessels in St. George's or the English Channel? No personal experience.
 3152. What sort of weather have you had during the time you have been pilot, when you have been in the "Sea Witch"? At the time I was out in her we had no bad weather to speak of; we have been under double-reefed canvas.
 3153. How did the "Sea Witch" act as a pilot vessel? She did very well during that weather.
 3154. Had you any weather at all that was tolerably rough or boisterous? It was boisterous when we were under double-reefed canvas, but there was no heavy sea running.
 3155. How did she act when she was under double-reefed canvas? She missed stays twice while I was looking on; I was called upon deck to look at her.
 3156. Do you think she is well adapted to the service in which she is engaged? As far as such weather goes she is very well adapted.
 3157. When she was under double-reefed sails did she act as a pilot boat ought to act? She is not quick enough in staying; she is very slow in coming through a head sea.
 3158. Is that the way a vessel ought to act? No.
 3159. Have you been called upon to report upon this vessel? I was written to, but I had nothing to say—I had not been out in her.
 3160. Do you consider her a safe vessel on a lee shore? I am afraid she is too light.
 3161. Have you seen anything of the pilot vessels on the English coast? Yes, I have seen them in the Irish Channel, in the Dublin Channel.
 3162. What sort of vessels have they there? Cutters drawing about thirteen feet of water. They will stay under a foresail in a moderate wind.
 3163. What tonnage are they? They range from about 80 to 100 tons.
 3164. Do they stay readily in boisterous weather? Yes; I have seen them stay with a reefed trysail and foresail, without a jib.
 3165. Is the weather there as severe as it is on this coast? There is not in general so heavy a sea.
 3166. Do you think a class of vessels such as you speak of could hold their position in an ordinary gale? I am sure they could.
 3167. Do you think it preferable to put pilots on board ships from sailing vessels or from boats? I would rather be boarded from the pilot vessel; it would give me time to get my vessel in order.
 3168. Is there any danger in lowering a boat? I have seen them lowering the crew and pilot over the stern, and if they cannot use the boat they use a line and jump into the water.
 3169. Have you been into New York? No, I have been to Philadelphia.
 3170. Have you seen anything of the American pilot boats? Yes, I saw one in England that came across after a debtor who had run away with some money.
 3171. Was she the same model as the "Sea Witch"? She seemed to be sharper.
 3172. *By Mr. Weekes*: Do you know her name? No, I forget her name.
 3173. *By the Chairman*: During the time you were out in the "Sea Witch," were there any members of the Pilot Board present? No.
 3174. Do you think it would be possible to make her stay under close-reefed canvas? I do not think she would stay in a heavy sea; she is too light, she stops as soon as her head is put to wind.
 3175. *By Mr. Weekes*: Do you think she might be improved by altering her trim? She might be improved by altering her trim, by putting more ballast in her she would hang more to windward; as soon as she comes head to the sea she stops.
 3176. Do you think one cause of her not staying is that she is too light? Yes.
 3177. What draught has she? 7 ft. 6 in. or 7 ft. 8 in. aft.
 3178. Is she a good sound boat? She appears to be, and sails remarkably well when the weather is fine.
 3179. *By the Chairman*: Do you think in bad weather it is always necessary for the "Sea Witch" to run into port, as a matter of prudence? In very heavy gales.
 3180. But in ordinary gales? No.

Captain
Joseph Walsh.
22 July, 1862.

THURSDAY, 24 JULY, 1862.

Present:—

| | |
|-------------------|-----------------|
| MR. DICKSON, | MR. PIDDINGTON, |
| CAPTAIN MORIARTY, | MR. WEEKES, |
| MR. WILSON. | |

SAUL SAMUEL, ESQ., IN THE CHAIR.

Captain Robert Kelly called in and examined:—

3181. *By the Chairman*: You command the schooner "Atlantic"? Yes.
 3182. And you formerly commanded the schooner "Pacific"? Yes.
 3183. Are you the owner of both those vessels? I am owner of both.

Captain
Robert Kelly.
24 July, 1862

Captain
Robert Kelly.
24 July, 1862.

3184. Would you be kind enough to tell the Committee the character of your vessels as to speed, compared with other vessels on the coast? I believe they are the fastest vessels on the coast that I have seen; they have never been beaten by any other vessels since I have been in either of them.
3185. Are your vessels particularly weatherly? Yes, they are, very; there are no vessels that I have ever been in company with with them, that could go to windward the same as either of them.
3186. Do you know the schooner "Sea Witch," lately purchased as a pilot vessel? I have seen her two or three times.
3187. Will your vessels work well to windward in a seaway? Yes, that is where I find them best.
3188. Will they stay when there is any sea? Yes, stay under any canvas; I never knew them to miss stays, loaded or light.
3189. Could your vessels, do you believe, keep the sea in the ordinary gales off this coast? I believe they could; I think I have been out in some as bad gales as there have ever been here. The time the "Dunbar" was lost, I had a night of it then, and that was not very good weather.
3190. Have you ever been caught in a gale, with the wind dead on the land, with either of your vessels? Yes, I have been caught with the "Atlantic," coming from Newcastle loaded; a fearful sea got up too before we got in. I do not recollect the date, but it was the time the "Iris" got her steam up and towed the "Sancho Panza" off George's Head, when she was going on shore.
3191. How did the "Atlantic" behave in the gale? She behaved first rate, according to the way the vessel was loaded; she was very deep, but she shipped but very little water, considering the sea that was on.
3192. Where were you? I was about twenty miles from Newcastle when I was caught in that.
3193. Did any of the steamers go out on that occasion? The "Collaroy" lay in the night before, and went out the next morning—I met her going out when I was entering the Heads; the "Paterson" steamer lay in too, went out next morning a little way outside the Heads, and then returned again. The wind was dead on the land.
3194. Do you make frequent voyages between this and Newcastle? Yes, I make from four to six trips a month; I have made five trips this month now.
3195. And you are out in all weathers? Yes; in fact I never lay in for anything; we never lay in Newcastle waiting for a wind; when we get loaded we come out.
3196. Do you think your vessels could hold their position in any weather you have experienced off this coast? Yes, I believe they would. I would not be frightened to be out in any weather, with the vessel in proper trim; coming from Newcastle we are too deep, and going the other way too light in ballast—still if we fall in with any heavy weather we have to go through with it.
3197. I am now speaking of the vessels in good ballast trim? Yes, in good ballast trim I believe they could hold their own in any weather.
3198. And your experience has been very great outside the Heads? Yes, I have had a good deal of experience outside; I have been sailing backward and forward for the last nine years.
3199. You consider yourself well able to judge of what a pilot vessel could do outside these Heads, or what she ought to do? Yes. For vessels of the size and class of vessel that we are, I have never seen anything yet to equal them.
3200. Where were your vessels built? They were built in New Zealand.
3201. Are they strongly built? Yes, well built and well fastened. I had the "Atlantic" built to my order; the "Pacific" I bought after she was built.
3202. Are they copper-fastened? The "Pacific" is copper-fastened up to light water mark; the "Atlantic" is copper-fastened higher up—up to the bends. Here is a certificate from the man that built her. (*Letter produced and read.*)
3203. What did he know of her? He was foreman for Mr. Nicol, in New Zealand, at the time the "Pacific" was built; he planked one side of the vessel himself; he is now foreman for Mr. Scott, at Stockton, Newcastle.
3204. Your vessels are deeply laden with coals coming from Newcastle? Yes.
3205. Do they leak, or are they watertight? They are quite tight; there are not tighter vessels out of Sydney.
3206. You have told us how the "Pacific" is fastened—how is the "Atlantic" fastened? The "Atlantic" is fastened much in the same way; there is not a better fastened vessel in the country; all copper-fastened the same.
3207. Have either of your vessels been in company with the "Sea Witch"? Two or three trips ago the "Sea Witch" came in with me from about three miles outside the Heads; the master of her said—"Captain, I am going to have a race with you," and he put about under our stern, and came in right after me, but he never could pull me up; the wind was about W.S.W.
3208. You led in? Yes. I was coal loaded, deep, but he never pulled me up till I came inside.
3209. Was there a stiff breeze? No, a nice whole-sail breeze.
3210. What do you consider the value of your vessels in the market now? I know the value I put on them myself.
3211. I do not press you to answer the question unless you like? Well, certainly, if I was offered the same money that I tendered the vessels to the Government at, I should not take it; I can do better with the vessels; I can clear £200 a month out of these two vessels; and I could not get other vessels in the country to suit me unless I went and got them built,
which

which would most likely take eight or nine months. I consider there are not better vessels in Sydney; I can do more work with them than any others I know.

Captain
Robert Kelly.

3212. Do you frequently go into Newcastle at night? Yes, at all hours—all times—oftener at night than at any other time.

24 July, 1862.

3213. Have you ever seen the light out at Nobby's? Never but once, some time ago.

3214. Have you ever heard that it cannot be seen distinctly for twenty minutes or half an hour at any time? I have seen it when at a distance off, eight or ten miles, that it could not be seen at all for a time.

3215. How long have you seen it in that way at a time? It might be a few minutes—three, four, or five minutes.

3216. Have you ever seen it obscured in that way for as long as twenty minutes? No. I have seen it out altogether at one time, when I was close to it, some time ago.

3217. Have you ever been on board the "Sea Witch"? I have been on board of her when she was lying at the wharf, but never after she was purchased by the Government.

3218. From your experience of the weather on this coast, do you think she is a vessel that could stay out at sea in an ordinary gale? She might, but she would never be a very weatherly vessel I should say.

3219. *By Mr. Weekes:* When was the "Pacific" built? I can hardly tell you that exactly. She is five years old now, and two or three months.

3220. Rising six? Not quite six.

3221. How long has her present copper been on her? This is the first copper that ever was on her.

3222. She has not been coppered since she was built? No. She is only five years old and a month, or something like that.

3223. What was her cost? She cost me £950. I bought her in Sydney from a man who was hard up; I consider I got a bargain with the vessel; the vessel would fetch more if she was put up to auction to-morrow. I would not like to let her go for what I offered her to the Government at. I tendered her too cheap.

3224. What price did you give for the "Atlantic"? The "Atlantic" cost me £1,500.

3225. Are there any iron fastenings in these vessels at all? The topsides are iron-fastened. There are no iron fastenings in the bottom to my knowledge.

3226. Do you know of your own knowledge that the other fastenings are copper or iron? Yes, copper. The centre fastenings through the keelson and keel are copper bolts.

3227. Where does the iron fastening begin? I think it begins at light water mark in the "Pacific;" it begins in the bends in the "Atlantic," higher up; she is copper-fastened up to the bends.

3228. You offered these vessels to the Government, in the case of the "Pacific" for £1,200, and in the case of the "Atlantic" for £2,000? Yes.

3229. Do you consider that the market price—not your own value, but the market price—if they were in the market for sale? Yes, I do not think it is out of the way for those vessels; I believe they would fetch it too at auction to-morrow; a great number of people would be after these vessels if they were in the market.

3230. Is it customary for vessels to increase in price as they grow in age? It is according to the character they may get. These vessels have got a good name since I have had them, for the work they do. I could not get a vessel built by the same man, of the same dimensions as the "Atlantic," under £1,800 at the present time, and then I should have to wait about nine months for her.

3231. Do you think the members of the Pilot Board, at the time you tendered these vessels, were men likely to know the value of vessels of this class? Yes, I should say they ought.

3232. Are you aware that the Board were of opinion that the prices asked for these vessels were excessive? No, I was not aware of that.

3233. Are you aware that, in a report made by the Pilot Board, on the 8th March, 1862, they state, that after considering the whole of the most eligible tenders, they are of opinion that the prices asked are excessive? I have heard that before.

3234. What sail does the "Atlantic" carry; how is she rigged? Schooner rigged.

3235. A topsail schooner? Yes, topsail, topgallantsail, mainsail, foresail, fore-trysail, two jibs, and a staysail.

3236. Is that not more sail than the "Sea Witch" carries? No.

3237. How much sail does the "Sea Witch" carry? She has only got three sails for common working sails, but I dare say she has as much canvas in them as we have. Our square canvas is very small.

3238. Has a square-rigged vessel, a vessel carrying squaresails of any kind, any advantage in tacking or staying, over a simple fore-and-aft one? Yes, in a seaway the topsail would bring a vessel round when a fore-and-aft might miss stays.

3239. Is it not more difficult, in certain conditions of wind and sea—say a high rolling sea and little wind—for a vessel to stay without a topsail? Yes, certainly it is. But in bad weather, when it blows hard, I take the square canvas off altogether off the "Atlantic," and she will stay then under fore-and-aft canvas, when it blows hard, when she would not carry a squaresail.

3240. If you found that a vessel failed in some qualities when under sail, would you alter her trim at all? I would try if I could alter the trim.

3241. Does not the trim of a vessel affect her qualities in many respects? It has a great deal to do with it.

3242. And before you condemned a vessel for bad qualities, you would like to alter her trim, and see how she would work under other circumstances? Yes, I should like to try her under

Captain under a good many trims before I condemned her altogether. There is a great deal in the
Robert Kelly. trim of a vessel, I know.

3243. Have you been able to form any opinion, from your experience of this coast, as to
24 July, 1862. which system of pilotage is preferable—the old system, which was boarding vessels by means
of whaleboats, or the system by suitable pilot schooners outside the Heads, as now proposed?
As far as my opinion goes, I think the old way is before the new.

3244. Why do you prefer the old way? I think by these pilot schooners outside, vessels
may come in many and many a time and never be seen. Of a night, myself, I have passed
in and out several times, and I know I have never been seen by the pilot schooner. The
pilots on the look-out before, inside, could always board a vessel far enough out, even in bad
weather.

3245. Are you aware that under the old system vessels have run in without seeing a pilot?
Yes, I have heard of some cases of that sort.

3246. Are you acquainted with the system in England? No.

3247. Do you think that any pilot vessel would be able to hold her position with the current
and a strong wind setting in the same direction—say a strong north-easter, and a current
setting to the southward? Yes, I should say a suitable vessel would go to windward almost
hove to. I have myself worked to Newcastle against the southerly current and a strong
north-easterly wind—a black north-easter you may call it—and a nasty sea.

3248. What would be the result in a calm or very light wind? That is the only thing,—of a
night when the north-easter dies away the schooner may stand a chance to drift to the south-
ward then; but then it is never for very long. The north-easters do not take off, generally, till
twelve or one o'clock at night, and she cannot go very far in the short time after that.

3249. I think you say the light at Newcastle becomes more or less obscured while it is
being trimmed? Yes, sometimes.

3250. It is a peculiar light, is it not, not similar to other light-houses—it has one large
wick, has it not? Yes.

3251. *By Mr. Piddington*: From your observation of the "Sea Witch," do you consider her
to be such a vessel as would be a good model for a pilot vessel to be out in all weathers?
I should say not. I think, in the first place, she has not got draught of water enough, and
she is rather short, I should say.

3252. In proportion to her length you consider her beam too great? She has got quite
enough beam, I should say.

3253. More than enough? Yes, more than enough, but not draught of water enough. I
should say a vessel for a pilot vessel ought to draw eleven or twelve feet of water.

3254. Then if she does not in practice stay in a heavy sea, to what cause do you attribute
the want of that quality? To her not having draught of water enough, I should say. The
false keel on the vessel is no use to make her stay.

3255. If you had been called upon to select a vessel for the pilot service outside the Heads,
would you have selected the "Sea Witch"? I would not; nor would I have selected my
own vessels if there had been any more suitable vessels. I consider a pilot vessel ought to
be a different vessel from any of them. But my vessels are as good and weatherly vessels as
any on the coast, and would have answered very well until proper vessels could have been got.

3256. You have no doubt your vessels are far more weatherly than the "Sea Witch"? No.

3257. And that is of essential importance in such a vessel? Yes.

3258. In reference to the opinion of the Pilot Board, stated in their minute of the 8th
March, with regard to the excessive value of the various vessels they allude to, are you
aware that that opinion is founded on the consideration that all these vessels were not built
for the pilot service? I do not know.

3259. Look at the last paragraph of that minute, and see whether it is so or not—the opinion
of the Pilot Board there appears to be that the vessels are overvalued, inasmuch as they
would require considerable expense to make them fit for the purpose? Yes.

3260. Have you any idea of the expense the Government have been compelled to defray for
alterations to the "Sea Witch"? No, I have not.

3261. If the costs of the alterations to the "Sea Witch" have amounted to £600 or £800,
that is a considerable addition to the original price? I should say so.

3262. Do you believe that if the Government had purchased your vessels, they would have
been compelled to expend £600 or £800 on each of them? No; I should say £500 would
have done the two of them. If they had made fore-and-afters of them they would have
required new masts, and then they would have cost more.

3263. You are of opinion that neither of your vessels required anything like the expenditure
on the "Sea Witch" to make them available? No.

3264. Are you aware whether the "Sea Witch" is available now? I have scarcely seen
her since.

3265. Have you not heard? I have heard several reports that she is not.

3266. *By Captain Moriarty*: You do not attach much importance to such reports? No.

3267. *By the Chairman*: Can you tell us what you consider the value of the "Sea Witch"
at the time she was purchased by the Government—her value in the market? Well, I
should say that at that time I would have given as much for a vessel of that class as any
other person in Sydney, but I really think I would not have given above £800 or £900 for
her—£900 at the outside—considering where the vessel was built, and the like of that.

3268. That is what you conceive to have been her value? Yes; not above £900.

3269. Will you be kind enough to state where you conceive the difference in value to have
been between your vessels and the "Sea Witch," at the time they were offered to the Govern-
ment? They are better built vessels in every way—Colonial built; she is only American
built, and iron-fastened.

3270. *B Mr. Weekes*: Has she no copper fastenings? I believe there are some copper spikes about her butts. Captain
Robert Kelly.
3271. You do not know whether the butts are fastened through and through? I do not know; I have heard there was some copper about the butts, but that is all; I never looked at any of her fastenings. 24 July, 1862.
3272. *By the Chairman*: The value of a vessel in the market fluctuates according to the demand for tonnage, does it not? Vessels of the size and tonnage of the "Sea Witch"—60 to 80 tons register—are always saleable here; they are handy for the coasting trade.
3273. *By Mr. Weekes*: What is the draught of water of the "Pacific"? Light or loaded?
3274. Either one or the other, or both? She draws 5 ft. 6 in. light, when clean, nothing in her, and nearly 8 ft. 6 in. when loaded; the "Atlantic" draws 6 ft. light, within an inch or so, and 9 ft. 6 in. when loaded.
3275. How far is the level of the deck above water when loaded with coal? Not above 18 inches amidships.
3276. Do you know what the depth of hold is? 7 ft. 6 in. or 7 ft. 9 in. I believe.
3277. Do you know whether the "Sea Witch" and the "Pacific" have the same depth of hold? I am not aware.
3278. Are you aware that the depth of hold of the "Sea Witch" is 7 7-10ths feet, and the depth of hold of the "Pacific" is 7 8-10ths feet, being 1-10th of a foot difference only? I am not aware.
3279. Do you know the breadth of beam of the "Sea Witch"? No.
3280. What is the breadth of beam of the "Pacific"? Something over 18 feet.
3281. The register states 19 feet—is that correct? It may be, but I think not; it may be 19 feet if you measured from out to out.
3282. The ordinary system of measurement, as stated in the register, gives 19 feet? It must be right.
3283. Are you aware that the breadth of the "Sea Witch" is 19 2-10ths feet? I am not aware.
3284. Do you know the length of the "Sea Witch"? I think she is somewhere about the same length as the "Pacific"—a foot or two shorter.
3285. Then there is no great dissimilarity in their length, breadth, or depth of hold? No; but still the "Sea Witch" has a much flatter floor.
3286. Are you aware what has been done to the "Sea Witch" to fit her for the use of the pilots? I am not; I have never been on board her since.
3287. Are you aware that a new deck has been laid below, and cabins erected for the pilots, with the necessary accommodation? I have heard so.
3288. Would not that have been necessary in your vessels? Yes, you would have had to make a cabin, of course; there is nothing of that sort there now.
3289. Is there any reason why the expense of carrying out these particular things should be more in the "Sea Witch" than in the "Pacific" and "Atlantic," each requiring decks to be laid and cabins to be built? I should say not, as far as laying decks and making alterations in the cabin; that would cost quite as much in the "Atlantic" and "Pacific" as in the "Sea Witch." I do not see why it should not.
3290. *By Mr. Piddington*: Would there not be a difference in the event of the deck that may be necessary, and the cabins that may be necessary, to fit the "Atlantic" and the "Pacific," costing the same as those for the "Sea Witch"—would there not be this difference, that in the case of the "Atlantic" and "Pacific" they would be able to stay in bad weather, and the "Sea Witch" would not? Yes, I believe they would stay in any weather.
3291. Then the difference consists in the money being expended on an unsuitable vessel, as in the case of the "Sea Witch," and the money being expended on vessels that would have been suitable? Yes, of course.
3292. *By Captain Moriarty*: I gather that, in your opinion, the two vessels you tendered to the Government are not the kind of vessels suited to the pilot service of this port? Not altogether; but under the circumstances there were no others more suitable.
3293. In point of fact, you would not select vessels of that description as pilot vessels? I do not know that I would not select the "Atlantic," but not the "Pacific."
3294. The draught of the "Atlantic" is 9 feet 6 inches when deep laden, and 6 feet when she is empty;—now, fitted for a pilot boat, of course she would not be deep laden—she would not be laden like a collier or a sand barge—what would her draught of water be then—her proper draught of water under such circumstances as would suit her for a pilot boat? In the first place, to suit her to be a pilot boat, I would put eighteen inches or a foot of keel on her, and she would draw nearly nine feet then, to put her in proper trim for sailing.
3295. They do now hold their own in any weather? Yes, they do, even light.
3296. If they can do that with the draught of water you have named, why should not the "Sea Witch" with the same draught of water? The "Sea Witch" is a different built vessel—a flatter vessel, and a flat vessel will never hold her own or go to windward either; there is a very great difference in the build of the two vessels.
3297. I suppose you have seen or heard of the performances of the class of ships built by Sir William Symons in the Navy; they were remarkable for flat floor and great beam, were they not?—were there any ships in the world that could go to windward with them? I cannot say for that.

Benjamin Darley, Esq., called in and examined:—

- B. Darley, Esq.
24 July, 1862.
3298. *By the Chairman*: You were one of the late members of the Pilot Board, and one of the petitioners to the Assembly? I was.
3299. We have had a great deal of evidence about the allegations contained in your petition, and I only propose, myself, to ask you a few questions relating to the fees which were claimed by some members of the Pilot Board;—will you be kind enough to state the circumstances under which those fees were claimed, and whether you were one of the members who made that claim? I was one of them, and the reason we applied for them was that the Act states that we are entitled to them, which Act I have brought here in my pocket, in order that the Committee might read the clause and judge for themselves. Previous to making the claim we asked Mr. Robert Campbell, who was then Treasurer, whether we might get the opinion of the Judges as to our right to the fees, and he told us we might—that he had no objection to our doing so, and if we had a right to them he would have no objection to our getting them. Captain Browne was Chairman at that time, and I believe he maintained that we had a right to them. On that we applied, as I have said, to Mr. Robert Campbell, who told us we might get an opinion. We did so, and it was to the effect that the Board were entitled to them, being professionally employed, and the Act being framed from the English Act, under which the examiners are paid by fees. I will read the clause, which I have brought with me, as the charge has been brought against us of claiming money to which we were not entitled. (*The witness read the fifth clause of the Pilotage Rates Amendment Act of 1858.*)
3300. Will you be kind enough to state who were the members of the Pilot Board at the time to which you are now referring? Captain Browne, Captain Deloitte, myself, Captain North, and Captain Mann; I think these were the members.
3301. Neither Captain Smith nor Captain Fox were members of the Board at that time? No, not at that time.
3302. When the Act was passed did you conceive that the intention was that the fees should go to the Board? I never thought anything about it until we did receive the fees, and this Act was produced, and the clause read at the Board. We all conceived that the fees belonged to us, and they did for a length of time remain in the hands of the Chairman, being paid into the bank in the name of the Chairman, Captain Browne, and not made use of by anybody; but after Mr. Campbell's death the present Treasurer insisted on the fees being paid over, and they were given up—not that we conceived we had any right to give them up, but they were given up. I still maintain that we had a right to them. We got very good opinions—Mr. Broadhurst's and one or two others, who said we were legally entitled to them.
3303. *By Captain Moriarty*: Not morally? Yes, morally.
3304. *By the Chairman*: You conceived you were entitled to them, from the wording of the Act? Quite so.
3305. Had you any intimation from the Government in any way that you were to receive these fees? No. We applied to the Treasurer at the time, Mr. Robert Campbell, and asked if we were entitled to them, and he said,—“It appears to me you are, from reading the Act, but,” he said, “I will not give you an opinion—I will give you permission to get the opinion of the Judges.”
3306. You stated that there is a similar clause in the English Act? I believe this Act was framed from the English Act.
3307. Were the duties of the examiners in England the same as those of the examiners here? Yes, quite the same.
3308. Had you to put the candidates for certificates through any lengthened examination? At first we had a great deal of work. We sat from two o'clock in the afternoon till six or seven (the whole afternoon) frequently, for three days in the week.
3309. How long did these lengthened examinations continue? I cannot exactly recollect the time, but a considerable time.
3310. Did you conceive that the fee you were getting—one guinea for every attendance—was not sufficient remuneration for your services? For loss of time at the Pilot Board I do not think one guinea ever remunerated me, nor did I ever sit there with the feeling that it remunerated me for my loss of time.
3311. Then you did not consider this £5 fee in each case an excessive one? I did not think anything about it; it was on principle we demanded it; I never thought about the money; it was no question of money with me; nor did I ever sit at the Board with the feeling of the amount of fee I received for sitting there; I thought I was of use to the public, and for that reason I kept my seat much longer than I felt inclined to do.
3312. How long were you a member of the Pilot Board? Six or seven years.
3313. *By Mr. Weekes*: Did not Mr. Campbell, when Treasurer, first apply to the Pilot Board to hand over to the Consolidated Revenue such sums as they had received for these fees? I do not exactly recollect whether he did or not, or whether that was the reason of our calling upon him; it might have been the reason; it is so far back that I cannot exactly call it to mind.
3314. Does not this same Act say that other dues receivable under it shall be paid to the Collector of Customs—pilotage and harbour dues? None of those moneys are received by the Board.
3315. Are not certain dues—pilotage and harbour dues, for instance—payable by this Act to the Collector of Customs? I believe they are.
3316. Are you aware whether the Collector of Customs has ever put forward a claim that he should have these for his own personal benefit? He is a Government officer. We acted in our professional capacity; we were not Government officers.
3317. When you say “we” —? I mean to say I for one, and some other members.

3318. Was the claim put forward simply by the non-official members, or as a Board;—do you think all were willing to have gone shares? Quite so; so much so, that it was the Government officers who urged the non-officials to try and get it.
3319. And your opinion is, that the official members as well as the non-official would have gone shares in this fund? They were quite as anxious as the non-officials; it was merely a question of right; but I believe, if the fees had not amounted to the sum they did, there would not have been a question about them.
3320. *By Captain Moriarty*: If they had been a few pounds only they would have been paid as a matter of course? Yes.
3321. *By Mr. Weekes*: When it became a considerable amount it was worth looking after? At the time we asked the question I do not think it had reached any considerable amount.
3322. Do you remember the sum total? At that time?
3323. Not altogether? No.
3324. *By the Chairman*: Do you recollect what was the amount at the time you made application to the Treasurer? Some two or three hundred pounds. It went so far that on getting permission from the Treasurer, we put the matter in the hands of Messrs. Spain and Young, and according to the customary way of getting permission from the Government, they got Mr. Billyard's permission to sue the Government, and they commenced proceedings.
3325. *By Captain Moriarty*: They commenced to sue the Government? Yes.
3326. Would not the proper course have been to let the Government sue them? You must bear in mind that the money was in the hands of a Government officer; if it had been in the hands of a non-official we should have been in a different position.
3327. *By Mr. Weekes*: Who was Treasurer of this particular fund? Captain Browne.
3328. He held it on behalf of the other members? It was paid into the bank in his name.
3329. *By Captain Moriarty*: He suggested to the other members not to give it up? I dare say the non-official members suggested to him not to give it up.
3330. These fees were retained by you in consequence of your opinion that a certain clause in this Act gave you a right to them? They were never retained after —
3331. They were retained *pro. tem.*? Yes.
3332. That was, according to your idea, in consequence of its being a sort of *quid pro quo*;—in consequence of the increased duties imposed upon you as members of the Pilot Board, to examine masters of vessels trading to Newcastle, you had a right to the fees, to remunerate you for your increased trouble? Yes, I believe that was our view.
3333. You did examine all these masters, with the view of their obtaining a certificate, and decided upon their competency to conduct vessels into Newcastle? Yes.
3334. The Board was not all composed of sailors? No.
3335. Some of the Board—fully half of the members—were absolutely incompetent to ask any question, or to give a clear opinion of the real value of any man's services going into or out of Newcastle? Some of them were not nautical men.
3336. There were some who were absolutely incapable of giving a sound opinion on this subject, for which they claimed to receive a sum of money? There were.
3337. If the Board were entitled to it, would it not have been equally divisible among them? Yes.
3338. And therefore one portion of the Board would have received money when they could not, under any imaginable circumstances show the slightest pretext for being paid it—would it not have been so? They might have done so, but there are many persons sitting on Boards who are perfectly unqualified to sit there; you have a Chairman of the Pilot Board at present who is not a sailor.
3339. I want to ascertain, as a matter of fact, whether what I have stated is not beyond all question true? Quite true.
3340. As a matter of fact, were those men who called themselves the sailors of the Board—I do not pretend to question the ability of some of them, and especially your own, for I have a very high respect for your nautical skill, and in the same way I estimate the opinions of Captain Deloitte—but does it not require some knowledge of Newcastle Harbour to certify to the competency of a man to conduct a vessel in or out of that port? Yes.
3341. Was it not certain that the great majority of those people who came to ask for this certificate were men who had been trading in and out for years, and beyond all doubt were qualified? Yes.
3342. A great deal better than members of the Pilot Board? Yes.
3343. *By Mr. Piddington*: Do you know when the tender of the "Sea Witch" was first submitted to the Pilot Board;—perhaps if you look at the printed correspondence it will refresh your memory—Nos. 18 to 20—No. 18 contains the tender of the master of the "Sea Witch," addressed to the Government;—my question is, when was the tender of the "Sea Witch" first submitted to the Pilot Board? I believe the day after—the next meeting, whenever that was—the following meeting of the Pilot Board after she was tendered.
3344. It was referred to the Pilot Board, I presume, between the date of the tender, the 3rd of March, and the date of the minute of the Pilot Board, the 8th of March? Yes.
3345. Did the Pilot Board on the 8th March report that the "Sea Witch" was "not only over-valued, but scarcely fit for the service"? Yes, they did.
3346. How soon after the Pilot Board reported unfavourably of the "Sea Witch," was the vessel bought by the Government? Two or three days, I believe, afterwards.
3347. Less than a week after the 8th March? On the 15th, it appears—just a week.
3348. When the Government resolved to buy the "Sea Witch," did you consider that the professional opinion of the Pilot Board was treated with marked contempt? I did, most decidedly, for I took an immensity of pains myself in examining her.
3349. If the Pilot Board could not be trusted to give a professional opinion on the suitability

B. Darley,
Esq.

24 July, 1862.

B. Darley, Esq. ability of a pilot vessel, of what use, in your opinion, is the Pilot Board to the country?
None whatever.

24 July, 1862. 3350. Have you any doubt of the qualifications of those gentlemen who composed the Pilot Board when you were a member, to give a reliable opinion on the suitability of a vessel for the pilot service? None whatever.

3351. You have no lurking doubt as to your being yourself competent to give such an opinion? I consider myself second to very few men in New South Wales in such a matter; I have from my long experience had a great deal to do with such vessels.

3352. During your experience, have you ever noticed pilot vessels either in England or elsewhere? Yes, as commander of a ship for nineteen or twenty voyages to the West Indies, I saw a great deal of pilot vessels; and every voyage I had charge of a fore-and-aft schooner to load my vessel with; I had full charge of a vessel of sixty or seventy tons, which my own crew worked and sailed among the islands, gathering cargo; and I consider I am as good a judge as anybody in New South Wales of fore-and-aft vessels.

3353. With reference to pilot vessels in the United Kingdom, have they ever come under your observation? During that time I sailed from Liverpool and London, and I always met pilots from both ports.

3354. You have met pilot vessels at sea? Yes, I never knew the station without one.

3355. Do you consider that the "Sea Witch" in any way resembles in point of model the pilot vessels connected with the port of Liverpool? In no way whatever; she is not to be compared with them at all.

3356. From your knowledge of pilot vessels, would you consider that the "Sea Witch" presents a suitable model for a similar service outside the Heads of Port Jackson? No, she is perfectly unfit.

3357. You would have pronounced her unsuitable, from your long experience of similar vessels connected with the port of Liverpool? Yes, I did so from the very first.

3358. Is the Pilot Board composed of gentlemen who may be called honorary members—the Board are not paid by salary? They are paid by fees.

3359. Their payment is similar in principle to the payment of directors of a bank? Quite so.

3360. You do not view the sum of money paid to a member of a board, which is contingent on his attendance, as a salary? Certainly not.

3361. There is no resemblance whatever between the mode of payment to the members of the Pilot Board, and the system of payment adopted with regard to the paid officers of the Government—for instance, the Colonial Treasurer is not paid by fees, and all the officers in his department are paid by salaries, as well as in other departments of the Government? Yes.

3362. Will you look to the minute of the 21st March, No. 31;—did the Pilot Board, in the minute of the 21st March, decline to fit out the "Sea Witch" because they considered she would prove a failure? Yes.

3363. Are you aware whether that prediction has been verified by facts? So far as I can understand, it has been. I am told she is perfectly unfit, and will prove perfectly useless.

3364. Are you aware that the "Sea Witch" has been brought into port by the Government master of the vessel, in consequence of the threatening appearance of the weather outside? I only know by report.

3365. If she has been brought into port out of fear of threatening weather, do you consider she can possibly be a suitable vessel for the pilot service? I do not believe they could keep her out; I do not think she is a vessel that could remain out in bad weather.

3366. Then you think that, from the inherent defects of the "Sea Witch," she is altogether unfit to remain out in bad weather? Not from her defects. I do not think she is the model of a vessel to keep the sea.

3367. Referring to the minute of the 21st March, especially the latter portion, are you of opinion that the Pilot Board, or any portion of them, in that minute sent in a resignation of their seats to the Government? Certainly not; we never intended to do so. We merely told the Government that if they considered we were unfit to give an opinion of the fitness of a pilot boat, the sooner they dispensed with our services the better. That was our opinion.

3368. When you stated that if the Pilot Board were unfit to give an opinion as to the fitness of a pilot boat their services had better be dispensed with, you referred to the Board as a Government Board, not to individuals? We referred to ourselves.

3369. You did not refer to one or two members of the Board, as apart from the rest? We referred to those gentlemen who examined the "Sea Witch," and they were three nautical men who gave their opinion. The only other member present was the Chairman, who was not a nautical man.

3370. I will read to you the clause I am alluding to. The Board state that "they did anticipate that their opinion would have had some weight in a matter so much within their province, and they cannot help remarking that, if they are qualified to hold seats at the Pilot Board, they must certainly be competent to give an opinion on the fitness of a pilot boat; but if the Government think otherwise, it were better that the services of the Board should be dispensed with." Does that minute refer to the Board as a whole, or to any individual members of it? I think it refers to the nautical men; I believe it was only the nautical men who signed that minute.

3371. How many members does the Board consist of? Six; but Captain Deloitte did not attend at that time.

3372. Six including the Chairman? Yes.

3373. Are the whole of the members excepting the Chairman nautical men? They were at that time.

3374. The minute of 21st March, to which I allude, do I understand you to say that that contains an absolute resignation, or merely a declaration of opinion? Merely a declaration of opinion, as you will see by the following minute No. 33, of the 27th March. B. Darley,
Esq.
24 July, 1862.
3375. With regard to the minute of the 27th March, No. 33, is there not a similar declaration of opinion in one of the paragraphs? Yes.
3376. Then in neither of the minutes of the 21st March or the 27th March do you conceive that the Board absolutely resigned their seats? Neither.
3377. Did you yourself examine the "Sea Witch" when the question of her suitability was reported upon by you to the Government? I did.
3378. Did you examine her as thoroughly as time would permit? I brought a thoroughly competent man with me, took my own coat off, and went all through her, and examined her as though I had been going to buy her myself.
3379. What was the result of your examination? That she was perfectly unsuitable for the service, and quit overvalued—not worth half the money.
3380. *By Mr. Weekes:* Did you convey that opinion to the Government, that she was perfectly unfit, or did you say she was "scarcely fit"? I did give my opinion at the Board that she was perfectly unfit, and they altered it to "scarcely fit"—I believe the word was altered.
3381. Do nautical men all agree as to the proper model of a ship? No.
3382. Is there not the widest difference in their views respecting the most suitable model? Yes; the "Sea Witch," for example.
3383. Some nautical men holding her to be a very suitable vessel, and some the reverse? Very few hold her to be suitable, I think.
3384. Does not that hold good in regard to models of ships generally, that the widest difference of opinion exists as to the proper model, among scientific men, shipwrights, and sailors? There is not very much difference with respect to pilot vessels, for the model is very different from any other class of vessel.
3385. Do you know the model of the "Mary Taylor," the celebrated New York pilot boat? I have seen drawings of her, but not the model.
3386. Is there much similarity between the "Mary Taylor" and the "Sea Witch"? I do not know the "Mary Taylor" sufficiently.
3387. Are you aware of the draught of water of the "Mary Taylor"? No, but I am of English pilot boats.
3388. Have you ever seen the "Sea Witch" out of the water—have you ever seen her in dock? No.
3389. You are unable then to tell what keel she has? Well, I am unable to tell; but I do not consider a deep keel of any service to a seagoing vessel; it may be useful to yachts. I do not consider a flat-bottomed punt with a deep keel on it is fit to go to sea.
3390. Do you know what the draught of water of the "Sea Witch" is now? More than it ought to be.
3391. Can you state what it is? I believe she is drawing about eight feet.
3392. Do you know whether that is her proper trim or not? I was informed by her captain, that her proper trim, when loaded, was from seven feet to seven feet and a half.
3393. Do you know whether that is more draught of water than the "Mary Taylor," the American pilot boat? I do not. I do not know the "Mary Taylor"; but I can only tell you a Liverpool pilot boat will draw fourteen feet.
3394. *By Captain Moriarty:* The present ones? The present ones.
3395. That was not the case when you left England? Well, they drew a great deal of water; they were very long-keeled vessels, and they have got in America pilot boats built in Bermuda, which have very long keels.
3396. *By Mr. Weekes:* The "Atlantic" and "Pacific" were offered to the Government, one at £2,000, and the other at £1,200, and recommended by the Board to be purchased at those prices—was that the case? Yes, until we got more suitable vessels.
3397. Did you afterwards report that you considered these prices excessive? We said we thought we might get them both for £3,000.
3398. Did you report to the Government that you considered these prices excessive? We thought it was a little too much for them.
3399. After you had previously recommended them to be purchased at those prices? I think we did, but we were ordered to get two vessels. We did say—"After considering the whole of the most eligible tenders, the Board are of opinion that the prices asked are excessive."
3400. It is your opinion that they were excessive? Yes.
3401. What is your opinion of the two systems of pilot service—which do you think the best, the old one of the whaleboats, or the outside pilot service with suitable vessels? The outside pilot service with suitable vessels.
3402. Do you think a pilot vessel could hold her ground outside during some of the gales which your experience must tell you we have on this coast? Heavy gales are the exception here; I think it would be very seldom indeed that they could not stop outside.
3403. If pilots have said that any pilot boat would do best to run into port during some of the severe gales on this coast, are they competent judges? Yes, I should think so. Some of the gales—yes.
3404. Do you think a pilot vessel could maintain her position with the current setting to the southward, and against a strong wind, or in a calm? Not in a calm; in a strong wind, certainly.
3405. You do not hesitate to say that the outside pilot system, with suitable vessels, is preferable to the old one of whaleboats? I do, for the very reason that vessels of the present build

- B. Darley,
Esq.
24 July, 1862.
- build are so large that in between the Heads is a most improper place to board them. When they bring a large vessel in between the Heads there is so little room that they may lose the ship if they heave to for a pilot. Under the former system of whaleboats we never could get them to pull out; they would board in between the Heads, to the very great danger of the ships.
3406. Could they lower a boat and put a pilot on board outside in all weathers? In nearly all weathers; they can in England, and there is as much sea there—a much worse sea for a boat.
3407. When the Government requested the Pilot Board to take the necessary steps to fit out the "Sea Witch," you formally declined to carry out their instructions; is that the case? We did decline to fit out the "Sea Witch."
3408. You declined to carry out the instructions of the Government? We declined to fit out the "Sea Witch."
3409. Did the Government request you to fit out the "Sea Witch"? They did; but I do not know that the Board are the proper persons to fit out a vessel under any circumstances.
3410. Would it not fall naturally within the province of the Pilot Board to fit out pilot vessels? They were never allowed to superintend anything; the Harbour Master appeared to attend to all these matters.
3411. Did you consent to hold your positions under those circumstances? Though we often thought of resigning, we did not wish to do so until we had very good reason; we frequently wished to do so, and frequently had a conversation at the Board expressing a feeling that we ought to resign our seats.
3412. If a difference of opinion takes place between the Government and the Pilot Board, who should give way? I do not consider that this was a difference of opinion: it depends on the question.
3413. Was it not a difference of opinion as to the qualities of this boat? No; this boat was purchased in direct opposition to the opinions of the Board, after their opinions were asked, and then the Government desired them to fit her out, which we considered was not exactly fair. If the Government had purchased her in the first instance, and then sent her down to the Board to fit out, we would have looked at it in a very different light.
3414. Had the Board then done anything more than state to the Government that they thought her "not only overvalued, but scarcely fit for the service";—was not that the only communication then made to the Government respecting the "Sea Witch," prior to her being purchased? Well, we go on then—"They see no better course than to recommend that the vessels for the service should be ordered to be built in England, under the superintendence of one of Lloyd's surveyors, and in accordance with the drawings and specifications herein, which are admirably designed for the class of vessels required. If, however, the Honorable the Treasurer should think it desirable, tenders might be called for one vessel in the Colonies, and the other should be built as before stated." That was our opinion.
3415. Then all that you conveyed to the Government respecting the "Sea Witch," previous to her purchase, was that she was "not only overvalued, but scarcely fit for the service," and that vessels should be built in England? Yes.
3416. Will you turn to page 5, and look at minute No. 7;—is that the report of the Board to the Government as to the vessels which had then been offered to them, being the vessels named on page 4, viz., the "Pacific," "Kate Kearney," a vessel unnamed, and the "Vixen";—is not that the report of the Board on those vessels? Yes.
3417. Does it not say—"they do not consider any of the vessels offered in all respects eligible"? Yes.
3418. Is not one of those vessels the "Pacific"? Yes.
3419. Is there much difference in the phrase "not in all respects eligible," and that which was applied to the "Sea Witch,"—"scarcely fit"? Not much difference. We did not consider any of them suitable.
3420. Then, in point of fact, the Government selected a vessel only less suitable than others, all being unsuitable in the opinion of the Board? One was a good sea boat; the other we did not consider so.
3421. Which was the one you did not consider a good sea boat? The "Sea Witch."
3422. You considered the "Pacific" scarcely eligible? We considered her a good sea boat.
3423. You did not state so? No, that was an opinion of our own; we did not say so in either case.
3424. In the first report you state that none of the vessels, including the "Pacific," are "in all respects eligible;" and when the "Sea Witch" is offered, you say she is "scarcely fit for the service"? Yes.
3425. You did not communicate to the Government any more of your views respecting the "Sea Witch" than is contained in the minute of the 8th March, until the Government had purchased the vessel? No.
3426. *By Mr. Wilson:* Do you think the Government is competent to form an opinion on nautical matters? I should think not.
3427. Consequently, there could in reality have been no difference of opinion between the Government and their nautical advisers, as to the capabilities of these vessels? I should say not.
3428. *By Captain Moriarty:* But they may be heaven-born sailors, may they not? It is possible.
3429. If they are competent to decide upon the precise spot where a light-house is to be erected, they are equally competent to fit out a dung boat and send her to sea as a pilot boat? I suppose so.

FRIDAY, 25 JULY, 1862.

Present:—

CAPTAIN MORIARTY,
MR. PIDDINGTON,MR. SADLEIR,
MR. WEEKES,

MR. WILSON.

SAUL SAMUEL, ESQ., IN THE CHAIR.

Captain Thomas Watson called in and examined:—

3430. *By the Chairman:* You are, I believe, a member of the Pilot Board? Yes.
3431. How long have you been a member of that Board? Upwards of two years.
3432. If you look at No. 20, in the printed papers, you will find a minute of the Pilot Board of the 8th March—were you present at that meeting on the 8th March? I was.
3433. And you approved of that minute? I approved of that minute, so far as— There was a dispute, in the first place, with Captain Darley, relative to the quality and the efficiency of the "Sea Witch," but after all, it appears that there were some documents and plans and specifications of a vessel produced, respecting a vessel to be built by parties in England, and of course I gave way to them on that point. They wished to have a model vessel built in England, otherwise I did not accede to their request.
3434. You did not object to the adoption of this minute, did you? No, I did not.
3435. Then, do I understand you to say, that although you consented to this minute, you did not think the "Sea Witch" scarcely fit for the service? I did think her fit for the service; I always had that opinion of her, and I have still.
3436. You were absent, I believe, when the Board declined to fit her out? I was; I was absent from the 13th to the 25th.
3437. You have been out in the "Sea Witch," I believe? I have.
3438. What sort of weather had you during the time you were out in her? What you may term a whole-sail breeze.
3439. Do you mean by that, that it was blowing hard? It was not blowing hard, but it had been blowing hard to the eastward, and there was a heavy sea on.
3440. Was your object in going out in her to try her, and to judge of her capabilities? Yes.
3441. How long were you out in her? I think three or four days.
3442. During the whole of that time, was the weather moderately fine? We had a stiff breeze—a whole-sail breeze—not a gale of wind.
3443. During the time you were out in her, did she miss stays? I believe she did once, or she might perhaps more, but that was principally owing to neglect; she was not properly equipped. In staying a fore-and-aft vessel they require a bowline to the foresail, and I had to use rather strong language to the officers, in consequence of not having her properly equipped; I believe the principal cause was that she had not a bowline to her foresail.
3444. If, as has been stated, she missed stays frequently, is that attributable to some want of management, or to want of bowlines, do you think? A bowline to the foresail was required, but I do not think she missed stays above once or twice with me.
3445. If it is stated that she missed stays more frequently than once or twice, is that incorrect? I was not present. If she missed stays when I was below I could not account for that.
3446. What sail was she carrying when she missed stays? All her canvas fore-and-aft—foresail, jib, and mainsail.
3447. Do you think a vessel, to be fit for a pilot vessel, ought to stay in such weather as you have described? There is some weather that no vessel will stay in.
3448. I am speaking of such weather as you have described? It was a very heavy sea. It is easy to account for her not staying then; she was pitching bowsprit under.
3449. Have you had any experience in pilot vessels? Yes, in a schooner of a similar class.
3450. In pilot vessels? Yes, for many years.
3451. In what part? The coast of New Holland.
3452. On what part of the coast of New Holland are outside pilot vessels employed? Port Jackson; we had a cutter here at one time.
3453. When was that? I think it must be somewhere about twenty years ago. The pilots had shares in her; she was an experimental vessel.
3454. Do you know anything of the character of pilot vessels employed either in St. George's or in the English Channel? Not at all; I know nothing about them.
3455. Do you think English pilot vessels, from what you have heard of them, or revenue cutters —
- Captain Moriarty objected to the question. The witness withdrew. Objection overruled. The witness was again called in.*
3456. From what you have heard of the character of English pilot vessels, and of their build, or of revenue cutters, would they stay in such weather as you have described? I think they would.
3457. Do you think it a necessary qualification for a pilot vessel that she should stay in all weathers? It is impossible to do so in such weather as we have on the coast occasionally.
3458. Did you agree in the recommendation of the Pilot Board that vessels should be built in England? I did that one should be built in England as a model for a boat here, and that she should be properly equipped, the same as pilot boats are in England; merely as a model boat.
3459. The Pilot Board have recently advertised for models for a pilot boat to be built in the Colony? I believe they did.

Captain
T. Watson.

25 July, 1862.

- Captain
T. Watson.
25 July, 1862.
3460. Did they select a model as suitable for the purpose? They have selected one now.
3461. Do you know who sent that model to the Pilot Board? There were several parties who sent them, Mr. Chowne, Mr. Cuthbert, and one or two other parties, whose names I forget.
3462. There was one selected? Yes.
3463. Whose model was that? Mr. Chowne's.
3464. Does that resemble the model of the "Sea Witch"? I do not think it does much; it is longer.
3465. During the time you were out in the "Sea Witch," did you consider that she acted as a pilot vessel ought to have done? She did everything I expected she would do as a pilot vessel.
3466. *By Mr. Weekes*: Have you had great experience on this coast? I have.
3467. Were you a pilot yourself for some years? I was a pilot, I think nearly twenty years.
3468. In this port? Yes.
3469. Were you bred to the sea? I was.
3470. Are you acquainted with the navigation of the English and Irish Channels? I am not very well acquainted with the British Channel, but I am pretty well versed in the coast of India, China, and New Holland.
3471. Is the sea on this coast at times of a heavier character than that of the seas at Home? I think there is no part of the world where the sea runs higher than it does here.
3472. Do you think that during a heavy gale of wind on this coast, say from the south-east, that it would be possible to lower a boat from any pilot vessel? I have seen the time when a boat would not live at all.
3473. It could not be lowered from any vessel? It could not be lowered from any vessel.
3474. Which system do you prefer—the old system of whaleboats, or that of outside pilot schooners? I prefer the whaleboats and competition; I always did.
3475. Do you prefer the old system of whaleboats, as compared with pilot schooners, or as the best system that could be devised? No, I would prefer steam; in my opinion a steamer would be cheaper at the year's end than either cutters or boats.
3476. You mean that you would employ a pilot steamboat? I would have a pilot steam tug, which should be used only in bad weather. Formerly, under the competition system, I have boarded vessels at Botany, and Port Hacking.
3477. Then in this minute of the 8th March, you do not coincide with the Board in the opinion that the "Sea Witch" was scarcely fit for the service, but only in the opinion that she was overvalued? She was overvalued.
3478. Have you always considered her a suitable vessel? I always considered her so, and do up to the present moment; and at the last meeting of the Board I recommended that she should be put on the Slip, to be publicly examined. One said that she had a straight keel, another that she had a crooked keel, one that she was flat, another that she was sharp; my opinion is that she was the most suitable vessel in the Colony, and always has been.
3479. When you say "crooked," you mean that it was deeper in one part than in another? Deeper in the centre, which would act as a sort of centre-board. A vessel is supposed to stay quicker in smooth water when the keel is so formed, and this vessel stays remarkably quick, and wears round in little more than her own length, in smooth water.
3480. Would not a ship that was out of trim be more likely to miss stays than one in proper trim? Certainly, and that was a great deal the cause of this; for she had a tank full of water chock forward in the bows, and the water washing about in the tank was enough to stop her way in stays. I recommended that the tanks should be taken out of her; but I was the only one, I believe, who disapproved of the tanks being there.
3481. Has the trim been altered, to see whether her staying properties would be improved? I recommended that the tanks should be emptied; whether that alteration was made I cannot say.
3482. Her trim generally has not been touched since she went out? I am not aware that it has.
3483. Would not the altering her trim make a great difference in her qualities? A very great difference indeed.
3484. Do you consider her a good sea boat? I do, a very good sea boat; and I think her equal to any vessel we have here in Sydney for putting pilots on board. There is a great deal of tact necessary in putting a pilot on board a ship; you may put a pilot on board a ship in a gale of wind without getting his shoes wet, if the boat is properly handled and the ship is properly arranged.
3485. Have you examined her at all as to her build—can you say whether she is strong? I never saw her in dock or on the Slip, but I judge merely from what I saw on deck and inside.
3486. What is your opinion of her? My opinion is that she is a very suitable vessel; she is rather short for her beam, I thought, and not a bit too deep.
3487. Do you know her draught of water? Somewhere about eight feet, the captain told me.
3488. Is that a very light draught for a vessel of 60 odd tons? No.
3489. How were her weatherly qualities when you were on board—had you an opportunity of testing her? I thought very fair; she might have held a better wind. Every vessel we fell in with she appeared to beat and weather upon them.
3490. How near to the wind could she go? I should say about five points.
3491. Do you think it would be prudent for any pilot schooner to keep at sea in such gales of wind as you have sometimes experienced upon this coast? I do not think it is possible they could. There are times when it would be impossible, but they are of rare occurrence.
- 3492.

3492. *By Captain Moriarty*: How long have you been a member of the Pilot Board? I think about two years.
3493. By whom were you appointed? By the Government.
3494. Of course, but by what Minister—was it by either of these gentlemen? (*The Chair-* ^{Captain T. Watson.} *man and Mr. Weekes.*) I think it was by Mr. Weekes. ^{25 July, 1862.}
3495. You went out to take a short cruise in this pilot boat, the "Sea Witch"? I did.
3496. Immediately after she was fitted out? She had been to sea, I think, about a week.
3497. By whom was she fitted out? By the Harbour Master, I believe,—Mr. Crook.
3498. Had you any beating going out in her when you went to sea in her the first time? We beat up and down the harbour a little way to try her quality, and then sailed out before the wind.
3499. Did you notice the manner in which she was fitted out;—did you notice that she had no bowline to her foresail? Yes, and I spoke about it.
3500. You were in authority on board? No.
3501. Were you not a member of the Pilot Board? Yes, but the master of the ship had the control of her.
3502. Was not the master of the ship subject to your orders? He might be; I did not like to take entirely command out of his hands.
3503. If you saw that there was any decided defect in her, would it not be your duty to order that it should be rectified? They said they had not the material on board.
3504. Not a bit of rope sufficient to make a bowline? The captain told me he had not sufficient rope.
3505. Was she thoroughly fitted at that time? Yes.
3506. And yet they had not sufficient rope on board to make a bowline? There were coils of new rope on board, and no doubt he might have done it.
3507. Have you any doubt he could have done it? He said he had been accustomed to small vessels, and he had never used it.
3508. Have you any doubt that he could have made it in ten minutes? He could, or in half the time, and I did do it.
3509. He had all the materials there, and yet he would not fit a bowline? He said it was not necessary.
3510. He said? Yes; I told him to put a bowline on the foresail —
3511. Then, in point of fact, you did order a bowline to be put on the foresail? Yes.
3512. And it was done? It was not done by him, but temporarily by me.
3513. And that had the effect? Yes; and by taking the bonnet off the jib as well.
3514. Since she has been fitted out with this additional advantage has she stayed better than she did before? She never missed stays with me, I believe, not above once or twice—I would not be certain.
3515. Once for certain, and you think it possible she might have done so twice during the four days you were on board? I think so.
3516. It was moderate weather? Yes; she might have missed stays when I was below.
3517. Do you think if you had been below, unless you had been asleep, she would have missed stays without your knowing it? I do not recollect if she did.
3518. You say you were a party to this letter, No. 20? I was a party to it, so far as recommending that a boat should be built in England.
3519. You said that the "Sea Witch" was not only overvalued, but was scarcely fit for the service? I said she was overvalued; I did not say she was scarcely fit for the service.
3520. That is there;—if you were a member of the Board at the time those words were inserted, and did not object to the insertion of the words, you were a party to them? I might so far, but I was only one of the Board. My idea was that the "Sea Witch" was overvalued, not that she was unfit for the service.
3521. Did you refuse to identify yourself with these expressions, by making a protest? I did not take notice of them.
3522. Are you in the habit of signing documents without taking notice of them? I did not take notice in that instance.
3523. Do you think that a judicious mode of conducting the public service, in communicating with a Minister? Perhaps not.
3524. You said you had had no experience of the pilot service at Home? No, except from hearsay.
3525. Do you attach any importance to hearsay? Very little.
3526. Do you attach any importance to what you have heard about these vessels? I might have seen them in going up and down the Channel,—nothing farther than seeing the pilot come on board.
3527. I suppose you did not take much notice of them then? No.
3528. In what service were you? Her Majesty's.
3529. Are Her Majesty's ships in the habit of taking pilots on board in coming up the Channel? Yes.
3530. Are not the masters of Her Majesty's vessels examined as to their qualification to act as Channel pilots? They may be.
3531. Are they not prohibited from taking a pilot on board in the Channel? I have had a pilot board off the Isle of Wight; he came off in a Cowes vessel.
3532. In what vessel were you? The "Caesar."
3533. Did you go in through the Needles? I do not remember whether we went through the Needles or round the Wight.
3534. You did not think much of what you were doing at that time? Perhaps not; I was a youngster at that time.

- Captain T. Watson.
25 July, 1862.
3535. You were of opinion that the "Sea Witch" was overvalued? I did think at the time that she was overvalued.
3536. Who was Chairman of the Pilot Board at that time, Mr. Duncan? Mr. Duncan was Chairman.
3537. Mr. Browne was not a member of the Pilot Board then? No.
3538. Did you adopt any steps to make the Minister acquainted with your views about that pilot vessel, independently of what is inserted in this communication signed by Mr. Wilshire? I do not think I did.
3539. You had no conversation with him on the subject;—did you ever call upon the Minister at all, or make any private communication to him about this vessel? No; I think I spoke to the Minister on one occasion—I think it was at the Club. I said I thought she was a suitable vessel.
3540. It is said here that she is unsuitable? Yes.
3541. *By the Chairman*: Was that before or after she was purchased? After I had been outside in her.
3542. *By Captain Moriarty*: After you had been trying her? Yes.
3543. Did you ever tell the Minister, previous to her purchase, that you thought she was suited for a pilot vessel? I do not think I had an opportunity, because I went to Port Stephen.
3544. That is not the question—you might have gone to Port Stephen, and yet have done it? I might, or might not. I cannot say; but I think I did on one occasion.
3545. At all events you never called upon him at his office, to give him your opinion of the qualities of this vessel? I do not recollect that I ever did.
3546. Did you ever have any conversation with anyone else, in an official or a semi-official capacity, about her? When I came back from Port Stephen, I met Mr. Cowper, and he told me there was some dispute about her. I said—"Well, I do not think anyone can complain of the description of vessel, for I think her a very suitable vessel, what little I have seen of her." She was full of cocoanuts before I went to Port Stephen, and I went on board her with Mr. Wilshire, the Secretary to the Pilot Board, and thought her the most suitable vessel of all the vessels I had been on board previously.
3547. Still she does not meet your idea of a pilot boat? Yes, she does.
3548. Have you assented to plans for building a pilot boat? There is very little difference in her.
3549. I ask you whether you have assented to a plan for building a pilot boat? To a similar plan?
3550. Have you assented to any other plan—I do not care whether it is similar or dissimilar? To one by Mr. Chowne.
3551. You maintain that there is some similarity between Mr. Chowne's plan and that? Yes, there is; I think Mr. Chowne's model is longer, not exactly the same beam, but greater length.
3552. It has less beam, draws more water, is not so flat floored? Yes.
3553. Those are the differences between the two? Yes.
3554. Are not those most decided dissimilarities in the plan of the two vessels? It is very trifling I think.
3555. Can you say there is anything at all in the two plans which might be termed by naval architects a similarity of plan? They are pretty nearly of the same beam and length; it is rather an improvement than otherwise.
3556. *By the Chairman*: Mr. Chowne's model is rather an improvement? Yes.
3557. *By Captain Moriarty*: You have only seen Mr. Cowper with respect to the value of this vessel? I had merely a casual conversation with Mr. Cowper.
3558. Did that occur at the Club too? No.
3559. Have you seen any other gentlemen who have taken an interest in this matter? I cannot say; I have met no official gentlemen, with the exception of the Colonial Treasurer and Mr. Cowper.
3560. Have you with any nautical gentlemen in the port? There are many I have had conversations with.
3561. Any merchant in the port connected largely with the shipping interest? I do not recollect.
3562. Have you, in fact, with Captain Towns? With Captain Towns I have many times.
3563. What have been the conversations you have had with Captain Towns upon the subject? I think he concurs with me as to her sailing qualities, and her fitness for the service.
3564. Had he been out to try her? Never.
3565. How then could he give an opinion about her? Only from her model.
3566. Was there a coincidence of opinion between Captain Towns and you, or between you and Captain Towns? I believe he agreed with me, as far as that went.
3567. Not you with him? Not I with him; he asked me my opinion of her, from having been in her outside the Heads, and I told him my opinion. I never had but one opinion about her, which was that she was a suitable vessel.
3568. You were not one of the members of the Pilot Board who refused to obey the orders of the Colonial Treasurer? I was not.
3569. You were not present when those orders were received? I was not.
3570. If you had been present would you have obeyed them? I do not know whether I would or not; I do not know what they were, in fact.
3571. Have you ever read the correspondence? No further than I have to-day.
3572. Did you never see the minutes of the Pilot Board? No; I never read the minutes,
of

of what took place during the time I was absent. The minutes of a meeting were always read at the following sitting, before going to business.

3573. Did you not feel it to be necessary to make yourself acquainted with what had happened during your absence? No, I did not.

3574. You think it possible you might have disobeyed the orders if you had received them? I do not know; I do not think I should.

3575. You think you would have obeyed the orders of the Colonial Treasurer? I do not know whether it was an order or not, but I should have acted according to my judgment or opinion —

3576. No matter for that, if you got an order from your superior officer, would you not obey him? We were not there to obey orders, but to recommend and suggest.

3577. Have you ever seen the instructions under which you have been acting? I have.

3578. What do you think of those instructions? I read them no longer ago than yesterday; I never saw them before.

3579. Do not they indicate the strict line of your duty? They do.

3580. Have you ever gone beyond your duty according to your instructions, they being the basis upon which you are to act? I do not think we have.

3581. You said that you preferred the pilot boats to the cutter system? I prefer competition with whaleboats.

3582. I think I heard you say that, under the competitive system, you were in the habit of boarding ships off Botany Bay, or so far off as Port Hacking? I have frequently been away for a week; I have brought a vessel into Port Jackson, anchored her, and gone out again without letting any one know; I have gone to Botany, got another ship, and come up again.

3583. In those days there were various duties for a pilot to perform; they had to take ships out as well as to bring them in? Yes.

3584. Then if all the pilots were competing to catch vessels off Botany and bring them into Port Jackson, there would be none left to take them out? You would very seldom get all the pilots out; it was only a matter of scheming with me to catch the ships.

3585. Then if the pilots were all schemers the result would be that all the pilots would be out of Port Jackson, and there might be half a dozen ships waiting to go to sea? As Botany is only a short distance from Sydney, I used to send one of the men from my boat to Sydney, to inquire when a ship would be ready for sea, and I have frequently gone from Botany to take a ship out.

3586. The results of that system were that you were scheming against each other? To see who could make the most money, and I could make from five to six or seven hundred a year.

3587. In your opinion, the amount should be paid to the pilots for the service they perform? I think it should, under the competition system.

3588. Under any circumstances, are they not entitled to be paid for the work performed? They are paid according to the work performed, according to the Act.

3589. They are paid by salary now? They are.

3590. *By Mr. Piddington*: Are the members of the Pilot Board salaried servants of the Government? No.

3591. They are paid by fees? They are paid by fees.

3592. In a similar manner to the directors of a bank? A guinea a sitting they are supposed to get.

3593. Was the Pilot Board required to give an opinion upon the suitability of the "Sea Witch" for the pilot service? I believe they were.

3594. Did not the Pilot Board, on the 8th March, report that the "Sea Witch" was overvalued, and scarcely fit for the service? I was always of the same opinion that I am now, that she was overvalued.

3595. I ask you did not the Pilot Board report that the "Sea Witch" was overvalued, and scarcely fit for the service? They reported that, I believe, she was overvalued.

3596. And scarcely fit for the service? I never thought so.

3597. Did the Government, within a week of the date of that report, buy the vessel thus spoken of by the Pilot Board? I do not know; I was away.

3598. Will you refer to the correspondence under No. 26, dated 15th March—I will repeat the question—Did the Government, within a week of the date of that report from the Pilot Board, buy that vessel? I was not —

3599. Assuming that that minute is correct, do you not think the Government treated the report of the Pilot Board, dated 8th March, with marked contempt? They did not in any way accept the recommendation of the Pilot Board.

3600. Do you think the Pilot Board at that time was composed of gentlemen competent to give an opinion upon the suitability of a vessel for the pilot service? Yes.

3601. Notwithstanding the competency of the Pilot Board to give such an opinion, their opinion was treated with contempt by the Government? They may think so if they think proper. I should think myself the Government ought to take the recommendation of the Pilot Board.

3602. Was it not a question of a professional character that was submitted to the Pilot Board for their consideration and advice? Yes.

3603. Do you think the Honorable the Colonial Treasurer is a gentleman whose opinion upon a question of a nautical character is one that should be followed in preference to the opinion of the Pilot Board? I should think not.

3604. Can you tell us of what use the Pilot Board is to the country, if their opinions upon a professional question are thus disregarded by the Government? It can be of no service at all if its advice is not taken.

3605. Have you been on board the "Sea Witch" since she was purchased by the Government? I have.

3606.

Captain
T. Watson.
25 July, 1862.

Captain
T. Watson.
25 July, 1862.

3606. Do you consider, from your knowledge of such matters, that she is built upon a model suitable for a pilot vessel? I do.
3607. Do you consider her to be suitable to stay out in all weathers? It is impossible for any vessel to stay out in some of the weather we have here.
3608. Do you believe that no vessel could be built on any model that might be expected to be outside this port in all weathers? There is not a pilot boat could stay outside when the wind comes dead on the coast and the sea is running high; I do not think it is possible that any craft of her size and dimensions could remain out.
3609. You are not acquainted with the nature of the seas on the shores of the United Kingdom? Not much; most of my time has been spent out in these seas.
3610. Is the model of the "Sea Witch" of a peculiar character known by any professional term among seamen? It is a schooner build, something after the California boats I have seen.
3611. You would not call her a flat-bottomed boat? I would not.
3612. *By Mr. Sadleir*: Do you think the Pilot Board, or any members of it, were guilty of disobedience of orders? I am not aware.
3613. You say you know nothing of the pilot vessels in the Channel? Very little.
3614. Do you know the class of vessels, generally speaking? Yes, they are cutters and schooners.
3615. Do you think you could decide upon their capability, generally speaking? Yes.
3616. Did you make any trial of this vessel before she was purchased? No.
3617. Was she tried before she was purchased? I am not aware whether she was or not; I do not think she was.
3618. You went to sea in her after she was purchased? After she was purchased we went out, upon the recommendation of the Board.
3619. Was there any vessel or were there any vessels in company with you? No, except what we fell in with by chance.
3620. Did those vessels beat you in sailing? No, we beat them.
3621. You said you had an experimental cutter, did she answer? No, she did not answer.
3622. Was that owing to her build? No, she was a first-rate craft; she was built like a Gravesend boat.
3623. What was the reason she did not answer? The sea was too heavy; she did very well in fine weather.
3624. Do you think this plan of having pilot boats will answer at all? I was never an advocate for sailing boats. When I was before a Committee of the Assembly, twelve months ago, I recommended a steamer; I never advocated sailing vessels.
3625. Do you know the "Pacific" and "Atlantic"? I do.
3626. Do you think these vessels are better sea boats than the "Sea Witch"? No.
3627. Do you know that they have kept the sea in heavy gales? Yes, I dare say they have, and so would the "Sea Witch."
3628. You say she is very short? She is rather short for her beam.
3629. Do you think a short vessel in a heavy sea will stay? In a very heavy sea a short vessel will stay as well as a long one.
3630. Do you think she could cover three seas and not dip into them? She puts her nose into it, but that is owing to the tanks; if the ballast had been placed in the centre of the vessel she would have had a double advantage, and the opportunity of working better.
3631. If you turn to No. 22, you will see that Captain Towns says, that "with a very trifling expense" she "may be sent to sea in a few hours";—do you think it was possible that she could have been sent to sea at a trifling expense, and in a few hours? I think she might have been sent to sea at much less expense. If Captain Towns had had her in his own hands I think she would not have cost so much.
3632. Are you aware that in fitting her out a great many alterations were made? There were, for the accommodation of the pilots, a great deal more than was necessary.
3633. You say she did not stay in consequence of not having a bowline to her foresail? Fore-and-aft vessels require a bowline.
3634. Has she not a square topsail? No she is entirely fore-and-aft. One man and a boy may handle her in moderate weather.
3635. *By the Chairman*: You say you are of opinion she was overvalued;—how much do you think she was overvalued? If I had wanted her for my own service—if I had had to purchase her on my own account, for any particular service—I would not have given more than £1,000 for her.
3636. You have also stated that you advised she should be put on the slip, in order that she might be seen by every one, to judge of her keel whether it was straight or crooked? Yes.
3637. Are you aware that she has been in dock? Yes.
3638. If Mr. Cuthbert has stated that she has a straight keel, would not you take that as conclusive evidence? No; I have heard from a person, equally competent to give an opinion, that her keel is crooked.
3639. Has the person whom you refer to as equally competent seen her? Yes; it is the person who put her in dock, Mr. Crook.
3640. You say a great deal of tact is required in managing a vessel in order to make her stay? Yes.
3641. Is not the "Sea Witch" skilfully handled? She may be now, but she was not when I first went out in her; she requires to swing round in the hollow of the sea, to watch the opportunity of staying her. Many fore-and-aft vessels I have been in have refused stays without they have been very carefully handled in bad weather.
3642. If a number of nautical men of great experience, as well as ship-builders, have said

- said that this is not a suitable model for a pilot vessel, do you think you have given a correct opinion? I do, for I think I am as good a judge of a ship as any man in the Colony.
3643. You say the model was selected that was sent in by Mr. Chowne? Yes.
3644. If Mr. Chowne has given it as his opinion that the "Sea Witch" is not a suitable model for a pilot vessel, do you think he has given an incorrect opinion? He never had a trial of her.
3645. If it has been stated that a vessel can be built to keep to sea in very rough weather on this coast, and if it has been stated that vessels have kept the sea in very rough weather when the wind has been on the land, do you think that statement is incorrect? I think it is incorrect.
3646. You say that if Captain Towns had had the fitting out of this vessel it might have been done for much less cost? I do not say Captain Towns in particular, but any private person.
3647. Had you nothing to do with the fitting out of this vessel, as a member of the Pilot Board? Nothing.
3648. You were not present at the meeting of the Board on the 21st March? No.
3649. I wish you to look at No. 31 of the correspondence—"The Board would beg to refer to their minute of the 8th instant, in which they informed the Minister, that they had carefully examined the 'Sea Witch,' and that they were unanimous in opinion that she was not only overvalued but scarcely fit for service"—now on the 8th March you were present at the meeting of the Board, and they, in their report of the 21st, state that "they were unanimous in opinion that she was not only overvalued but scarcely fit for the service,"—have the Board stated correctly that they were unanimous? They must have stated incorrectly, so far as to her being unfit for the service, for I was always of opinion that she was fit for the service.
3650. Do you not think, if you did not put your opinion upon record they had a right to consider that the Board were unanimous? Mr. Wilshire will tell you that I was always in favour —
3651. I ask you, if you did not put your opinion on record, whether the Board had not a right to consider that they were unanimous? It ought to be so.
3652. I will read another paragraph from this minute:—"They did anticipate that their opinion would have had some weight in a matter so much within their province, and they cannot help remarking, that if they are qualified to hold seats at the Pilot Board, they must certainly be competent to give an opinion on the fitness of a pilot boat, but if the Government think otherwise, it were better that the services of the Board should be dispensed with." As a member of the Pilot Board, does that embody your opinions? It does, for if the opinion of the Pilot Board is not to be taken in such cases they have no business there.
3653. *By Mr. Weekes*: You did not see the minute of the 8th March—at the time it was drawn up you were absent? I went away to Port Stephen.
3654. Therefore, the minute of the Board in which you are made to say she was not fit for the service was never submitted to you? I particularly told Mr. Wilshire,—“Mind, I approve of a vessel being built in England, but I do not approve of saying the 'Sea Witch' is unfit for the service, for I am of opinion that she is, but she is overvalued.”
3655. You have always been of that opinion? I have, since the first day I saw her, that she was the most suitable vessel in the Colony.
3656. Do not nautical men and shipwrights differ very much about the best model for a ship? Many of them do.
3657. There is no model, I suppose, in which all agree as perfect? No; in general, shipwrights are very jealous of each other, as far as that goes; they have all their own models.
3658. Do you consider the prices asked for the "Atlantic" and "Pacific" to be in excess of their value? I do; I thought so at the time, and I said so, but I had not an opportunity of overhauling them, for they had their cargoes in when Captain Darley and I went on board.
3659. When the Board made a survey of these vessels, they were chock full of coal? Yes.
3660. *By Captain Moriarty*: You stated that Mr. Cuthbert ought to be a good judge of work? Yes, he ought.
3661. You give a very qualified assent to the fact? No doubt he ought to be as good a judge, as a surveyor, as any in the port of Sydney.
3662. He ought to be, in your opinion,—is he? I think he is.
3663. You stated that the vessel had been seen in dock by others than by Mr. Cuthbert? Yes.
3664. And the statement they made did not agree with Mr. Cuthbert's? No.
3665. And you do not believe his statement? No.
3666. Did you see her in the dock? No.
3667. Then, in point of fact, you do not know whether the statement made by Mr. Cuthbert or by Mr. Crook was correct? No.
3668. Do you think Mr. Crook is a better judge than Mr. Cuthbert? I do not say, but he ought to know whether it has a straight keel or a crooked one; he says it is crooked, and Mr. Cuthbert says it is straight.
3669. To which opinion do you attach the most importance? I have a doubt of both of them; I would wish to have the vessel on the slip, to settle the question.
3670. Then, in point of fact, you do not believe Mr. Crook any farther than you do Mr. Cuthbert? No.
3671. Do you ever believe anything you do not see? Yes, from hearsay.
3672. *By Mr. Wilson*: If Mr. Cuthbert has given an opinion upon the keel of the "Sea Witch" in opposition to other competent judges, would you rely upon the opinion of Mr. Cuthbert

Captain
T. Watson.

25 July, 1862.

- Captain
T. Watson.
25 July, 1862.
- Cuthbert on other points? I do not think I would. If a man gives me an opinion contrary to fact on one point I would not depend upon him in another case.
3673. *By the Chairman*: In the minute of the Pilot Board of the 20th February, it is said, "The Board beg to state that Captains Smith, Darley, and Watson, were deputed to inspect the vessels, and that although no report was made in writing, the Board are satisfied, from the verbal report of those gentlemen, that the "Pacific" and "Atlantic" are the most suitable vessels in port, and worth the price asked"—is that true? That is true, from what I could see; they had their cargoes in, and I could not inspect them to see whether they were copper or iron fastened.
3674. "Mr. Cuthbert informed a member of the Board that it would cost £3,000 to build one vessel here. If they are to be built, the Board would recommend that they should be built in England. Should this become necessary, they beg to report that the vessels named could afterwards be sold at a price little less than the cost." Were you an assenting party to that minute? Yes, I was.

Captain Robert Towns called in and examined:—

- Captain
R. Towns.
25 July, 1862.
3675. *By the Chairman*: You are now a member of the Pilot Board? I am.
3676. You recommended the Government to purchase the "Sea Witch"? I did.
3677. You have had, I believe, great experience in nautical matters? I ought to have; I certainly ought to know something about them; if there is anything I know, it ought to be that.
3678. Have you had any experience in vessels, particularly of the class required for pilot vessels? You mean vessels suited for the pilot service?—not particularly, save and except as my own nautical practical knowledge leads me to judge from appearance of what ought to be suited for the purpose; I never built one, and never sailed one.
3679. The "Sea Witch" was purchased on your recommendation? She was; I most strongly recommended her.
3680. Was any survey, are you aware, called for on the "Sea Witch" before her purchase, except that made by Mr. Cuthbert? I surveyed her myself, and I had other friends with me; I searched for all the information I could get from the parties who knew anything of the vessel—those who had made voyages in her, and others who knew her history—the man who had coppered her in Tahiti; in fact, not a stone did I leave unturned by which I could gain information that I did not apply to, and I ultimately came to the conclusion that Providence had put her in our way a gift.
3681. After she was purchased some surveys were made, were they not, by Captain Livingstone, Captain Vine Hall, Mr. Owen, and Captain Bowles? These were for my own satisfaction, and to justify me, because reports were beginning to leak out that she was not exactly the craft required; at all events, there was a feeling abroad against her, and I wanted to fortify myself in my own opinion.
3682. Were not Messrs. Russell and Chowne asked to join with these gentlemen in the survey? With Captain Hall, but not the others.
3683. Will you tell the Committee how it was that neither Mr. Russell nor Mr. Chowne reported? They never gave me any information about it, but I learned from Captain Hall, who signed the survey, that there was some little technicality that they would not subscribe to in the report. There was some little difference of opinion as to her suitability, on the part of Mr. Russell; but in regard to the vessel's stability, her present state—that is, as to seaworthiness, and soundness of her build in every way—I believe they were perfectly satisfied. I recollect, during the time they were surveying her, Mr. Russell intimated to me that the very kind of vessel we wanted was such an one as he built twenty years ago, called the "City of Sydney"; I thought very differently from Mr. Russell, but we did not come to an argument.
3684. Mr. Cuthbert made a survey, I believe, under instructions from the Colonial Treasurer? From Government.
3685. Did he receive any instructions at all from you? Not from me, that I recollect.* I afterwards joined a party to survey the vessel while she was in the Dry Dock; but when we got to Cockatoo, we found she was not entirely dry, and I did not attend the next day when she was dry, which I much regret now. During our passage in the boat we had considerable conversation upon the subject, and Mr. Cuthbert, to my astonishment, prevaricated to an extraordinary degree. He said he wished to have nothing better to do than to build a number of such vessels at £1,500 each. "Come," said I, "if you will undertake to build such a vessel, I will undertake to get Government to give you £1,500 or even £2,000 for it; or else I will take it myself." However, Mr. Cuthbert jibbed upon that and would not do it at any price.
3686. I would refer you to letter No. 22, signed by yourself; you there call the attention of the Government to this vessel, and recommend her purchase as "the perfect model of what we require, and with a very trifling expense, may be sent to sea in a few hours every way fit for the service"? Yes.
3687. Do you still consider her a perfect model of what we require? Most decidedly; I believe her model cannot be improved upon.
3688. Was she sent to sea in a few hours fit for the service? No.
- 3689.

* NOTE (on revision):—I since remember Mr. Cuthbert surveyed the "Sea Witch," at my personal request, before he was called on by the Government. The report, I think, I gave the Treasurer.

3689. How do you account for that? To some extent I believe it was because the men's period of service at Watson's Bay had not expired, and the work was not therefore pushed forward. I think the accommodations were to be completed on the 12th May, but we could not discharge the men until the 1st June. That, as far as I was concerned, prevented me from pushing the work more rapidly forward.

Captain
R. Towns.
25 July, 1862.

3690. How long was it after the vessel was purchased before she went on the station? A considerable time, but there was no expense incurred except for the boatmen belonging to the establishment.

3691. She was not sent to sea in a few hours? No, but she might have been if it had come to that. We wished to make security doubly sure, by rendering these gentlemen, the pilots—who no doubt felt it difficult to break through the old barrier, to leave off the old system and adopt the new one—so comfortable that they could not complain.

3692. You say she might be sent to sea at a trifling expense? She might.

3693. Are you aware what she has cost the Government since she was purchased? No, I am not, but I believe she has cost a great deal unnecessarily.

3694. What do you consider a trifling expense? I should say, looking to her fittings, which were undertaken to be completed for £100, some new sails, and other things, something under £300.

3695. That is what you would consider a trifling expense? That is what I would consider a trifling expense, under the circumstances that the vessel was to be totally altered, and all her accommodations were to be completely built.*

3696. The Pilot Board, of which you are now a member, I believe, recently advertised for a model pilot vessel to be built in the Colony? Yes, and have recommended the tender of a particular builder to be accepted.

3697. Is the model so selected one similar to the "Sea Witch"? No, we had nothing so perfect in my estimation, but we selected the one we considered the best, though she was nothing like the "Sea Witch."

3698. Then you consider the "Sea Witch" as a perfect model for a pilot boat? She is as near perfection to my eye as possible, and I think I am borne out in my judgment by this, that her lines, as far as I am able to judge, resemble those of the celebrated clipper yacht "Mary Taylor." I am not aware whether the Colonial Treasurer has received the minute passed at the Pilot Board yesterday, but as the most effective way to prevent all this backing and filling, we passed a resolution that she should be put upon Captain Darley's patent slip for the examination of anybody or everybody, and to let her speak for herself.

3699. Do you think it an essential qualification of a pilot boat that she shall be able to stay well in a seaway? Yes; but sometimes the sea is so high that no vessel can attempt to stay with safety.

3700. If it has been stated in evidence that the "Sea Witch" will not stay in moderately boisterous weather, would you consider that a disqualification? I believe there is a conspiracy against the "Sea Witch," but I state without hesitation that the day will arrive when the "Sea Witch" will be the pet craft of the Colony. But do these gentlemen that tried her say she would not stay?—When they went out there was a nasty sea on, and the fellows had not so much stuff on board as would rig a forebowline, they had neither thimbles nor bulls-eye blocks, but they could have taken it round the foreshroud, and when the bonnet was off, could they not have taken it round the shank of the anchor? It is evident that there has been every attempt to oppose the system. If I had been on board I would not have had a marline spike on board, or anything else that I would not have shifted, but what I would have altered her trim. No trouble should have been spared to alter her trim, and there should not have been so much as a marline spike on board that I would not have moved to have altered her trim. I would have put her bowsprit out of her cabin windows but I would have made her stay. But, no, I do not think a single thing has been done, or attempted to be done, to improve her trim, and the object parties are aiming at has been answered, that is, as they think, to prove, which I am sure they will not, that she is not fit for the purpose.†

3701. Do you think a vessel could be so constructed as to hold her position off this coast in boisterous weather? I do not think a vessel could be constructed more calculated for the object now aimed at than the "Sea Witch." That vessel, I have it from the report of the mate, was one of three out of about two hundred sail that went out of a bay on the coast of America, when all the rest went ashore.

3702. That is hardly a reply to my question. I want to know whether a vessel can be so constructed for the pilot service that it could hold its position off this coast in boisterous weather? Most certainly, and in my opinion no vessel could be better calculated than the "Sea Witch" herself.

3703. The Liverpool pilot boats remain out in very boisterous weather? All pilot boats do; they are useless unless they do.

3704. Then I infer from your reply that the "Sea Witch" ought to remain out? Certainly, she ought never to have come in; it is a disgrace to those who brought her in.

3705.

* ADDED (on revision) :—The vessel was fit for a pilot boat the day she was bought.

† Revised :—If I had been on board that craft when she returned to port with her mainboom sprung I should feel ashamed and disgraced as a sailor. When I went on board I found everything sixes and sevens,—all wrong and nothing right,—everything at fault; the craft would not stay, they had no forebowline, nor anything to make them, neither rope, bulls-eyes, nor thimbles. I pointed out how easy to take a turn round the shroud forerigging, and if the bonnet off the jib, the shank of the anchor would answer the purpose; but, no, nothing had been done—neither to alter the trim. If I had been there, to the weight of a marline spike, I would have endeavoured to find her out. I would have stepped the bowsprit out of the cabin windows, but I would have made her stay before this. I speak metaphorically, of course.

Captain
R. Towns.
25 July, 1862.

3705. Will you be kind enough to state to the Committee what you consider to be your duty as a member of the Pilot Board;—what do you conceive to be the duty of the Board, in fact? If I may use the term, to legislate on all matters brought before us; to examine masters as to their competency for their duties and exemption; to examine pilots. I think, however, there ought to be a more precise definition of the duties of the members of the Board. We were looking up our instructions so lately as yesterday, and they are not so clearly defined as they ought to be. I was a member of the Pilot Board when it was first established, and you were a member yourself, Captain Moriarty, at that time, and I think our instructions were simply in a letter from the Colonial Secretary, signed by Mr. Deas Thompson. We have no others.

3706. In accepting the appointment of a member of the Pilot Board, did you conceive it to be part of your duty to advise with the Government in all matters relating to the management of harbours, the appointment of pilots, and in fact upon all nautical matters connected with the ports with which the Government might have to deal? That appeared to be the system upon which they had previously acted, and I did not take upon myself to suggest any fresh mode of proceeding.

3707. Do you not consider it a very proper duty to cast upon a number of men possessing the peculiar qualification a Pilot Board ought to possess? No doubt, but then it is a great pity that the duties of the Board are not more specific—in fact they ought to be defined by law.

3708. That is not the question we are dealing with just now;—I have no objection you should give your opinion on that subject, but I ask you whether it is within your knowledge that the Government had sought the advice of the Pilot Board in matters relating to the purchase of a vessel and the management of pilots? They had sought our advice as to the calling for estimates for the building of another boat.

3709. Would you consider it fraught with danger or injury to the public service if your advice was not taken in nautical matters? It depends upon circumstances; certainly it is of no use for the Government to ask our advice if they do not intend to act upon it.

3710. I will come direct to the point—do you think it a correct course for the Government to take after having sought the advice of the Pilot Board to have taken your advice in opposition to theirs? If they had reason to believe mine was the best; and as I told these same gentlemen—I went to them individually, first to Captain Darley, and then to Captain Fox, and then to Captain Smith—I told them, “Providence has provided us with the identical thing, and unless you do accept that vessel I will raise a mutiny in the camp—if you do not fit her out I will.” I went to them individually and told them precisely in those words. At the same time I said to them, “You talk to me about what you know, I have forgotten more of the subject upon which you are now treating than ever you had an opportunity of learning.”

3711. May I ask you if you ever recommended any member of the Pilot Board not to oppose the purchase of the vessel in direct terms? Certainly I did, for she was the very thing I wanted, and I said if they did oppose it I should certainly press it on the Government.

3712. When you made that recommendation had you any doubt upon your mind that they would oppose it? I never dreamt that they would oppose it, but they had a crotchet in their head that nothing would suit but a boat built in England.

3713. It has been stated that the vessel is overvalued—is that your opinion? No, with regard to the value of a vessel, it depends upon what you want her for. The money given for the “Sea Witch” is more than I should have given for her for myself, for this reason, that she is so perfectly calculated for the purpose for which apparently she is a failure, but which I will prove she is not a failure. There is a wide difference between what I should call her intrinsic value to me, and her value for the service for which she was required. Her price, I think, was high, but I may say it was a neck and neck matter that we got her for the money, and after events proved it. When we went a little trial trip to sea, the captain of the “Magnolia,” who was with me on board, and who had sold his vessel a short time before, told me he would give me the money the Government had given for her if he could get her.

3714. *By Mr. Weekes:* Do you consider that the price which the members of the Pilot Board recommended the Government to give for the “Atlantic” and “Pacific,” namely, £2,000 for the “Atlantic,” and £1,200 for the “Pacific,” were over their value? Most decidedly, and I told them so; I twitted them. In comparison with a thing that was suitable, here were two vessels no more calculated for the purposes of pilot boats than I am for a bishop. I told them what my estimate of the two vessels was; I said £1,200 for one, and £800 for the other, and if I mistake not, I told you the same afterwards—that was the outside value. I told Broomfield, the owner of the “Pacific,” the same thing. The old craft is on her first copper.

3715. It has been stated by some of the then members of the late Board, that they intended these vessels, the “Atlantic” and “Pacific,” merely as makeshifts, until more suitable vessels could have been obtained;—if they shortly after had obtained more suitable vessels, or had had them built, what loss do you think would have ensued to the Government if these two vessels had been sold in the market? They would not have obtained more than *half* the money; moreover, the expense of re-rigging and of altering these dirty old colliers would have been tantamount to half the value of these vessels in the first instance.

3716. If the same alterations had been made in these two vessels, the “Atlantic” and “Pacific,” as have been in the “Sea Witch,” would not the expense have been the same? It must have been *double*, for all their spars would have had to be altered; their mainmasts might have been allowed to stand, or made a foremast, but they would have required one new mast. Their sails and rig would have been entirely altered.

3717. Then you think to have fitted the "Atlantic" and "Pacific" for the pilot service, as the "Sea Witch" is fitted, would have cost considerably more than the "Sea Witch" has done? Certainly.
3718. When you stated in your letter that is printed here, that the "Sea Witch" might be got ready to go to sea at a few hours' notice, did you mean as far as her sea-going qualities were concerned? Certainly, and equipped at that time.
3719. Had you any reference to fitting her for the reception of pilots? No; though that might have been done in a quarter of the time if the service had been urgent, but finding that the men who were engaged would not receive their pay till the end of May, we did not push the party who had taken the job.
3720. *By Captain Moriarty*: The new system could not have come into operation until the 1st June? That was the reason. I believe a good deal more time was spent than was necessary.
3721. *By Mr. Weekes*: Do you consider the "Sea Witch" a strong built vessel of her class? Very.
3722. You have referred to the celebrated pilot schooner "Mary Taylor"? I have.
3723. Do you hold in your hand a sketch of the model of that vessel? I do. (*The witness produced a book containing a sketch.*)
3724. Is that anything like the model of the "Sea Witch"? I think, as far as I am able to judge, it is as near as possible.
3725. Would you call that vessel a shallow vessel? She is.
3726. Will you look at the table of dimensions in the first part of that book and state what her length is? Sixty-one feet length at load water line, breadth at load water line eighteen feet one inch.
3727. What is her draught of water? Mean draught of water to line of the keel five feet three.
3728. *By Mr. Wilson*: Is that her sailing trim? Yes, that is the mean draught of water to the rabbit of the keel.
3729. That does not give what the vessel actually draws? No.
3730. *By Mr. Weekes*: Then the keel has to be added, to give her real draught of water? Yes.
3731. Will you turn to the sketch of her model? Yes.
3732. Can you tell by the scale there the depth of her keel? As nearly as possible two feet and a half.
3733. That would make her mean draught of water about seven feet and a half? About seven feet and a half.
3734. *By the Chairman*: What does she draw aft? It does not say farther.
3735. She draws more aft than forward? Very likely a foot more, that would be eight feet and a half. I should say the draught aft would be greater than the mean draught from nine to twelve inches.
3736. *By Mr. Wilson*: It has been stated here by a nautical person, the captain of the "White Star," that American pilot boats generally draw thirteen feet aft and eight forward: is that likely to be applicable to the "Mary Taylor"? No; this is the plan, you may rely upon it. This is a skeleton frame of the "Mary Taylor," a working scale for a mechanic, and for such a purpose a work would not be published that is not correct.
3737. *By Mr. Weekes*: Then, in point of fact, the "Mary Taylor," as set forth in that plan, does not draw more water than the "Sea Witch"—about eight feet—as given in evidence? Certainly not more, and I question if she does as much.
3738. And she is very similar in her model? As far as I have seen I think she is a *fac simile*, with the exception that the "Mary Taylor" has more keel. However, I hope it will meet with your approval to let us put her on the slip, and then he who runs may read.
3739. You have always taken a great interest in the pilot service? I have. When I had the honor, until you gentlemen kicked me out, of being a member of the other House—for which I owe you a turn—I had a Committee on the Pilot Board —
3740. When you speak of "kicking" you out, what do you mean? Kicking me out of the Legislative Council.
3741. And for which you say you owe the Government a turn? And I will give them a turn some day.
3742. You published your views as to which system was most preferable, I think? Yes, I brought up a report.
3743. You always recommended the system of outside pilot schooners? Yes; I look upon it as the greatest boon ever given to this port, if properly carried out.
3744. Does not the trim of a vessel affect her staying qualities very materially? Most decidedly, it is everything, everything. I will put the fastest vessel afloat in such a trim she will neither sail, steer, nor stay; and such, I believe, is the position the unfortunate "Sea Witch" is placed in; and they have done nothing to remedy it.
3745. Nothing has been done to alter her trim since she went to sea? Not that I am aware of.
3746. Do you consider her a safe sea boat? Perfectly so. She has come round Cape Horn to the westward; she has gone a voyage to the Arctic Ocean, and I have seen a number of persons who have made voyages in her from California to the Islands, and from island to island in the Pacific. I obtained every information I could respecting her. There was a Captain Sustenance who gave me a great deal of information about her, and who strongly recommended her as the very vessel for the purpose; and the man who coppered her in Tahiti, Mr. Owen, and had made two voyages in her, spoke of her as an admirable sea boat.
3747. One of the late members of the Pilot Board, who has been examined here, stated that

Captain
R. Towns.
25 July, 1862.

he had had considerable experience in fore-and-aft schooners which he had commanded in the West Indies —? I guess that is my friend Darley. Yes, he has been on a balahoo. The schooners my friend Darley speaks of are sugar droghers. If you want to pass a joke, or take a rise out of a man, upon a ship, you say, "She is a mere balahoo." That is the kind my friend has been in the habit of commanding. He served his time in the Demarara trade; and I believe when he was second mate he had charge of one of these *balahoos*. These balahoos are fore-and-aft schooners drawing about fifteen inches of water, that go up and down the rivers to droghe sugar for loading vessels in the harbour, and are no more to be compared with this vessel, "Sea Witch," than Tom of Lincoln is with the winner of the Derby. 3748. Do you think his having had the command of such vessels fits him to judge of the quality of a pilot boat? No more than the fellow would be who had ridden Tom of Lincoln to ride the winner of the Derby.

3749. *By the Chairman*: Did you ever command a fore-and-aft schooner? I once commanded a drogher, but she was a cutter.

3750. *By Mr. Weekes*: Supposing it to be the case, as has been alleged by several witnesses, that the "Sea Witch" is liable to miss stays, do you think anything could be done to improve that? Certainly; I will stake my nautical reputation that I will render that vessel such that she shall be the pride of the Colony.

3751. *By Captain Moriarty*: You stated that a trifling expense would fit this vessel for sea? Such was my impression.

3752. You fancied about £300 would be sufficient? That was what I thought at the time.

3753. You thought £300 a trifling addition to £1,400 to be given to a vessel of that description? Yes.

3754. I understand that she was a pet yacht of yours—you used the phrase that she was your pet yacht? I never saw the vessel till I was invited to view her.

3755. Is that the case, that you did describe her as your pet yacht? Never.*

3756. You never did describe her as your pet yacht? Perhaps I may since she has been bought.

3757. But before? I never saw the vessel before she was bought; I never saw her till I was invited by the Harbour Master† to go on board and look at her; Mr. Crook took me off in his boat.

3758. You never did call her your pet yacht? I may have done since.

3759. Supposing I were to say I had seen a statement in your handwriting to that effect, would you then believe you had said it? It must have been spoken in a jocular way.

3760. It was not spoken in at all a jocular way? I tell you I never saw the vessel; I never heard her name till I was invited by Mr. Crook‡ to go on board; I might have seen her, but I had never gone on board. Whatever you may have seen —

3761. I am merely fishing for information? Whatever information you may require I shall be happy to enlighten you on any subject I can.

3762. I do not think you have yet given a decided answer to my question;—did you ever so describe her? Very likely I have, but never before she was bought.

3763. I do not mean to connect anything with it, I merely want the statement of the fact? All serene!

3764. You have stated that, in your opinion, the Government ought to defer to the opinion of the Pilot Board? I think they ought.

3765. Suppose the Pilot Board, as at present constituted, had any nautical matter referred to them, would the Government be bound to defer to their opinion? They ought, if they were satisfied that the information of the Board was correct.

3766. Whether they were or not—that opens the door to an extensive investigation as to the merits of A, B, and C;—here are men appointed who are assumed to be competent to form a judgment upon nautical matters—do you imagine that when these gentlemen are referred to for information upon a particular subject, that the Government should be guided by that, or that they should take the opinion of some person unconnected with the Government? There is a qualification there; in a general way they ought to defer to the opinion of the Board, but if they find out that the information they get is not such as they can place reliance upon the responsibility hangs upon them.

3767. How are Government to ascertain the fact that they are not to be relied upon, as a Pilot Board;—do you not think Government should take their advice rather than that of a private individual? If they did not I would cut them; if they would not take my advice I would have nothing to do with them.

3768. You would not let A, B, C, D, or any other name through the alphabet, have a private communication with the Colonial Treasurer, to induce him to set at naught your recommendation, and act upon the information conveyed to him in this circuitous manner —? It was not in a circuitous manner—what are you aiming at?

3769. I am not aiming at anything;—you will either do me the favour to answer my question or say at once you will not—you are master of your own actions;—will you do me the favour to answer my question. That is the question, whether you would as a member of the Pilot Board at present, consider the Government had treated you properly in listening to private communications conveyed by any one to them? I should kick Government, Pilot Board, and everything else to fury, and say, "You can take the thing yourself." But the Pilot Board is irresponsible. It is not a responsible Board, and if the Government are to be responsible, it is a mere farce—a sham;—but I think if the Government preferred my opinion to that of the Pilot Board they were perfectly right.

3770.

* ADDED (on revision) :—Before she was bought.

† Revised :—Treasurer.

‡ Revised :—The Government.

3770. You would not like the same course to be pursued towards you? I would not stop with them; I would never condescend to give them the trouble.

3771. You would not like the same line of conduct to be pursued towards yourself? I tell you I would kick the Government to fury.

3772. *By Mr. Piddington*: Is Mr. Russell a person of experience as a shipbuilder? He is, but one of those cautious men whose opinion I should hardly like to rely upon. He is a man who was recommended to me twenty years ago, but his day is gone by.

3773. If Mr. Russell has expressed an opinion against the "Sea Witch" as a suitable pilot vessel, do you think his opinion can be relied upon? No, as far as my judgment goes.

3774. Are you acquainted with the port of Liverpool? Yes, I have been there, but it is many years ago.

3775. You have seen the pilot boats of Liverpool? Yes, but many years ago.

3776. Are the Liverpool pilot boats similar in their model to the "Sea Witch"? Not at all, but the American are.

3777. Did I understand you to say that the Pilot Board selected a model nothing like the "Sea Witch"? Nothing like the "Sea Witch."

3778. Do you think they have done right in adopting a model entirely unlike her? We had adopted the model most suited for the purpose from those offered, but they may be both suited.

3779. The model now adopted is nothing like the model of the "Sea Witch"? No.

3780. Then the model of the "Sea Witch" and the model of the future pilot vessel are dissimilar in character but equally suitable for pilot vessels? Quite so; they may be equally good of their kind.

3781. Do not the Liverpool pilot boats keep out at sea in all weathers? Certainly, and so ought ours, and must.

3782. Is there anything connected with the winds or seas on this coast that should prevent our pilot boats keeping at sea? Not the least.

3783. If the Government were to buy a vessel for the pilot service in direct opposition to the opinion of the present Pilot Board, would you consider that the opinion of the Pilot Board was treated with contempt? I would leave them directly—cut them immediately.

3784. Of what service to the country is the Pilot Board, if their opinion is disregarded by the Government? Precious little; they are not responsible.

3785. Are not the members of the Pilot Board appointed with reference to their professional knowledge? Yes, I presume so.

3786. Do you think the Colonial Treasurer is a better judge of what vessel is suited for the pilot service than the Pilot Board? Not near so good.

3787. Is not the "Sea Witch" built of American timber? Yes.

3788. Are American vessels as durable and as strong as those built in Great Britain? It depends upon the material used; if they are built of live oak or pitch pine the American timber is equal to any timber in the world.

3789. Would a vessel built in America rank as long at Lloyds as an English-built ship? Not generally.

3790. Would there not be a considerable difference in their character at Lloyds? Lloyds is an arbitrary class of men who have clubbed together under certain rules, and unless vessels are built according to their specifications and rules, and under the inspection of their surveyor, they never allow them to rank so high.

3791. Do you doubt the qualification of Lloyds to decide upon the character of a vessel? No.

3792. If it be the practice at Lloyds to classify an American ship in a lower class than an English ship, do you doubt the authority of Lloyds? I say I do not doubt their authority, but there is a strong prejudice existing. They are a body of men clubbed together for a special purpose, their rules are arbitrary, and the Americans do not abide by their rules, and for the least deviation from them they will knock a couple of years off her classification, though she may be equally strong with another vessel.

3793. Is not the body known as Lloyds a combination of gentlemen united for the purpose of insuring ships? Yes, but it is arbitrary in its dictum.

3794. If self-interest is the condition upon which they combine, is anything but that motive likely to influence them in the classification of a ship? They lay down certain rules, and beyond those rules they will not go. "It may be admitted that a ship that has not conformed to them is quite as good as one that has, or it may be better, but such are our rules, and beyond them we cannot go."

3795. Would you, as a man of considerable experience in shipping, give the same price for a ship built on the St. Lawrence as for a ship built on the Clyde? That depends a good deal upon the class. There is some very great rubbish built on the Clyde, and there are some very fine vessels built in North America—on St. John's, for instance.

3796. As a general rule, are you of opinion that St. Lawrence built vessels are equal in durability to English built ships? Certainly not.

3797. Do you think the "Sea Witch" is built of materials equal in character to those specified in the specification of Messrs. Harvey and Sons, as printed in No. 58? No, I do not think she quite comes up to that; neither do I think it absolutely necessary that she should. That is a very excellent specification.

3798. Is the "Sea Witch" built of live oak? She is, I believe.

3799. *By Mr. Wilson*: Who called for tenders for building the pilot vessel in this port? The Colonial Treasurer.

3800. On whose advice did he act? The advice of the Pilot Board.

3801. Why did not the Pilot Board advise him to call for tenders for a pilot boat upon the model

Captain
R. Towns.
25 July, 1862.

- Captain
R. Towns.
25 July, 1862.
- model of the "Sea Witch"? We particularly guarded ourselves against laying down any rule for the builder, who, as a practical man, would design his own model; I would never attempt it if I wanted a vessel for a particular purpose; we stated the purpose for which the vessel was required and invited tenders, leaving the parties to adopt their own course.
3802. Could not the builders build a vessel upon lines given to them as well as upon their own lines? Yes.
3803. Then the "Sea Witch" being a perfect model, it would have been easy to build an exact imitation of the "Sea Witch"? We did not like the responsibility, because if it had failed, after so much had been said against the "Sea Witch," we should have been charged with acting foolishly in adopting that model.
3804. If the Pilot Board were satisfied that the "Sea Witch" was the most perfect model —? That is my opinion only; the Board did not wish to take the responsibility.
3805. When you were invited by Mr. Crook* to inspect the "Sea Witch," was that before you recommended the Government to purchase her? †Before I knew anything of it; I never knew the name of the vessel; I never saw her until Mr. Crook called on me one morning and said he wanted me to go and see the "Sea Witch." I had been pressing the Colonial Treasurer to carry out the report of my Committee, which was closed before we departed in peace next door. The last thing before we got our kick out, this report was laid upon the Table, and I had been spurring and pushing the Government to carry it out, for I had had my Panama route shelved, and I was afraid that if my friends were kicked out I should also lose the result of my Pilot Committee. I corresponded with the Government even from Moreton Bay, pressing upon them the subject, and calling to their notice the facts contained in the evidence appended to the report. Have you seen that report?
3806. I have; I looked at it some time ago.—Perhaps you will be kind enough to tell us the difference there has been in the nautical experience of yourself and Captain Darley? Impossible! I have commanded a ship ever since 1817; and I suppose I was never an hour out of employment; at one time I owned in this port 47 sail; I have built ships; I have repaired them without number; I suppose there is not a practical point connected with ships that I am not conversant with.
3807. Has not Captain Darley —? He has had a great deal of experience of ships,—that I do not deny,—but as I told my friend facetiously, and I might have told him in earnest, "I have forgotten more upon this subject than he has ever learned"; for I believe I have devoted my attention for the last ten years —
3808. *By Captain Moriarty:* Ten years? Yes, ten years to this subject of the pilot service.
3809. *By Mr. Wilson:* In giving evidence about the "Pacific" and "Atlantic," you described them as "old craft" and "dirty old colliers";—are you aware of their age? I believe one is between eight and nine years of age.
3810. Which do you allude to? I really do not know the distinction between their names. I know the oldest has her original copper on.
3811. Messrs. Broomfield and Whittaker have stated to the Government that the "Pacific" was built in 1856;—do you know anything to the contrary of that? Nothing to the contrary.
3812. You would not call that an old vessel for a Colonial-built vessel? No; but mind she was built in New Zealand.
3813. The "Atlantic" has been stated to us to have been built about 1860;—you would not call her an old vessel? No.
3814. What did you mean by calling her an old craft? Metaphorically.
3815. Did you mean by calling these two vessels old craft that they were rotten? No.
3816. Do you know the age of the "Sea Witch"? I believe she is about six years old.
3817. We have been told in evidence that she is eight years old;—would you not consider that an American vessel eight years old was older, comparatively speaking, than a New Zealand vessel of six years old? I do not think she is. I would form my own opinion from the vessel itself. That vessel has done no work; a great deal depends upon that.
3818. Are you aware what she has done or what she has not done? I know she went round Cape Horn, and made a voyage to the Arctic Ocean, but she was laid up a long time in California, and that is no work to speak of. My judgment is of course open to other persons to test.
3819. I wish to know from you whether a North American built vessel of eight years old would, as compared with a New Zealand vessel of six years, be a new vessel? I do not draw a comparison; a good deal depends upon the class. Our Colonial vessels are better than the New Zealand vessels; the material is better—more durable.
3820. When you were out in the "Sea Witch" did it blow strongly? Yes, we had a whole-sail breeze.
3821. Had you any opportunity of testing her staying properties under short canvas? No, under full sail. I think one cause of her missing stays is from the vessel being under slack sail. It is evident she does miss stays, no doubt much to the satisfaction of the parties concerned. I had a pair of stays sent to me.
3822. All the six pilots have been examined before the Committee, and they give it as their opinion that she is handled in a seaman-like manner;—do you think it is owing to her being wrongly handled that she does not stay? Yes, I do, to a certain extent; but I may mention to you, though it is not necessary unless the question is put to me, that yesterday a gentleman said to me, "Captain Towns, do you want to make the 'Sea Witch' stay?" I said, "I care very little about it; I know she will stay." He replied, "Let the Government
- " hand

* Revised:—The Government.

† NOTE (on revision):—If my memory serves me, I had the first intimation from the Government, and then invited Mr. Crook to call for me; I never heard of the vessel before.

"hand her over to the pilots, give them distance money, and let them go upon their own lay, and if they go down as far as Jervis Bay she will overhaul every vessel before she comes into the Sydney Harbour, and if you hear of her missing stays then I will eat her. The fact is, it is because the system is unpopular among these men, and no power on earth will make the vessel fit for the purpose till they get her into their hands."

Captain
R. Towns.

25 July, 1862.

3823. There can be no force in that statement unless it comes from some very good authority—any old woman might say so? Quite so; but it is quite in accordance with my belief that these men are doing everything in their power to upset the system.

3824. I may state that some of the pilots, at the same time that they have given evidence in favour of the new system, have stated that the "Sea Witch" was utterly unfit, and that they would be afraid to remain on a lee shore in her, in consequence of her inability to stay—to these pilots your remarks do not apply? I beg your pardon, it all has a bearing upon the subject. I will convince these gentlemen, before I have done, that she will not only stay, but keep off a lee shore.

3825. Under whose superintendence was the "Sea Witch" fitted out? Crook had a good deal to do with it, but Captain Hall and myself were appointed by the Pilot Board to superintend the fitting out, but unfortunately I have too much to do, and I left it too much to others—I plead guilty.

3826. *By Mr. Sadleir*: Was any trial made of the sailing qualities of the "Sea Witch" before she was bought? No; I made every inquiry from parties totally disinterested; for instance, from Captain Bowles, a man well known in Sydney. Bowles had made a voyage in her, and knew more about her than any other man I have come across, except the man who coppered her. I thought the man who coppered her might have a leaning towards her, and I wished to have evidence from other quarters, and he gave me clearly to understand that she was the very thing for us. So that I did not go hastily into the matter; I knew the responsibility, and when I had got the right vessel, I told my friends that I would raise a mutiny in the camp if they did not have her and fit her out.

3827. You say the captain of the "Magnolia" wanted to buy her? Yes.

3828. For what purpose? He had sold his own ship, and he wanted to take down stores to the island.

3829. But because she might be suited for that particular purpose it does not follow that she was suited for a pilot boat? No, but it tested her value for a special purpose.

3830. Do you not think that for a special purpose a purchaser might be disposed to give a higher price for a vessel than he would under other circumstances? Those were the very circumstances under which we recommended her to the Government.

3831. You have spoken of the "Mary Taylor"—there are no lines of the "Sea Witch"? She is there to prove when she is put in the dock.

3832. Did you see her in the dock? I have seen her; I do not buy a pig in a poke.

3833. *By the Chairman*: You have referred to Captain Bowles as having given an opinion on this vessel? Yes, and I have his evidence in print.

3834. Are you acquainted with the owner of the "Tawera"? Yes.

3835. Mr. Brandon? Yes.

3836. Are you aware whether Mr. Brandon had any interest in the "Sea Witch"? Never; nor do I believe it, unless you know to the contrary.

3837. Will you be kind enough to look at the sketch of the "Mary Taylor,"—is her keel straight? Very nearly; you may call that keel straight—for she takes a rise at the fore foot, a long way aft, but from the quarter she runs quite straight.

3838. Does the "Sea Witch's" keel curve from stem to stern in the centre of the vessel? I did not see it; she was not dry upon the blocks when I saw her; but from the model shown to me yesterday by Mr. Crook, I should say she is lowest in midships.

3839. Mr. Cuthbert states that the keel is straight? Either Mr. Crook or Mr. Cuthbert has stated what is not true, and one or other of them deserves a lesson at the hands of the Government; and with the permission of the Government, I would even put that vessel on the dock at my own expense, to settle the question; it is too bad that the statements of two officers of Government should clash, and shows a malicious intent one way or another. Mr. Crook declares that if Mr. Cuthbert says the keel runs straight, his motive is bad.

3840. *By Mr. Wilson*: We have heard a good deal before this Committee about the "Mary Taylor" which has been very irrelevant; perhaps you will tell me what you know of her of your own knowledge? What I have heard is quite at your service; she is reputed to be one of the fastest vessels, and one of the best models that can be built.

3841. Do you know Captain Ross of the "Colonial Empire"? I do not.

3842. Do you know Captain Taylor of the "City of Aberdeen"? No.

3843. Captain Kerr of the "White Star"? Slightly.

3844. These gentlemen all command large vessels? They do.

3845. These gentlemen have been examined before this Committee, and are favourable to the outside pilot service, and they state that pilots were put on board their vessels from the "Sea Witch," and that they consider her to be quite unsuited for the service;—do you think their evidence is correct? I do not.

3846. They have given evidence that the vessel will not stay, and one of them stated that instead of the pilot vessel sailing round him, as she ought to have been able to do, he had with his large ship to work round her to get out of her way;—do you think that a disqualification? That was bad management on the part of the pilot boat.

3847. *By Mr. Weekes*: I suppose bad seamanship will ruin the qualities of any vessel? Yes.

3848. *By the Chairman*: Do you think in moderately rough weather the keel of a pilot vessel ought to be seen out of water? Certainly not.

3849.

Captain
R. Towns.
25 July, 1862.

3849. It has been stated by the captain of one of these vessels that he has seen the keel of the "Sea Witch" frequently out of water? I should be sceptical of belief. If it were the fact there was something wrong, and the keel was out of its element.

3850. *By Mr. Weekes*: The captain of the vessel the Chairman has alluded to did not lead us to understand that the "Sea Witch" was making jumps out of the water so as to show all her keel, but that there being a heavy sea on she showed part of her keel;—is it unusual in a heavy sea for a vessel to show part of her keel at the bows? She might show a considerable part of her fore foot.

3851. *By the Chairman*: If a sailor described a vessel as showing her keel out of water, what would you infer from that? That it was where it ought not to be—out of its element.

3852. *By Mr. Weekes*: It ought to be in the water, and not in the air? That it was out of its element.

3853. Do you think the Pilot Board should be superior to or above the Government? Certainly not, not on its present standing—we have no responsibility.

3854. Do you think the Government are bound to carry out the recommendations of the Pilot Board, whether they approve them or not? Certainly not.

3855. Suppose the Pilot Board recommended that these vessels should be built in England, would the Government be justified in refusing to carry out that recommendation? I should think that, while we were here boasting of our splendid timber for every purpose, including naval architecture, and sending Home specimens of our woods to the Exhibition, it would be a disgrace to us if we could not build a small craft like that for Colonial purposes.

3856. Do you not think the proper function of the Pilot Board is to assist the Government with its advice, without insisting that its advice should in all cases be carried out? Certainly.

3857. As the head of any other department might advise the Government upon various matters which they would be qualified to do from their experience, and which the Government would have the liberty of considering whether they would adopt? Who are to be the responsible parties?—If you give us rules by which we can act as a sort of Trinity Board we shall be responsible to the country, but if the Government have to find all the means it would be absurd to take the dictum of the Board. I repeat, that if my advice were not taken in a matter where I considered I was in the right, I would leave the Board.

3858. With reference to Captain Pearce's offer, did he offer to buy the "Sea Witch" at the price the Government paid for her? He did; he said "I will give you the money to-morrow."

3859. *By the Chairman*: Where was he then? It was on the trial trip—the alterations had not been gone into then.

3860. Do you not think if the Government appoint persons peculiarly fitted to perform certain duties—as in the case of the members of the Pilot Board—that serious injury may occur to the public service if they listen to persons out of doors, in opposition to the opinion of properly appointed advisers upon matters peculiarly within their province;—I wish you to cast aside your own position in this matter, and to give your opinion simply as a member of the Pilot Board? That depends upon circumstances—certain things might be recommended by the Pilot Board that the Government could not entertain; but, as I told you before, if, after a matter had been deliberately considered and recommended by the Pilot Board, the Government did not adopt my recommendation, I would leave the Board. I do not see that any great mischief could occur to the country from the Board, as it is totally irresponsible, for we cannot spend a shilling, cannot vote a farthing; if we were responsible, and acted upon our own responsibility, it would be a different thing, we should then insist upon our measures being carried out.

3861. You have told us the course you would take—that you would resign;—I ask you whether it might not affect the public interests if the advice of private persons were taken in preference to the opinions of those who were specially appointed for the purpose? Such cases might occur, but it might happen that the opinion of the private person was the better of the two.

3862. Then the Government ought to dismiss the officers? The officers ought to dismiss them.

3863. Do you not consider that if the Government believed them to be incompetent they ought to dismiss them? Yes, and that was what they did.

3864. *By Mr. Weekes*: Might there not be a difference of opinion without incompetency? No doubt.

3865. *By Mr. Wilson*: Ought not the Government to get the best men they could to advise them? Yes.

3866. *By Mr. Weekes*: If the Government decline to follow out the views of their officers, or of Boards, are not those parties thereby absolved from their responsibility? Certainly; in fact, we have no responsibility. The Board is a farce, as at present constituted.

H. Lane,
Esq.

1 Aug., 1862.

Sir,

In reply to your's of 5th April, wherein you state that some of the Members of the Pilot Board have reported as their opinion, that the schooner "Sea Witch" is unfit for the service for which she has been purchased by the Government (viz., an outside pilot boat), for these reasons:—

- 1st. That she is slightly built;
- 2nd. Chiefly iron-fastened;
- 3rd. Has not sufficient hold of the water to be sea-worthy; and asking our opinion on these matters.

- 1st. I beg to state that it is my opinion that the "Sea Witch" is not slightly built, but has a good frame of timber, and is well and faithfully built in every respect.
- 2nd. I believe her to be iron-fastened only where the generality of vessels are iron-fastened, and copper or Muntz metal fastenings under water.
- 3rd. When sufficiently ballasted will have quite enough hold of the water to keep to windward, and retain her position if placed on a station outside; those who have sailed in her and vessels like her, declare that she will go to windward in any wind or sea as long as her canvas will stand—and I think so too.

B.
Harbor Master's Office,
Sydney, 8 April, 1862.

R. Towns, Esq.

JNO. R. MYHILL.
CHAS. HARROLD.
ALEX. BELL.

Sydney, 23 April, 1862.

Dear Sir,

In reply to your inquiry, viz.,—If I know any particulars regarding the schooner "Sea Witch," I can only state that I have known her for the last three years in the Sandwich Islands and elsewhere, during which time she bore the character of being one of the fastest vessels in the Pacific, and second to none for durability and sea-worthiness. I may also state, that for eighteen months I commanded the sister vessel to her (the "Matilda"), and can vouch pretty well for either of their performances on being well handled.

Mr. Crook.

I am, &c.,
GEORGE S. REYTE.

Sydney, 3 April, 1862.

Dear Sir,

At your request I went on board the schooner "Sea Witch," to give my opinion of her. I have examined her very minutely, and I can candidly say that she is perfectly sound and strong, and faithfully built, and well suited for the Pilot Service.

Captain Crook.

I remain, &c.,
A. ENRIGHT,
Master of the ship "Highflyer," of London.

I hereby certify that I have, at the request of Captain Crook, inspected the schooner "Sea Witch," and find her timbers, keelson, beamends, knees, and inside planking, in all places to which I had access, to be sound good workmanship, and in all respects a good vessel of the kind. I may further state, that I consider her well adapted for a pilot vessel for this port.

Given under my hand at Sydney, this 4th day of April, 1862.

JOHN MARTIN,
Master of the Ship "Liberator."

INVENTORY OF "SEA WITCH."

Sails.

1 mainsail, 2 foresails, 2 jibs, 1 squaresail, 1 staysail, 1 gaff topsail, 1 trysail, some spare cotton and flax, canvas sail bag and needles, part of an old trysail good for tarpaulins, awning and 6 iron stanchions.

Anchors.

2 bow anchors (port one Trotman's patent) and chains, 30 fathom of one-inch under the cabin floor, about 40 fathoms of $\frac{3}{4}$ under fore-castle floor.

Boatswain's Stores.

Seizing stuff, spunyarn, junk, 2 marline spikes, 3 serving mallets, 3 large purchase blocks, several spare small blocks, Hanks' connecting shackles, shackles and several spare sheaves, 1 coil of new 3-inch Manila—about 150 pounds, about 70 fathoms of new 4-inch Manila, about 50 fathoms of 3 $\frac{1}{4}$ -inch Manila; plenty of old lines, fids, setting and splicing; some red lead, yellow ochre, about 40 pounds of white lead, black, yellow, blue, and plenty of brushes; hand lead and line, deep sea lead, 3 scrapers, 3 harpoons, 1 lance, 1 spade, 2 pair of steel yards, 1 crowbar.

Cabin.

1 clock, cabin lamp, 2 compasses, 1 binnacle lamp, medicine chest, American ensign, burgee, table and cloths, knives forks and dishes for six persons, large signal lantern, a good kit of tools, saw, planes, augers, chisels, square, adze, hatchet, and hammers.

Galley.

With good stove (new three months ago), and all necessary utensils for cooking; axe, hatchet, cleaver, and everything requisite to cook for twenty persons; about 2 cords of firewood, 2 barrels of mess beef, 3 bags of beans, 1 barrel of yams, 2 lb pepper, some seasonings, 7 gallons of molasses, about 50 pounds of sugar, 2 boxes of bread, some flour, some tea and coffee.

Miscellaneous.

Squaresail yard and boom, 5 water casks—about 600 gallons, 1 small iron gun, 1 swivel gun for whaling, with some irons, 1 steering oar, 3 spare oars, 1 handspike, 2 brooms, 2 pair of barrel hooks.

Captain

Captain John Crook called in and examined:—

3888. *By the Chairman*: You are Harbour Master, I believe? I am.
3889. You know the schooner "Sea Witch"? Yes.
3890. When did you first become acquainted with the "Sea Witch"? With reference to her coming to the port, do you mean?
3891. With reference to her coming to the port? The day she first arrived I saw the vessel come in—I think some time in March.
3892. Do you recollect under what circumstances she was first offered to the Government for sale as a pilot boat? That I could not tell.
3893. Did you first fix upon her as a suitable vessel for a pilot vessel? I saw the vessel in the harbour and she was spoken of—Captain Towns came to me about seeing the vessel and he asked me to look at her, and I went to look at the vessel and saw she was a smart little vessel. I saw Captain Sustenance who came up a passenger in the vessel, and I spoke to him in reference to her. He told me she was a beautiful little vessel; in fact he said, "You are going to have pilot cutters for this port, and there is the vessel to suit you at once."
3894. Then Captain Towns first called upon you? Yes, Captain Towns first called upon me when the Government were going to have her; he asked if I would go to look at her.
3895. You did not go first to Captain Towns? No.
3896. You are quite certain of that? I am quite certain of it.
3897. Did you have the vessel put into dock? Yes, I had a letter from the Colonial Treasurer to get the vessel put into dock and to examine her with Mr. Cuthbert.
3898. You had a letter from the Colonial Treasurer? Yes.
3899. Have you got that letter with you? No; to get her fitted out for the Government as a pilot boat.
3900. Are you sure you had a letter from the Colonial Treasurer telling you —? Yes, on the 22nd March, I think. (*The witness referred to a memorandum.*) On the 21st March I received a letter to fit her out.
3901. I am now talking of the vessel going into dock? Yes, I received an order from the Treasurer to put her into dock, and for Mr. Cuthbert to examine her bottom.
3902. Will you be kind enough to look at the correspondence No. 26;—you will see there, "The Board will direct the Harbour Master to ascertain the earliest period at which she [the 'Sea Witch'] can be docked at Fitz Roy Dock"? That was done.
3903. What was the next step taken? When the bottom was examined it was found that there were two sheets of copper on the keel that had been old sheets when they were put on, and they were removed and new ones put on at the expense of the captain.
3904. Did you not receive instructions from the Pilot Board, instead of from the Colonial Treasurer? No, I received no instructions from the Pilot Board.
3905. From this correspondence, there does not appear to be any letter to you from the Treasurer instructing you to put the cutter in the dock? I have the letter in my office.
3906. Are you sure it is not from the Secretary to the Pilot Board? No; I had one afterwards from the Secretary to the Pilot Board—that I could make no alteration in the vessel without a letter of instructions from them.
3907. Do you not think you are mistaken? No.
3908. You put the vessel into dock? Yes.
3909. And you were ordered to do so from the Treasury? From the Treasurer.
3910. Did you, after the vessel was put into dock, call upon any member of the Pilot Board to see the vessel in dock? No.
3911. Whom did you invite to see the vessel in dock? Mr. Cuthbert was the person appointed—he was the Surveyor for the Government; I took with me two of the harbour pilots; but on the day we went up she was not dry; there was some mistake about pumping out the dock.
3912. Mr. Cuthbert was the only person you called upon? He was the only person I had to call upon; he was the Surveyor for the Government.
3913. Was not Captain Towns? Yes, Captain Towns, he was called upon—he went too.
3914. How came he there? That I do not know.
3915. Did you ask him to go? He said he was going.
3916. You did not ask him to go there? I did not ask him.
3917. Had you any conversation with Captain Towns at all upon the subject of the vessel previous to her being in the dock? No.
3918. After she was docked and during the time she was in dock, had you any conversation with Captain Towns upon the subject? We had a conversation with reference to a vessel being built here, in going up with Mr. Cuthbert.
3919. I am now talking of the "Sea Witch"? Captain Towns went with Mr. Cuthbert and myself to the dock to see the vessel, but she was not dry, and we went the next day, but Captain Towns did not go with us, only Mr. Cuthbert and the carpenter of the dock.
3920. In what state was she found to be when she went into dock? Her bottom was excellent, all but these two sheets of copper on the keel, and I wrote to the Treasury showing that if there were any deficiency in the vessel's bottom the work was to be done by the captain.
3921. Look at No. 29—that is your report, I presume? Yes, that is my report to the Colonial Treasurer.
3922. How came you to report to the Treasurer and not to the Pilot Board? I had nothing to do with the Pilot Board.
3923. But the Pilot Board were instructed by the Colonial Treasurer, according to this correspondence, to communicate with you? Yes.
3924. It is stated here that they did so communicate with you, through their Chairman? I had

Captain
John Crook.

1 Aug., 1862.

- Captain John Crook. had a letter from them afterwards with reference to that; I did not require a letter from the Pilot Board for me to do it—it all came through the Treasurer to me.
- 1 Aug., 1862. 3925. Are you aware that the late Pilot Board objected to this vessel, as an unsuitable vessel for the pilot service? I was aware that they objected to it, but for what reason I did not know.
3926. After you became acquainted with their objection to her, were you in communication with Captain Towns upon the subject? I never spoke to Captain Towns at all upon the matter unless I was instructed to do so.
3927. If Captain Towns has stated to the Committee that you first went to him on the subject, has he stated correctly? I never went to him on the subject at all; Captain Towns sent to me to know if I would go on board—I have his note to me in my office—if I would go on board to see the "Sea Witch," and that he would come for me before breakfast, and he did so.
3928. Was that before or after she was purchased? I could not say whether she was purchased at the time or not.
3929. If Captain Towns has stated that you in the first instance called his attention to this vessel as suitable for the service, has he made a mistake? He has made a mistake. He sent me a note to say he would go round and see the vessel, if I would accompany him, in the morning. I have his note in the office.
3930. Do you now consider the "Sea Witch" a suitable vessel for the pilot service? I do.
3931. Have you ever expressed a contrary opinion? Never.
3932. If a number of nautical persons have said she is not suited for the service, do you think they are wrong? Perhaps some of these men may not be very good judges. They may have been in large vessels, but may never have had anything to do with small craft, and there is a great deal of difference between the two.
3933. Have you had much experience in vessels connected with the pilot service in the Mother Country? I have been on board them; in fact I was once cast away and picked up by one of them.
3934. How long ago was that? That was in 1829, I think.
3935. Thirty-three years ago? Yes.
3936. Do you know the description of pilot vessels now employed in the English and St. George's Channels; is the "Sea Witch" of that class? The "Sea Witch's" bottom is similar; they might draw a little more water aft, but apparently the "Sea Witch" is built on the description of some of the yachts. She has a deep keel in midships, to make her go round quickly either in wearing or staying.
3937. How do you know her keel is deep in midships? Because I examined her in dock.
3938. Mr. Cuthbert has stated that she had not a deep keel, but a straight keel? I will show that she had. She was wedged up either four or five inches aft, and Mr. Cuthbert took the depth of the midship part of the keel, and put it down in his book. I think it was either 2 feet 6 or 3 feet 6 in midships. She draws at present, I think, nearly 9 feet in midships, with only 8 feet forward.*
3939. You are quite satisfied she has a deep keel in midships? I am quite satisfied.
3940. Did you see the chocks as they were laid for her before she was laid in dock? No; but I saw them wedge her up when she was there.
3941. Would not a vessel that was docked, the chocks having been laid for a vessel with a straight keel, if she were deep in midships, be apt to capsize or strain herself? No, because they shore the vessel up as the water falls.
3942. Would she not be resting upon the centre of her keel? She would be upon the centre of her keel, but she is chocked up with shores from each side of the dock before she is dry.
3943. Would not the whole weight be on the keel and not on the shores? No; because she is chocked up well, and as the water goes away they put these wedges under the fore and after part of the keel.
3944. You have no doubt that the keel is deep amidships—that it is not a straight keel? I have not a doubt. I went the other day to see Mr. Milson's yacht in dock, and she has a similar keel.
3945. Has it been reported to you that the vessel will not stay in a seaway? It has been reported, but I did not believe it at the time.
3946. Do you believe it now? I believe at times any vessel will miss stays; it is according how you handle the vessel; if it is a fore-and-aft vessel, and she does not sail round, and you keep her ramping full, in these seas when the sea is very heavy, she may miss stays in the trough of the sea and not be able to come round.
3947. If she will not stay in a moderate sea, do you consider her a suitable vessel for a pilot vessel? No, if she will not stay, decidedly not.
3948. Is it your opinion that a pilot vessel should be able to stay in a seaway? She may stay, or at times you may have to wear her, according to the locality you are in.
3949. Is it your opinion that a vessel used as a pilot vessel should be able to stay in a seaway? Yes, every vessel will stay, but it is a different mode of making her stay.
3950. Of course I am presuming the vessel is skilfully handled. Do you know the draft of water of the "Sea Witch?" Eight feet aft and six feet forward when she went to sea this last time, and she is near nine feet in midships by this difference of keel.
3951. Under whose superintendence was she fitted out? She was first fitted out, her lower deck was laid, and everything was done by me, and then afterwards I got a letter from the Pilot Board stating that they had the management of it, and that I was to do it under their instructions, and I then did nothing without a memorandum from them of what I was to do.
- 3952.

* Revised:—6 feet.

Captain John Crook.
1 Aug., 1862.

3952. She was partly fitted out under your superintendence, and partly under the superintendence of the Pilot Board? It was all altered after the present Pilot Board took charge. They altered the placing of the ballast and everything, and took the lower deck up.
3953. Were the men belonging to the boat service employed in fitting her out? Oh yes.
3954. How many of them? It is impossible to tell, for the men on that service would sometimes be not more than half an hour or an hour at the work, and then they have been taken away.
3955. Was no account kept of their labour? There was an account kept when they were away in the boats, but not when they were on shore; perhaps they would not be above five minutes there, and if they were not at work they would be sitting down and doing nothing.
3956. Have you any idea of the amount of labour employed upon her by the men belonging to the boat-shed? I suppose if you had had to hire six* men they would have done it in three† days, all but the carpenters' work—the seamanship work—fitting her out and scraping her. Six good working men would have done it, if they had been kept at it.
3957. From the time of her purchase until she was ready for sea was some weeks, I believe? Yes, because they altered her. Since we went out with her first she has been altered. Before this Pilot Board took charge of her they went to sea, and then they wished the 'tween decks to be lowered, to give her greater height.
3958. How do you account for the very long period that elapsed from the time she was purchased until she went to sea? A great deal of the time was taken up in fitting up the cabins.
3959. Will you be kind enough to look at No. 22 of the correspondence; you will see there a letter from Captain Towns, where he says "this vessel is the perfect model of what we require, and with a very trifling expense may be sent to sea in a few hours every way fit for the service?" Yes, that may be. She might have gone to sea in a few hours if we had not had to fit up her cabins and had only put iron ballast in her.
3960. Do you think from that letter that that is what was meant to be conveyed, that she might go to sea in a few hours as an ordinary vessel? Yes, that she might go to sea as an ordinary vessel, but not as a pilot vessel. She could not go to sea as a pilot vessel unless they fitted her up properly.
3961. Now look at No. 18, Mr. Chapman's letter:—"She is a fast sailer, and a perfect sea-boat. She is in every respect well found, and her sails are in good order and would be well-suited for the above purpose?" Her sails to look at are in very good order.
3962. Only to look at? When you see the canvas spread out on a vessel it looks very well, but when you come to overhaul the sails it is a different thing, and to touch them. It would not do to send a pilot cutter out with old sails, for perhaps in the first breeze of wind they would go.
3963. Would you call such sails in good order? For a coasting vessel—not for a pilot vessel.
3964. I should like you to read once again the letter of Chapman I have just read, and to say whether that is a true statement? No, I do not consider her sails to be good—at least we had not overhauled them thoroughly.
3965. Was she in every respect well found? Well found for a coasting vessel, but not as a pilot vessel, because she would require many things as a pilot vessel that she would not for a coasting vessel. I think she was quite amply found for a coasting vessel, and perhaps it would do for a voyage, but it would not do for a pilot vessel.
3966. Do you believe that the outside pilot service is preferable to the old method of putting pilots on board from boats? If the pilots did their duty properly and went outside with the boats they had, they were quite able to put a pilot on board at any time, and I think they could do it. I have had a great deal of trouble to carry it out.
3967. That is hardly an answer to my question. I want to know whether, in your opinion, the method of putting pilots on board from boats as heretofore, or the new method of putting them on board from vessels outside the Heads is the more preferable plan? I think in bad weather it is impossible for a vessel of that class to lower a boat to put a pilot on board in heavy weather, while the boats might pull out and put a pilot on board.
3968. Taking the weather as we have it on this coast all the year round, from your experience, extending over many years, which do you think the more preferable plan—this new plan of having vessels for the outside pilot service, or the old method? I think the pilot vessel would be preferable for getting men on board in moderate weather, but not in heavy gales.
3969. Do you think a vessel could be so constructed as to hold her position outside these Heads in boisterous weather? No, it is impossible for a vessel to hold on her position. There are two different qualities of vessels—the sharp deep sort of vessel that will go through the water, and which in heavy seas on this coast would perhaps drown the men, and such a vessel as the "Sea Witch," a buoyant vessel, that would go over the tops of the seas, and not wet so much as a rope-yarn.
3970. *By Mr. Weekes:* What do you mean by saying that the vessel would drown the men? The sea would break over the vessel, while the "Sea Witch" would be that buoyant and nimble, like a whaleboat or a lifeboat, that she would skim over the top of the sea.
3971. *By the Chairman:* Do I understand you to say that vessels outside would be useful only in moderate weather? In heavy weather she could not lower a boat; she might con a vessel into the harbour.
3972. Did not the boats answer every purpose in moderate weather? Yes.
3973. Then these vessels would do no more than the boats? Only that they would go farther

* Revised:—Six to eight.
† Revised:—From six to eight.

Captain
John Crook.
1. Aug., 1862.

- farther away. If there were two pilot vessels, one could go farther to the southward and put a pilot on board a ship before she came to the Heads, in the event of bad weather coming on at night. The wind springs up very suddenly here in a short space of time, and in two hours from the commencement of a storm the sea is sometimes in such a state between the Heads that a boat could not get out.
3974. John R. Myhill, Charles Harrold, and Alexander Bell, are they Assistant Harbour Masters? Harbour Pilots they are now styled. Myhill is the Assistant Harbour Master.
3975. A report upon this vessel from these gentlemen has been handed in to the Committee? They were there every day and saw the vessel.
3976. Do you know who wrote that report? No, I do not.
3977. Did you ever see it? No.
3978. Did you take it to them for signature? I never saw it.
3979. Were you aware that they had made this report? Not till after they reported.
3980. Are you aware who asked them for this report? No.
3981. You know nothing about it? I heard they were going to give a report; I understood some person asked for it; I could not say who it was, because these men used to visit the vessel every day.
3982. Are you not in constant communication with them? Yes.
3983. They used to visit the vessel every day? They used to go with their boats; I have seen them there repeatedly looking over her; they are all three practical men, capable of giving a report, I should say.
3984. I see here is a letter addressed to you by G. S. Reyte, dated 23 April, 1862? Yes.
3985. How came this gentleman to send this letter to you? When there was a great deal of talk about the "Sea Witch" with the Pilot Board, I thought I had better see persons who had known the vessel before, and get a memorandum from them; in fact, I did it for the Treasurer, when I found a great deal was said about it by the late Pilot Board; I thought I should get what information I could with reference to the vessel—that is all I did it for.
3986. Here is another letter, from a person named Enright, master of the ship "Highflyer"? Yes, that is one of Green's ships.
3987. Is she here now? No, she went to China with coals.
3988. *By Mr. Weekes*: Is that the original (*handing a letter to the witness*)? Yes; that man came on board, and brought a prickler with him, and tried every part of the ship from one end to the other.
3989. *By the Chairman*: Under what circumstances did he give this report? I asked him the same as I asked this man, when so much was said about the quality of the vessel; some said she was rotten, and I then thought it the best way.
3990. Then there is Captain Martin? Yes, that is the same.
3991. *By Mr. Weekes (handing a letter to witness)*: Do you hold the original in your hand? Yes; he was a shipowner and shipbuilder; he built the ship he commanded; I think the Honorable Mr. Atkinson was on board when he went over the vessel.
3992. *By Mr. Piddington*: Who is the Honorable Mr. Atkinson? The Member.
3993. *By the Chairman*: You did not ask the opinion of these gentlemen because you had any doubts yourself? Not the slightest.
3994. Has the performance of the "Sea Witch" borne out the opinion of these gentlemen? I have heard of some reports in the papers, but I do not believe all I see there.
3995. Do you know Captain Ross, of the "Colonial Empire"? Yes.
3996. Captain Taylor, of the "City of Aberdeen"? Yes.
3997. Captain Kerr, of the "White Star"? Yes.
3998. Are they competent to form an opinion? I should think what Captain Kerr said would be straightforward; as to the other men, I do not know much about them; I do not think they are capable of forming an opinion of the qualities of small vessels, as they have never been in them.
3999. *By Mr. Piddington*: How do you know that they have not been in small vessels if you know very little of them? I have asked them whether they have been in small vessels, and they have stated that they have not.
4000. *By Captain Moriarty*: Suppose they have stated here that they have been in small vessels? They must have stated what was not true.
4001. Do you mean to say that Captain Ross, who is a man of education and of high position, has stated what is not true? He may be so, but some people say one thing at one time and another at another.
4002. *By the Chairman*: You are quite satisfied that this vessel has a deep keel in midships? Yes; here (*producing a drawing*) is the model of the vessel, and there (*pointing to the paper*) is the mark of her keel; there is the vessel as she stood in dock.
4003. When was that drawing made? It was made by a little boy, a son of Mr. Myhill's, as she lay at our jetty, and the keel was marked from my description.
4004. She was then afloat? Yes.
4005. Who marked her keel? Myhill, I told him the size.
4006. He marked it from your description? Yes.
4007. Are you aware that it has been stated this schooner, the "Sea Witch," was built on the lines of the "Mary Taylor"? I never heard that.
4008. *By Mr. Weekes*: Do you think, from your experience as a sailor, that any one, whether the captain of a vessel or not, that saw this vessel once and once only, is able to give a correct opinion of her qualities? I do not.
4009. Does not the trim of a vessel often materially affect her qualities? Yes.
4010. If a vessel is found not to answer in some respect, is it not judicious to alter her trim, to try her in another state of trim? I think this vessel will go better a little more by the head than by the stern.
- 4011.

4011. Do you know whether any alteration has been made in the trim of this vessel, either by the head or by the stern, or by giving her more or less ballast? No, I am not aware. When she went away I put two casks on board, so that if they wanted to alter their trim they might put them either fore or aft, and I told the master that when in chase of a vessel, by putting these casks forward he would be able to go faster; whether he has used them or not I do not know. Captain
John Crook.
1 Aug., 1862.
4012. Has there not been a good deal done on board the "Sea Witch" for the comfort of the pilots? A great deal has been done for the comfort of the pilots—too much, I think.
4013. That is—the deck has been laid, cabins have been built, a cuddy, table, and pantry have been made, and everything to make the pilots comfortable? Yes, that was Captain Towns' aim to make the vessel comfortable, so that the pilots might feel as if they were in their own homes.
4014. Would it not have been as much expense to have done what has been done to the "Sea Witch" if it had been done on board any coaster? A shipowner, when he buys a vessel, generally has to lay out £400 or £500 on her.
4015. I ask whether, if the particular alterations made in the accommodation for the pilots on board the "Sea Witch" had been made on board any coaster bought for the same purpose, it would not have cost as much? I think it would have cost more, for we have done a good deal by these men, who would have been otherwise sitting doing nothing.
4016. You think the outlay, although large, was not caused simply by its being done on board the "Sea Witch"? No.
4017. If the same alterations for the comfort of the pilots had been carried out on board the "Atlantic" or "Pacific" they would have cost as much? They would have cost more, for we should have had to put new masts in them, to make them the same rig as the "Sea Witch."
4018. You said you had a conversation with Captain Sustenance? Yes.
4019. Had he sailed in the "Sea Witch"? Yes; he was cast away with his wife and family upon an island, and was picked up by the "Sea Witch."
4020. Was his opinion favourable? Very favourable. He was going to apply for the command of her in the pilot service, but he was afraid he would not agree with the pilots with reference to the victualling of her; he thought there might be some misunderstanding. He came to me twice about it, but when I said the vessel would require a provedore, and that the master must be the provedore, he would have nothing to do with it.
4021. You have been out with her? Yes.
4022. Was it blowing fresh at the time? Yes, there was a good strong breeze, and a good sea running.
4023. How did she behave? Admirably; in the hollow of the sea she went round as well as any vessel I was ever on board, and I have sailed in a good many small vessels.
4024. Will not some little inattention on board a craft predispose her to miss stays? Yes, that is the thing that will do it.
4025. Has it not been a complaint with captains arriving here, that under the old system of whaleboats they were often in danger between the Heads before they were boarded by a pilot? Yes.
4026. Is it a suitable place for a pilot to be first put on board a large vessel of which he has had no experience, and in a gale of wind? No.
4027. Has he time to test the properties of a vessel, or to see whether the anchors and cables are ready? No.
4028. It is an unsafe system? Yes, so far as boarding them inside.
4029. When you say the boatmen were employed in cleaning or assisting in fitting out the "Sea Witch," when she was lying at the boat-shed, it was when they were idle and were not wanted for the boat service? Yes; perhaps they might be called away in half an hour, or they might have been employed half a day, or perhaps a day, fiddling about. We only got them to do that because they were not employed about any other thing.
4030. Have you seen the inventory of the "Sea Witch"? Her stores?
4031. Yes. Is she tolerably well found? Yes.
4032. Is she better found than a coaster would be running from here to Newcastle? Yes, she had need be better found than a coaster.
4033. Have you had an opportunity of inspecting her thoroughly yourself? Yes, I had her scraped from top to bottom, from stem to stern, inside and out; and I had the lining taken off in places where I thought there might be some defect.
4034. From your close examination of her, what is your opinion of her? I think her a staunch well-built vessel, a vessel that would pass any muster anywhere.
4035. Did Captains Enright and Martin, who have given certificates of her condition, inspect her thoroughly? They inspected her thoroughly. Captain Martin took his coat off and went in under the cabin floor to try her transoms, he was so exact in the matter; in fact, I thought he was going a little too far.
4036. After these thorough examinations they gave you the certificates you have handed in? Yes; and I sent them to you. I only did it because there had been so much talk about the vessel; in fact, what I did it for chiefly was because I heard that one of the pilots at South Head had said she was rotten. I asked them to come up and inspect her before she was sent out, and said that the Government did not want to send them out in anything rotten. Mr. Jenkins and Shanks did come up, and they were so satisfied with the build and nature of the vessel that they said they were quite deceived altogether; in fact, some of the pilots' wives were so frightened that they did not like their husbands to go in her, and that was the reason I got Captain Martin to inspect her.
4037. Then, so far as being a sound vessel and a safe sea boat, did the pilots express themselves

- Captain
John Crook.
- 1 Aug., 1862.
- selves quite satisfied? Yes; but, in fact, they were dissatisfied with the system—they did not like going out away from their homes.
4038. You think they prefer the boat system? Yes; the new system takes them away from home two or three days at a time. They could be at home every day and every night under the old system.
4039. *By Captain Moriarty*: Did I understand you to say that you asked Captain Towns to go and look at this vessel? No; Captain Towns asked me. He sent me a note, and I have that note in my office, saying would I go round before breakfast, as he wanted to go and see the "Sea Witch," and I did so.
4040. Your going with him was the result of his application to you, and not of an application from you to him? Yes.
4041. If he had stated that it was the result of an application from you to him, would that be an accurate statement? If he stated that I sent for him to go, it was wrong.
4042. Captain Towns took a great deal of trouble to get this vessel out? Yes, he did; he seemed heart and soul in it.
4043. He went so far here as to say that he would put the bowsprit through the cabin window but he would make her stay—do you think that would facilitate her staying? That was merely a joke.
4044. I would have you to know that this is no place for joking. You think that such an arrangement as that suggested by Captain Towns would not be likely to facilitate the vessel's staying? I should not think it was made seriously at all.
4045. Then, in point of fact, that suggestion would lead you to doubt the soundness of his intellect? I should think no sensible man would put a bowsprit out of a cabin window to make a vessel stay.
4046. You say you received your instructions from the Honorable the Colonial Treasurer? Yes, all my instructions came through the Colonial Treasurer.
4047. You received letters direct from the Treasury? Yes.
4048. Not from the Collector of Customs? I have received one letter from Mr. Duncan as Chairman of the Pilot Board.
4049. Have you received instructions from the Colonial Treasurer with reference to the "Sea Witch"? Yes.
4050. If there is no appearance of this letter in the correspondence published respecting the "Sea Witch," is not that, in point of fact, a proof that some letter has been suppressed? I should not think this letter would be suppressed, because it is a mere letter for my instruction.
4051. If it does not appear in the published statement of the communications relating to the "Sea Witch," there is one letter at all events that has not been published? I do not know anything about that.
4052. If that letter is not here in the published correspondence, then have all the letters been published? That I could not say.
4053. Have you seen the list of letters? No.
4054. Have you seen "Copies of all papers connected with the purchase of the 'Sea Witch' for the pilot service, and with the summary dismissal of certain members of the 'Pilot Board'?" Yes.
4055. Did you see all these letters? I have read some of them.
4056. You have not read them all? No.
4057. If any letter addressed to you does not appear here, is this a complete compliance with the order of the House? I should say there had been some mistake. There is one letter I have that does not appear here, with regard to getting the vessel fitted out.
4058. *By the Chairman*: What is the date of that? The 21st March.
4059. *By Captain Moriarty*: Did you ever receive any orders from the Pilot Board? With reference to what?
4060. Anything? Yes, I received an order to survey some damage done with reference to the "Sea Witch." When they require anything to be done, I go and do it, but my communication is directly with the Treasurer.
4061. Do you receive an order from them? Sometimes if they apply to me to go and do a thing, I do it.
4062. You consider yourself as in some respects subordinate to the Pilot Board? No; I consider that I am under the Treasurer.
4063. Why then do you obey their orders? So that everything connected with the Government may go on in harmony.
4064. You do it rather as a matter of favour than of duty? I do it partly as a duty too. I think if we work together, all goes on in harmony, and that has always been my mode of doing my duty. I have never crossed the Pilot Board at any time.
4065. I understood you to say, in answer to a question from Mr. Samuel, that it would have cost a great deal more to have fitted out this vessel, if it had not been for the assistance of these men who would otherwise have been idle? Yes.
4066. The fact of their being so employed did diminish the expense that would otherwise have been incurred? Yes; for instance, the caulking of the vessel, if it had been tendered for, would perhaps have cost £50 or £60, whereas it did not cost a third of that.
4067. That being done by your own men? By the two carpenters. I hired two carpenters, who did the caulking with the men.
4068. Are the wages of the caulkers included? Yes, every expenditure is in the list sent to the Treasurer.
4069. With the exception of the application of these men's labour? Yes, and that it is impossible to count.

4070. You say these men were employed upon this vessel in various ways? Yes.
4071. You simply thought the employment of these men, when they would otherwise have been idle, a beneficial occupation for which they were already paid? Yes, and it kept them out of mischief; for they are always up to some mischief in the boat-shed. The more you keep sailors employed the better it is in every way. Captain
John Crook.
1 Aug., 1862.
4072. Then after all, did that amount to a considerable saving to the Government? Yes, so it is in any case when we use the men for any other thing; for instance, we use the men to convey powder from the magazine, when we would have to hire men and boats, and it is a great saving to the Government to have the men attached to one department.
4073. We will talk about the powder by-and-by, but do you mean to tell me that these men are employed to move powder to the magazine —
4074. *By Mr. Weekes*: Only on the public service? Yes.
4075. *By Captain Moriarty*: I understood you to say, just now, that the service rendered by these men to the Government was unimportant? By the boatmen?
4076. Yes? I could not have done that.
4077. You gave such an answer to Mr. Samuel;—you said that six men in three days would do the whole of it? Yes, six men employed by a private individual could have done all the work they did.
4078. Six men for three days, that is equal to eighteen men for one day? Yes.
4079. How much would that be—10s. a man? Labourers are getting 8s. a day. But what I mean to say is, that we were fitting the ship out, and sometimes there were two or three about her scarcely doing anything, sometimes they would be there for half an hour or an hour, so that it is impossible to give any account of it.
4080. But you have stated two essentially different things —? What I come here to state is the truth.
4081. Exactly, and I do not wish to insinuate anything; but I say, as a matter of fact, that you have stated two things diametrically opposite to each other. You did not intend to do so, perhaps, but that is the case when men talk a great deal without reflection. You have said, just now, that the facilities afforded by the men who were employed in this way was of essential importance, and saved a great deal of money? And I say so now.
4082. Yet you state that six men, in three days, would do all they did? Yes; for if a merchant, for instance, were fitting her out, he would put on a number of men with a man over them, and get the work done at once; but in this case you could not do it—it is a different thing altogether.
4083. Still the two statements are not altogether compatible? You misunderstand me; sometimes the men would be sitting about and not doing anything—one would scrape just a foot, and another two feet, and then go away. Then, again, in putting the ballast aboard, perhaps the ballast could have been put on board in one day, but these men could not do it in one day because they had other things to attend to; they would do a little to-day and a little to-morrow.
4084. The amount of saving caused by the labour of six men for three days does not turn out to be much after all? But it is a saving in different ways; it is impossible to bring it all in.
4085. When you stated that six men, in three days, would have done all that these men did—did you mean to convey that fact? I mean to say that if it had been done by a merchant, he would have got so many men on board, ten men, or six men, or fifty men, and have got the vessel done in a week.
4086. Nevertheless the two statements do not seem to amount to the same thing—there is a vast difference? There may be a vast difference, but then it is different the way the thing is done—the way the men are employed.
4087. There was some change effected in the management of pilots some two or three years ago? About three years and a half ago.
4088. We have it in evidence that you entered into some arrangement with the pilots at the South Head to lodge their crews until the Government were enabled to make some arrangement? Yes, Captain Brown and I went down about it.
4089. Did you make such an arrangement, and tell them to lodge their crews, and promise them they should be remunerated by the Government? Perhaps I could not explain it—it would take too long a time. It was with reference to a house at South Head, belonging to the Government, that should have been given up.
4090. And which was not given up, and the pilots were asked to lodge their crews in the meantime? Yes, for a few days, till they could get the house for them. There has been a great deal to do about one of the pilots not being paid.
4091. Ought not the man to be paid if the Government engaged to pay him;—if a pilot has stated that you made an agreement with him to pay him for lodging these men, and that the Pilot Board said he ought to be paid, do you know any reason why he should not be paid? I stated that he ought not to be paid. What I objected to in the matter was, that he ought to have sent in his claim at the time; but there was nothing said about it till after this man was dismissed from being head pilot. There was no claim made before.
4092. Had that anything to do with the fact of Government having entered into an engagement that this pilot should be paid for lodging these men? Yes, but the men did not live there all the time.
4093. During the time they did live with him? Yes, but there was a great deal about the matter that perhaps you do not know.
4094. I do not know anything about the matter, except that it has been stated that a certain arrangement was made by you, on the part of the Government —? By Captain Browne, as Chairman of the Pilot Board. He went down with me to see what arrangement could

- Captain
John Crook.
- could be made, as some of these men were living under the rocks—some in one place and some in another.
- 1 Aug., 1862. 4095. Captain Browne, you say, went down? Yes, he went down with me.
4096. Did you or did Captain Browne make this agreement with the pilot? Captain Browne called Gibson to him—he was the senior pilot at the time—and stated to him that if he would get the crews lodged in each of the men's houses for a few days, till the iron house was vacant, the Government would pay them. That was all that passed.
4097. And the Government did not get the iron house? No.
4098. Did the men continue to be lodged by these pilots? No, they were put out of the pilots' houses, most of them.
4099. Were they all? Gibson kept them longer than the rest.
4100. Is not Gibson, by the arrangement that was entered into with him at the time he took these men in, entitled to be paid for the time during which he lodged these men? Yes; but in fact I went down there, and found many of these men living under the rocks—a portion of them.
4101. I presume if Gibson made a charge of that kind he would be able to prove it? I should disprove it thus far, that a portion of the men were living under the rock.
4102. What men—Gibson's? Some of Gibson's men too.
4103. Did you not tell Mr. Gibson you would see it was paid if Captain Browne would assent? I said I would pay a portion of it if Captain Browne would put his signature to it, to say he was entitled to it; but I could not do so without, as Captain Browne had been down with me.
4104. Then, in point of fact, I do not know what you had to do with it at all if it was a Pilot Board's arrangement and not a Harbour Master's? I went with him.
4105. Had you anything to do with payment? Yes; I paid the whole of the moneys.
4106. You think in very heavy weather the system of whaleboats in use when you were a pilot is better than the system of cutters? In bad weather I do not believe it is, because you cannot get on board a ship till she is just within the Heads, and if she is a large ship you have no room to handle her. It answered very well when small ships came to this port, and it may do so now in fine weather, when you can pull out in the whaleboats to any place you like.
4107. You say that in bad weather you cannot launch a boat from the schooner? No boat would be able to go off in bad weather.
4108. If it has been stated that the great utility of a pilot vessel is to be able to put a pilot on board a ship in bad weather—that that is its great advantage—then under existing circumstances that great advantage will not be obtained? The superiority is in this, that a sailing vessel can go farther to sea in moderate weather.
4109. I am speaking of bad weather—confine yourself to that? In bad weather there is a difference. The sea in the English Channel is a short jumping sea, that a sharp vessel will go through, but here the sea goes up perhaps a hundred feet and then breaks. Now we do not want a vessel to go through such a sea as that, but to go over the top of it.
4110. Then do you mean to say that you cannot put a pilot on board a ship in bad weather? You cannot.
4111. Then a pilot schooner is absolutely valueless for the purpose of putting a pilot on board a ship in a gale of wind? In these seas; it may do in the English Channel, where there is a short chopping sea, but it will not do here where you may see a vessel rolling lower yards under; no boat could go near a vessel under such circumstances. It has often happened that a ship has received more damage off the Heads than they have done the whole of the rest of the voyage.
4112. *By Mr. Piddington*: I understand you to say, with reference to your experience of the sea in boisterous weather off this port, that the outside pilot service is inefficient for the purpose of putting pilots on board ships? In heavy weather.
4113. The use of the outside pilot service is for heavy weather;—of what use is the pilot cutter in heavy weather if a pilot cannot be put on board a ship from her? She can dodge about the ship and tell her to stand off.
4114. I am speaking of putting a pilot on board? She cannot do it.
4115. Then she is of no use for putting a pilot on board in bad weather? She is of no use; but in a few hours the weather may moderate, and then she may put the pilot on board.
4116. I am speaking of a continuance of bad weather? No, she could not.
4117. You say you received a letter from the Colonial Treasurer, directing your attention to the examination of the "Sea Witch"? Yes.
4118. You have not that letter with you? No.
4119. Will you furnish the Committee with a correct copy of that letter, including the date? Yes. (*Vide Appendix A.*)
4120. Also a copy of the letter from Captain Towns? I had a memorandum from him.
4121. Will you furnish the Committee with a copy of that note? Yes. (*Vide Appendix B.*)
4122. Have you been on board the "Sea Witch" in a gale off this coast? No, not in a gale; but when I went out it was blowing strongly from the southward.
4123. You know nothing, from your own observations, of her qualities in a gale? No, I know nothing of her, from my own observation, in a gale of wind.
4124. Do you know, either from your own observation, or from the communications of others, whether the "Sea Witch" will stay in a heavy sea? I have heard —
4125. Have you heard from reliable persons that she will stay? No.
4126. Are you well acquainted with the pilot cutters of Liverpool? It is a long time since I was there.

4127. Do you consider that you are well acquainted with them? I believe I am as well acquainted with them as most mariners.
4128. I am speaking of the Liverpool pilot cutters—the pilot vessels out of the port of Liverpool—do you know them? I knew them in 1829.
4129. Is it thirty-three years since you saw the pilot cutters off Liverpool? Yes.
4130. Have you often met these vessels at sea? Yes; I have met them off Scilly.
4131. Have you often seen them? Yes; I have seen them when I have been coming home from voyages.
4132. Are you aware whether these pilot vessels can stay out in all weathers? Yes, they can stay out in all weathers, and so can any vessel.
4133. But can they discharge the duties of a pilot vessel in all weathers? They may do it in the English Channel, where there is not so heavy a sea as there is here. I have heard of the pilots being swung on board, but they could not swing a man on board here; it is quite a different thing.
4134. Do you think it desirable that a pilot vessel should be of such a character and possess such qualities as to enable her to keep to sea always? Yes, I think a pilot vessel should be a vessel that can keep out at sea, but there are times when no vessel can go out of these Heads.
4135. If a pilot vessel cannot keep out at sea in all weathers, would you deem such a vessel fit for the pilot service? It is impossible; if you have a good vessel, well handled, she can keep at sea at any time, but she might not be able to get out of the harbour.
4136. If a vessel that is called a pilot vessel is brought into port merely on account of threatening weather, would you consider that such vessel is properly commanded? She ought not to be brought into the port.
4137. Does not the chief value of a pilot vessel consist in her capacity for being kept at sea, and of putting a pilot on board a ship in any weather? Yes, but it is impossible to do it here.
4138. Is there something in the character of the seas on this coast that renders it impossible for a pilot cutter to put pilots on board vessels in bad weather? Yes, the sea is heavier, and it breaks more irregularly than in the English Channel. Here you have the whole of the South Pacific Ocean to contend with, and when its whole force comes against you it must be very great.
4139. In reference to all circumstances of moderate and rough weather during the year, which system of conducting the pilot service do you think is the best, the old or the new system? I think cutters, when you can go out to a distance and put the pilots on board, in moderate weather—
4140. You are not giving me a direct answer to my question;—I ask you whether in all weathers, from January to December, taking the average, you are of opinion that the new system of outside pilot cutters is preferable to the old, under all circumstances? Under all circumstances I think the pilot cutters would be the best.
4141. Is that opinion grounded upon the inability of the pilot boats to go outside the Heads? It is this way,—you can go out a long way in the sailing vessels without any stress upon any person.
4142. Then notwithstanding that in your opinion it is impossible for a pilot cutter to put a pilot on board a vessel in extremely bad weather, you still consider the outside pilot service superior to the old system? I consider it is.
4143. If you had to choose a system yourself, for general purposes, you would choose the outside service rather than the old one? Yes, for there is not so much risk;—there is a great risk in going out in boats sometimes.
4144. The pilot cutter system would be the best, on the whole? Yes.
4145. With reference to the "Sea Witch," do you not think she is rather short in proportion to her beam? She is rather short in proportion to her beam—20 feet beam, I think.
4146. Is that a quality in her model that you think peculiarly fits her for the pilot service? She is a vessel that stands up to her canvas well; she is a wholesome vessel on board—a vessel that gives every comfort.
4147. I am not speaking of comfort, but of her suitability to the service? She would stand up to her canvas when another vessel would lie over; she would never carcen over if she were well handled, and would carry heavy sail.
4148. Is she not rather broad in the beam for a pilot vessel? I do not know;—no, I think not.
4149. Comparing her model with that of a sharper built vessel, would you be surprised if she were to be said by a nautical person to resemble a butcher's tray? I do not think any one who was a good judge, or who knew the quality of the vessel, would say that of the "Sea Witch;" he might say she was the shape of a butcher's tray, looking at her on the top of the deck; but such vessels are generally 18 or 19 feet beam, and this vessel is only 20.
4150. Do you concur in the opinion of Captain Towns that she is the exact model of a pilot boat for this coast? I am not exactly of the same opinion, for you might perhaps get other vessels which would answer the purpose just as well. This "Sea Witch" answers the purpose just as well as any you can get, perhaps better, for her buoyant qualities.
4151. Do you think that extreme buoyancy renders her superior to other vessels? I think she is as good; I see nothing the matter with the vessel; she can wear in twice her own length.
4152. Are you aware that the Pilot Board has recommended another pilot boat should be built? Yes.
4153. Are you aware whether they recommend that a vessel should be built on a similar model to the "Sea Witch"? I have seen the model, and it seems to me about the same model as the "Sea Witch," because the "Sea Witch" has a beautiful bottom.

Captain
John Crook.

1 Aug., 1862.

- Captain
John Crook.
- 1 Aug., 1862.
4154. You say you think, from what you have seen of the drawing, it is almost the same model? Yes.
4155. Are you sure it is quite the same model? No, not altogether; it is not quite the same beam, but about the same length.
4156. Are you sure that there is not a material difference in the model of the proposed vessel as compared with that of the "Sea Witch"? I think they are pretty near the same.
4157. If Captain Towns has stated that the model of this vessel is entirely different from that of the "Sea Witch," he has made a mistake? Perhaps I have not seen it. I have seen a model on the table at the Pilot Board, and have looked at it; it seemed to have the same draught of water, was almost the same length, and nearly the same depth.
4158. If Captain Towns, who is a member of the Pilot Board, has stated that the model of the new boat is entirely different from the "Sea Witch," he has made a mistake? I think he has; there may be a little difference, but not much.
4159. What material is the "Sea Witch" built of? Pine and oak. There is a great difference in the qualities of American oak.
4160. Do you know the kind of timber employed in building first class English vessels? English oak, and American pine is used as well.
4161. What is used in American vessels? American pine and oak.
4162. Can you say what proportion of different qualities of timber were used in the "Sea Witch"? I know by Captain Martin's —
4163. I am not speaking to Captain Martin, but to Captain Crook, and I want to know if Captain Crook thinks that the timber used in American ships is equal to the timber used in first class English ships? No, it is not so durable as that used in building first class English ships.
4164. American ships are built of inferior timber to that used for first class English ships? It is different timber.
4165. Is it inferior or superior? It must be inferior to hard wood.
4166. If you turn to pages 17 and 18 of the correspondence, you will see a specification for a pilot vessel sent here by Messrs. Harvey and Sons, of Ipswich;—do you consider that the "Sea Witch" is equal to that in material, build, and fittings? No; she will be a different vessel altogether.
4167. Does that specification describe a vessel far superior in quality to the "Sea Witch"? The vessel might last longer.
4168. Is it superior in character or not? Of that I could not give an opinion.
4169. You have not examined it? I have not examined it.
4170. *By the Chairman:* You say you approve of the model of the "Sea Witch" because it is calculated to make her buoyant? Yes; she is a vessel that will go over the sea.
4171. Is it not possible for a vessel to be too buoyant? No, I think a vessel cannot be too buoyant.
4172. Is it not equally necessary that she should be weatherly, that she should have a good hold of the water? Yes, and this vessel has as good a hold of the water as a vessel of this class should have.
4173. If, in putting a pilot on board a vessel, the keel of the "Sea Witch" was frequently seen from this vessel, would you then think she had a good hold of the water? I think the keel of any vessel in heavy weather would be seen.
4174. What sort of boat has this vessel got? A boat that was attached to the "Washington" steam-tug, a very nice boat.
4175. How did she get that boat? The "Washington" had this boat, and was going away to China; she had been built expressly to go out in bad weather, to take warps on board ship; she is like a small life-boat, and we asked Captain Towns, when the "Washington" was going away, if he would let us have that boat. We were going to have one that was not so good a boat.
4176. Then you got this boat from Captain Towns? Yes.
4177. That is the boat now in use? Yes.
4178. What was given for that boat? I think she cost £22; she is copper-fastened; a thorough good boat.
4179. What became of the boat that belonged to the "Sea Witch"? This is now at the shed; we made an exchange of the Botany boat for the "Washington's" boat.
4180. Then Captain Towns had not money given to him for it;—I understood you to say that she cost £22? When the boat was bought for the "Washington."
4181. And you exchanged? Yes.
4182. Did you get a better boat in exchange? Yes, for the purpose; ours was a narrow boat, not fit for going alongside a vessel in a heavy sea.
4183. Was the boat you gave to Captain Towns of more money value than the one you got in exchange? No, I think not; they were about equal value, I think.
4184. Are you aware, or have you heard, that it is contemplated to make any alteration in the "Sea Witch"? I have heard, but I think it wrong to do so.
4185. What have you heard? That they wanted to shift the mast, for one thing.
4186. Any other alterations? Yes, I think so, but I have not heard officially.
4187. What have you heard? Something—that they wanted to shift the mast.
4188. Nothing else? No.
4189. Have you not heard that it is contemplated to add five feet to her keel? Yes, perhaps I have heard that.
4190. Have you any objection to tell us from whom you have heard it? No.
4191. Did you hear it from Captain Rountree? No, I have not seen him since he came in.

4192. Did you hear it from Captain Towns? It is impossible to say—I cannot call to mind. Captain
John Crook.
4193. Might you have heard it from Captain Towns? I might have. 1 Aug., 1862.
4194. If the vessel is a perfect vessel do you think she requires five feet to be added to her keel? No, I do not think she wants five feet added to her keel.
4195. That is not my question;—I ask you whether, if she is a perfect vessel, she ought to require five feet added to her keel? No.
4196. *By Mr. Weekes*: Have you ever found perfection in a vessel yet? Never; a vessel always has some bad qualities. I have had a good many bad vessels myself.
4197. It has been stated here, by the owner of the “Atlantic” and “Pacific” vessels that were tendered to the Government for this service, that had they been accepted, he should have recommended that, previous to their going on the station, their depth of keel should be increased;—may it not also be a judicious alteration to make in the “Sea Witch,” for the particular service for which this boat is required? They may alter her, and she may do better—she may hang more to windward; but it appears to me, from the description of the vessel, she is meant to go round either way—to wear round or to stay. I think if she were six or seven inches more down in the water it would make a difference in her.
4198. You think she is not enough down in the water? No, I think not.
4199. She wants a little more ballast? Yes; I think if she were down six inches, she has plenty of side, and it would make a great alteration in her sailing qualities; but the vessel is very nimble at present.
4200. I wish you to explain what you have said with reference to the men in the boat-shed;—do you mean that if you had had the services of six men at ordinary working hours for three days, you would have been able to have accomplished all that the boatmen of the shed did to the “Sea Witch”? Yes, if it had been done right off at once.
4201. Then the wages of six men for three days would represent the value of the services of the boatmen at the shed to the “Sea Witch”? I consider that the value of the boatmen’s services was a mere trifle.
4202. If you had had to hire men to do this work which was performed by the boatmen, who were sometimes on and sometimes off, it would have amounted to six men for about three days? It might have been four days, not more.
4203. *By Mr. Piddington*: What would be the money value of that labour—the wages of those men for three* days? They would have had 8s. or 9s. a day.
4204. That would have been at the rate of £2 8s. a day for these six men? Yes, from six o’clock in the morning till night.
4205. £2 8s., if multiplied by three, would yield a total of £7 4s.? Yes.
4206. Do you think that the total money value of the services these men have rendered to the “Sea Witch”? I suppose the money value at different times —
4207. Is that the money value? It is impossible to do it that way. If I had had to fit out the vessel, and the men had to do it right off, but then they could not do it right off.
4208. But whatever has been done to the “Sea Witch” does not exceed what six men could have done in three days? No, not if they had done it right off. It might be a little more, I cannot say to a day or two. If the boatmen had done it off at once it would not have been much more.
4209. Did you not state that the services of these men on board the “Sea Witch” had been of great importance in point of saving? Yes.
4210. Have you not also stated that the entire saving would not have amounted to more than £7 4s.? Yes, but you cannot explain it in that way.
4211. You have explained, correctly or not, that their services to the Government, in the fitting of this vessel, were equivalent to £7 4s. and no more? It is impossible to state it in that way. What I mean to say is, if a merchant were doing the vessel he would put on six or eight men, and do it right off at once.
4212. Then, taking the various jobs these men have done, at different times, on board the “Sea Witch,” has the money value of these jobs, taking them altogether, exceeded £7 4s.? They exceed that.
4213. What, in your opinion, have their services been worth in helping to fit out the “Sea Witch”? I could not tell you that.
4214. Then you leave the question of the value of their services entirely open? I could not tell you the value.
4215. *By the Chairman*: I understood you to say that the caulking performed by your men would have come to £50 or £60? That is if it had been done by contract.
4216. It was performed by your men? Only by one of our men—the boatswain.
4217. Do you say that the caulking performed by your men would have cost £50 or £60? I suppose it would by contract.

APPENDIX.

* NOTE (on revision) :—Query—six to eight.

Captain
John Crook.

1 Aug., 1862.

APPENDIX.

A.

(Urgent.)

The Treasury, New South Wales,
21 March, 1862.

Sir,

I am directed to request that you will take immediate steps for effecting the transfer to this Government of the schooner "Sea Witch," lately purchased; and that you will cause her to be fitted up for the Sea Pilot Service of Port Jackson without unnecessary delay.

I have, &c.,
HENRY LANE,
Under Secretary.

The Harbour Master.

I do myself the honor to recommend, that, she being a foreign vessel, the Crown Solicitor be instructed to make out a Bill of Sale.—JOHN CROOK, Harbour Master.—21 March, 1862.

The Crown Solicitor will have the goodness to prepare the Bill of Sale.—H. L.—21/3/62.

B. C. Urgent.

B.

10 March, 1862.

My dear Sir,

Will you accompany me on board a schooner, her name I forget; she has, I believe, been tendered for the Pilot Service, and now at Campbell's Wharf; you know the craft I mean. I promised to see and give my opinion.

Yours, &c.,
R. TOWNS.

Jno. Crook, Esq.

P.S.—Say, per bearer, if 7 to-morrow morning will be convenient.—R. T.

ADDITIONAL APPENDIX.

(The following Letters, in addition to those required, were forwarded by witness, and ordered by the Committee to be appended.)

C.

10 April, 1862.

My dear Sir,

I should like a word with you this morning, before you go over to the schooner. We have decided on giving her a trial on Saturday, and I intend sending out the "Melinia" to try her speed in her new rig. I am anxious to see you about the plank on the kelson.

Yours truly,
R. TOWNS.

Jno. Crook, Esq.,
Harbour Master.

D.

Sydney, 17 April, 1862.

Sir,

In compliance with your request, that you should have written instructions for all we require to be done on board the schooner "Sea Witch," we have now to request that all the stone ballast be removed and iron ballast provided for the purpose. As it appears that the vessel requires more ballast the space will not contain the material. We will also thank you to have moulds made and fitted for four iron knees on each side, abreast the masts, made of sufficient accuracy to fit the knees; and that proper moulds be made to fit six iron stanchions, to fit between the beams and kelson, in the manner described; viz.—athwart the kelson and across the beam, and after the ballast has been placed, the lower deck to be laid, as you say the plank is already provided. Several other items are required, which we will point out on our next interview.

We are, &c.,
R. TOWNS.
JOHN VINE HALL.

John Crook, Esq.,
Harbour Master.

E.

Sydney, 18 April, 1862.

Dear Sir,

We have duly considered the matter of the deck, and as height is so very important, we cannot recommend less than six feet from deck to deck, in the lowest post; this will give a little more at the ends, which will be all the better. You will therefore please make the alteration.

Yours faithfully,
R. TOWNS.
JOHN VINE HALL.

John Crook, Esq.,
Harbour Master.

P.S.—Run the deck close aft the same level.

Mr.

Mr. John Barnett called in and examined:—

4218. *By the Chairman*: You are superintendent of the Government boat-shed? Yes.
4219. Do you remember the "Sea Witch" being bought by the Government? I do.
4220. By whom was she fitted out—by whom were the repairs performed? By myself, and one or two hands taken on at different times.
4221. Were any of the men belonging to the boat-shed employed in repairing or in fitting her out? There was one of the boatmen that worked with me doing a little; he is a boat-builder by trade; he assisted me as well as he possibly could, although he did not understand the repairing of a vessel.
4222. Only one man? One man as a carpenter.
4223. Were any of the men employed in any other way? The boatmen were employed on different occasions.
4224. Have you kept any account of the time they were so employed? Yes, I have, but only stating "so many men were employed on board at work on the 'Sea Witch.'"
4225. At what do you estimate the value of their work on that vessel? The way they were employed it was always impossible to give an estimate; on some days they were at work nearly the whole day, and on others only an hour or two.
4226. Can you form no idea of the value of their work? I was not prepared for this.
4227. Did you not know that you were going to be examined before the Committee? Yes, but I was not aware of the subject. I do not think I could give any idea of what it was worth; I could scarcely tell you the time, from the way the men were employed, on one day for an hour or two, and on others more or less.
4228. You say you kept an account of the number of hours they were at work? No, I did not; I kept an account of the men at work on board the vessel little or much; I merely said, "so many men on board the 'Sea Witch' to-day."
4229. Do you keep a journal or diary of the men who are employed, and the way in which they are employed? Not of the way in which they are employed; merely "so many men at work on the 'Sea Witch.'"
4230. Can you from your diary or journal furnish the Committee with an estimate or a probable estimate of what the work cost? Possibly I could.
4231. Perhaps you will so furnish it? (*Vide Appendix.*)
4232. Were any materials for the vessel supplied from your department? Yes.
4233. What materials were supplied from your department for the vessel? Some stores.
4234. Describe the stores? Paints, and colours, and blocks—I think there were blocks, and there was a little timber used belonging to the establishment.
4235. Have you any idea of the value of those materials? Not just now.
4236. Perhaps you will include that in the statement you will furnish to the Committee? Yes.
4237. Were any of your carpenters employed in caulking this vessel? Not belonging to the establishment; there were one or two carpenters taken on at different times, discharged, and taken on again.
4238. Was their labour charged to the "Sea Witch," or to your establishment? To the "Sea Witch."
4239. And is included in the accounts of the "Sea Witch"? I should suppose so.
4240. Mr. Crook has stated that the caulking was performed by men connected with the boat-shed? Yes.
4241. Do you know what boat the "Sea Witch" has got? She had one whaleboat—one small boat rather.
4242. What boat has she now? The boat she has now is one she received from Captain Towns, in exchange for one of the boats we had on the establishment.
4243. *By Mr. Weekes*: Did that boat come from the Custom House at Botany? Yes.
4244. *By the Chairman*: The boat that was returned from Botany was given to Captain Towns in exchange? Yes.
4245. Was the exchange, do you consider, an equal exchange? Yes, I do.
4246. *By Mr. Weekes*: You said, I think, that you did all the work? No.
(*The Short-hand Writer read his notes.*)
4247. Do you mean to say that all the work done to the "Sea Witch" was by yourself and two or three hands taken on;—was not the work of laying the deck, the pilots' cabins, and the fittings inside, done by contract? No; the fitting of the vessel is another thing. I say the ship carpenter's work was done by me and two or three other men.
4248. Did you fit the pilots' cabins? No, but I laid the floor, the beams, and the deck, as it is called.
4249. Was there not a contractor employed —? Yes.
4250. Who undertook all these fittings? All the cabin fittings?
4251. When you employed the men at the boat-shed at all, it was when they would otherwise have been idle? It was, at times.
4252. That is, when they were required for the boat service they were taken off the "Sea Witch"? Generally.
4253. *By Mr. Piddington*: What work did you and the men belonging to the boat establishment do on board the "Sea Witch"? The carpentering work I was at; the caulking her on the decks, replacing her copper, laying beams, putting down a new deck, putting eight iron knees in her, and several other small jobs.
4254. Does that include all the work that you and the men belonging to the establishment did? No; the boatmen did the scraping, cleaning, and rigging her afresh.
4255. Can you furnish the Committee with the number of hours the men belonging to the boat

Mr. John
Barnett.

1 Aug., 1862.

- Mr. John Barnett.
I cannot.
- 1 Aug., 1862. 4256. Then how can you give the Committee any accurate information with reference to the money value of the work performed on board the "Sea Witch" by the men connected with the establishment? I can tell, by overhauling the log book, the time the men were at work. There are some days when two or three men were employed the whole day, and I would then put down two or three men, as the case might be, but I do not know that at any one time they were employed there half a day, because if the boat's crew were required I would then send them away.
4257. Can you furnish the Committee with an account of the number of men employed, and the entire period they have been employed on board the "Sea Witch"? I think I can, pretty nearly.
4258. Will you specify the wages of every man so employed? Yes.
4259. *By Mr. Weekes*: Do they all get the same rate of pay at the boat-shed? No.
4260. What is the difference? The coxswain gets one pound a month more than the others.
4261. Otherwise the men get the same rate? Yes.
4262. *By Mr. Piddington*: Do you get the same rate as the men? No, I get one-tenth more than the coxswain.
4263. Whatever difference there may be, let it be taken into account in the statement you furnish to the Committee? Yes.
4264. *By the Chairman*: Have you already been called upon to give any account of the cost of the repairs of the "Sea Witch" incurred by you to any one? No.
4265. Then in the accounts that have been made up and laid before this Committee, the cost of the work performed by you in the repair of the "Sea Witch" has not been included? No.
4266. You refer to the labour and materials supplied by you? Yes.
4267. *By Mr. Weekes*: Have you sent in a return of the stuff that has been used? Yes, to Mr. Wilshire. The return was made to Mr. Hinton of a few of the stores.

APPENDIX.

Sir,

3/8/62.

I have the honor to forward the returns asked for, showing the amount of wages received by the boatmen of Government Boat Establishment, on the dates named in the returns. I am unable to furnish the Committee with a correct account of intermediate dates not mentioned in the returns, although men were employed each day, at intervals. The accounts kept were done of an evening, at home, as I was employed from 6 A.M. until 6 P.M., on board the "Sea Witch," whilst at Boat Establishment. Some of the stores expended from Boat-shed, on "Sea Witch," were returned, namely, V. white lead, paint, oil, and turpentine.

I also send a return of the hired carpenters' time and wages.

I have, &c.,
JOHN BARNETT,
Superintendent of Government Boats.

The Chairman of
Committee on Pilot Board.

A RETURN showing the number of Boatmen employed on board "Sea Witch," Pilot Boat.

| DATE. | NO. OF MEN EACH DAY. | AT 5S. 3D. PER DIEM. | |
|----------------|---|-----------------------------|----------|
| | | | £ s. d. |
| 22 March | Eight | Half day each | 1 1 0 |
| 24 " | Six | Whole do. | 1 11 6 |
| 25 " | Six | Three-quarters day each ... | 1 4 0 |
| 26 " | Ten | Whole day each | 2 12 6 |
| 27 " | Eight | Half do. | 1 1 0 |
| 7 April | Twelve | Whole do. | 3 3 0 |
| 8 " | Twelve | Do. do. | 3 3 0 |
| 11 " | Six | Do. do. | 1 11 6 |
| 12 " | Six | Do. do. | 1 11 6 |
| 22 " | Three | Do. do. | 0 15 9 |
| 23 May | Four | Do. do. | 1 1 0 |
| 26 " | Five | Do. do. | 1 6 3 |
| 27 " | Four | Do. do. | 1 11 6 |
| 5 June | Eight | Half day each | 1 1 0 |
| | | | £24 14 6 |
| | The Boatmen or Boatbuilder, 67 days | | 17 11 3 |
| | Superintendent, 67 days, at 6s. 5d. | | 21 9 11 |
| | | | £63 15 8 |

STORES

Stores expended on the "Sea Witch," from Boat Establishment:—

| | £ | s. | d. |
|---|-------|----|-----|
| 32 lbs. iron nails, at 5d. | 0 | 13 | 4 |
| 7½ lbs. leather, at 1s. | 0 | 7 | 6 |
| 3 gallons tea oil, at 5s. | 0 | 15 | 0 |
| 3 gallons paint oil V. | ..... |  |  |
| 219 yards Manila rope, 1 cwt. | 2 | 18 | 0 |
| 2 lbs. copper tacks, at 3s. | 0 | 6 | 0 |
| 5 lbs. soap, at 3½d. | 0 | 1 | 5½ |
| 18 6-inch blocks, 4 at 8s. each | 2 | 4 | 0 |
| 30 yards Europe rope, 15 lbs. | 0 | 13 | 1½ |
| 76 lbs. white lead V. | ..... |  |  |
| 1½ gallon turpentine V. | ..... |  |  |
| 1½ lb. twine, at 1s. 3d. | 0 | 1 | 10½ |
| 3 gallons bright varnish, at 3s. 4d. per gallon | 0 | 10 | 0 |
| 8 lbs. red lead, at 3d. | 0 | 2 | 0 |
| 1 lb. composition nails | 0 | 1 | 3 |
| 72 feet pine, 4 x 4, at 22s. | 0 | 15 | 10 |
| 22 feet cedar, ½-inch, at 4¾d. | 0 | 5 | 0½ |
| 75 feet 1-inch pine, at 28s. | 1 | 1 | 0 |
| ½ gallon Stockholm tar, at 1s. 10d. | 0 | 0 | 11 |
| 2 lbs. chrome yellow, at 10d. | 0 | 1 | 8 |
| 26 lbs. black paint, at 4d. | 0 | 8 | 8 |
| 1 24-foot steer oar, at 2s. 6d. per foot | 3 | 0 | 0 |
| 4 iron rowlocks, Towns's boat, 6s. 6d. per pair | 0 | 13 | 0 |
| 6 yards duck, at 10d. | 0 | 5 | 0 |
| 13 yards canvas, water-closets, at 10d. | 0 | 10 | 10 |
| 40 yards lead line | 0 | 4 | 0 |
| 26 yards bunting, at 14d. | 1 | 11 | 4 |
| 1 lb. Prussian blue, 8s. per lb. | 0 | 8 | 0 |
| 1 lb. copper, pump, old, worth | 0 | 5 | 0 |
| | £18 | 13 | 10 |

4 August, 1862.

JOHN BARNETT,
Superintendent.

The Hired Carpenters on board "Sea Witch," at 12s. per diem:—

| | £ | s. | d. |
|-------------------------------|-----|----|----|
| William Brennan, 6½, in March | 3 | 15 | 0 |
| Do., 10½, in April | 6 | 3 | 0 |
| David Ruxton, 7½, in April | 4 | 7 | 0 |
| Daniel Callagan, 5¾, in April | 3 | 9 | 0 |
| Do., 3, in May | 1 | 16 | 0 |
| John Redgrave, 4, at 11s. | 2 | 4 | 0 |
| | £21 | 14 | 0 |

4 August, 1862.

JOHN BARNETT,
Superintendent.

FRIDAY, 8 AUGUST, 1862.

Present:—

| | |
|-------------------|-----------------|
| MR. HAY, | MR. PIDDINGTON, |
| CAPTAIN MORIARTY, | MR. SADLEIR, |
| MR. WEEKES. | |

SAUL SAMUEL, ESQ., IN THE CHAIR.

Captain Thomas Stephenson Rountree called in and examined:—

4268. *By Mr. Weekes*: You are, I believe, a sailor, and a practical shipwright? I have been brought up all my life to both. Captain T. S. Rountree.4269. Are you acquainted with the pilot schooner called the "Sea Witch"? I am; I have been on board her. 8 Aug., 1862.

4270. Were you requested by Captain Towns to survey that vessel and make a report upon her? I was.

4271. Will you look at No. 39 of the correspondence before you, and say whether that is the report you made on that occasion? It is.

4272. It likewise bears the signature of William Livingstone, practical shipwright, and commander of the "Royal Saxon"? Yes.

4273. Did he accompany you on that survey? Yes.

4274. Did you make a complete survey on that occasion? The ship was lying alongside the Government jetty at the time, in ballast, and we did not see her bottom. It was principally the hull of the vessel we surveyed; all above water.

4275. Do you still adhere to the report you made that she is throughout "a good staunch vessel, timber and frame of the usual size for tonnage"? I do.

4276. In No. 40, below, in answer to a question by Captain Towns, "Is she slightly built?" your reply is, "We consider her, in every respect, extra strong"? Yes.

4277.

- Captain T. S. Rountree. 4277. That is your opinion, from your examination? Yes; for her dimensions the frames and planking are extra strong.
- 8 Aug., 1862. 4278. She is copper-fastened except her centre fastenings? Yes.
4279. Is that an unusual thing, or is it often the case for the centre fastenings to be of iron? I have found out in a ship I have at present in hand, the "Sovereign of the Seas," that she has copper fastenings and every other one is iron; those that are driven from the outside are copper, but those that are driven from the inside, and do not go through the floor to the outside, are iron.
4280. *By the Chairman*: Where was the "Sovereign of the Seas" built? At St. John's, New Brunswick.
4281. *By Mr. Weekes*: There has been considerable expense incurred in fitting out the "Sea Witch" for the service in which she is now engaged? Yes.
4282. In your opinion, and from the observation you have made of all the alterations that have been effected, do you think the same expense would have been incurred in fitting out one of these colliers that go to Newcastle, and which were submitted to the Government, if one of them had been purchased for the service—would what has been done to the "Sea Witch," such as laying down the deck, fitting the pilots' cabins, &c., have cost as much on board one of the other vessels? I think it would have cost quite as much to fit the cabins, and that the outfit of the ship, as far as her masts and sails were concerned, would have cost a great deal more. It would have cost more to fit the "Pacific," or the other vessel, for a pilot schooner than the "Sea Witch" has cost, so far as the masts and sails are concerned.
4283. And an equal amount for her inward fittings? Yes, provided they had been carried out in the same way.
4284. There is nothing peculiar to the "Sea Witch" that made the fitting her out more expensive than another vessel would have been? Nothing.
4285. Have you been able to form any opinion as to the suitability of this vessel for the service she is intended for—have you been out in her? Yes, I went out in her on Saturday afternoon, and remained in her till Sunday evening. I was at sea in her all day on Sunday, and then, as it was likely to be fine weather, I came in; but I was in her a sufficient time to see what her qualities were. I was in her the whole of Sunday between the South Head and Botany Bay.
4286. You have not been in her in heavy weather? No, it was fine weather when I was out in her.
4287. Did you form any opinion as to the suitability of her present trim, or observe any other point in which you think she requires alteration? As far as her trim is concerned her draft fore and aft is very well, and she sits very well on the water for the sail she carries; but the mast is badly placed, and she is not properly ballasted. The ship is out of trim, as far as the internal arrangement is concerned.
4288. How did the vessel stay while you were on board? She stayed very well, but there was nothing to hinder her staying; there was no sea to speak of, and she was full sail.
4289. It has been stated here that in a heavy sea she is difficult to stay, or rather refuses to stay? No doubt about it.
4290. Would not the trim of any vessel affect very much her staying qualities? If Mr. Walker's yacht was trimmed in the same way she would not stay at all.
4291. Is that a famous vessel? It is the famous iron vessel that came out from England.
4292. You attribute her failure in staying to her bad trim? To the way she is trimmed.
4293. And you believe that an alteration in her trim would remove that objection? An alteration in the weight of the ship about the bows, and in her masts and sails—this alteration in her trim would make a different ship of her.
4294. The owner of the "Pacific" and "Atlantic" stated here, that had those vessels which were tendered by him to the Government been accepted for the pilot service, he should have recommended that some additional keel should have been placed on them;—do you think that that would be an advantage in the case of the "Sea Witch"? I do; and I recommended it in the first instance when first I saw the vessel's inside, before the ballast was taken in.
4295. Then an additional keel, as recommended in the case of the "Atlantic" and "Pacific," would, you think, very much improve the sea-going qualities, and indeed seaworthiness of the "Sea Witch"? Very much. I think if her keel were carried out as I suggested, and the alteration of her mast and ballast, she would be quite a different vessel.
4296. What is your opinion of the model of the "Sea Witch"? She is a very powerful vessel—a very powerful model, much more so than any of the other ships you have mentioned; all she wants is trim to enable her to keep her position, and keel to make her more weatherly.
4297. Is her breadth out of proportion to her length? I fancy that a pilot boat ought to be wide, for if you want to press them, narrow vessels of that size carry so much lee-water that you can do nothing with them. The "Sea Witch" only wants a little keel, to give her a little weatherly quality in bad weather.
4298. Do you think she would prove a good sea boat in a heavy gale? That she would, if she were properly put to rights.
4299. Are you aware whether she has been in a gale lately? I only know it from newspaper reports. I was on board the vessel yesterday, and I know what they told me there.
4300. Are you acquainted with the "Pacific" and "Atlantic" at all? Only from seeing them go backwards and forwards to Newcastle.
4301. It is said that the "Sea Witch" is very shallow, and draws very little water;—do you know what she is drawing at present? 8 feet 4, I think, from that to 8 feet 6 aft, and 6 feet forward.

4302. The "Pacific," one of the vessels recommended to the Government, shows by her register that she is 19 feet beam, and the "Sea Witch's" beam is 19 2-10ths feet; the "Pacific's" depth of hold is 7 8-10ths, and the depth of the hold of the "Sea Witch" is 7 7-10ths;—are they not, therefore, nearly the same in draft of water and depth of hold? I think the "Pacific" can hardly draw more water; she might draw a few more inches forward when fitted for that service.

Captain T. S.
Rountree.
8 Aug., 1862.

4303. Is there not the greatest difference of opinion among scientific men as to the best model of a ship? No doubt about it.

4304. Do they not differ extremely wide about the model of a vessel, whether there should be length, width, or depth? Very much; and I doubt if you take the model you have got from England, and build from it, whether you would build a better vessel than the "Sea Witch"? You would not build so powerful a vessel, I know, and I question whether you will build one more suitable for the service.

4305. Have you been able to form any opinion, from your experience here, as to the two systems of pilotage which have been in operation—the old whaleboat system, by which pilots were pulled out to board a ship, and the one now partly put in operation of outside pilot schooners? Yes; from my first arrival in the Colony in 1853, I have been dissatisfied with the management of pilots in this port, and I always had it in view that pilots should be stationed at sea, as I fancied that ships were much neglected. The first time I came into this port was in the beginning of 1853, when I came from Port Phillip with passengers. I was a perfect stranger here, as I had never before been in any of the Colonies; but I had about a hundred diggers on board, several of whom belonged to Sydney, and knew the harbour as well as the pilots. About twelve o'clock at night, the wind about south, I ran down, expecting to get a pilot off the port, as in all parts of the world: I ran past the light, and saw the open sky, and thought that was the way in, and should have run in but for a gentleman who was sitting down close to me, who told me that was the Gap.

4306. Where did you first meet with a pilot? We got past the South Reef and off Middle Head, and anchored there all night.

4307. And you were not boarded all night by a pilot? No; we got a pilot next morning, but not till we had got into harbour. I thought it was a great pity that with such a fine harbour the place was so much neglected, and I have since taken a deep interest in the question, and was in favour, when it was first spoken of, of having sea pilots. It is impossible in the North Sea to approach any port without being able to get a pilot, and it is almost impossible to get into a port and miss a pilot. Almost all the large ports in England and France are the same.

4308. Then all your further inspection of the "Sea Witch," since the time you gave this report, has confirmed you in the opinion you then gave, that she is a thoroughly staunch and sound vessel? Yes, and had that ship been properly managed the other day she would have come in without straining a rope-yarn.

4309. What was the damage done in the late gale? I saw the report in the *Empire*, and I went down, expecting to see something that was very frightful: I found that the boat was gone, about seven panes of glass were broken in the skylight, a little booby hatch stanchions were broken and the hatch gone. There was not a chafe in the main sheet; I overhauled the ropes, and they were not strained. The anchor on the starboard bow was hanging by the shank painter, and had been through all the gale the same as when she was lying in Watson's Bay. She went through the gale with two anchors at her bows, and had this boat been turned bottom up, but being turned up the other way the sea fell into her and staved her.

4310. Did you hear a report from the captain as to how she behaved during the gale? The captain spoke well of her. He said she behaved very well, excepting for this knot of a sea, but she had no mainsail set when the sea came on board of her, which would account for that, as there was nothing to keep her quiet. I heard one of the pilots, Mr. Jenkins, say, she behaved very well when they came round in close-reefed sail—when they stayed her.

4311. *By the Chairman:* Have you had much experience in fore-and-aft vessels? I have commanded two schooners during my lifetime.

4312. I think you said you recommended, when you first made the survey, that she should have an addition to her keel? Yes.

4313. Was that in order to make her more weatherly? Yes; her beam is rather out of proportion to her depth, and I know that in pressing upon the ship she would draw considerably less water than when she was lying quiet, on account of her extensive beam.

4314. Look at No. 40—there are some questions there, put by Captain Towns. The third question is, "Has she sufficient hold of the water to be weatherly?" The reply is, "We are of opinion, from her present draught of water, she has ample hold to be weatherly. The fastest vessels of the day are of light draught, and if our recommendation be carried out, we consider the 'Sea Witch' in every respect well suited for the purpose of an outside pilot boat." Is not that somewhat contradictory? I understood at the time that they were going to put this keel on, and it was for that reason I put the rider on, that it might be seen what was meant by that draught of water. We recommended to Captain Towns that the keel should be put on, but he wished her to be well tried first. If a very wide ship is pressing her bilge into the water she must naturally draw less water in midships than when she is lying quiet.

4315. Will you look at No. 39—it commences, "At the request of R. Towns, Esq., we the undersigned," and it ends in the singular number, "As far as draught of water is concerned I may say it is not unusual to put four feet of hanging keel on yachts from 80 to 100 tons."—How do you account for that? There may be a slight discrepancy there;

Captain T. S. Rountree. there was another gentleman with us—the captain of a very large schooner lying at Towns's Wharf, which belongs to Tahiti—but he did not sign the paper, though we all concurred that she wanted a little keel.

8 Aug., 1862.

4316. Do you mean that the statement being made in the singular number is an error? Yes, as I drew the report out I might have made the mistake. I drew the letter out in my own yard.

4317. Are you aware, in the last gale, what sail the "Sea Witch" had on, or did you hear under what sail she was hove-to? A close-reefed foresail and storm trysail.

4318. Is not her foresail a very large sail? Yes.

4319. If the weather had been very severe indeed, would she have been able to carry that sail as it was? Yes; but it is too large for a close reef—too square at the head.

4320. You consider that although it was boisterous when the "Sea Witch" was out, it was not more than a moderate gale, and that what occurred was owing to her not being ably worked? It certainly was a very strong gale, as she had only that sail set and she had no mainsail to keep her quiet.

4321. Have you ever seen the Liverpool pilot boats? Yes, I have.

4322. Are they of the same model as the "Sea Witch"? No, I think not.

4323. Are you aware whether they stay out in all weathers? Yes, but they have a good deal of shelter there in many points. I have often seen them lying under Point Lynas; in fact, when I was there, I went under Point Lynas and got my pilot there.

4324. Are you aware whether they hold their position in very boisterous weather? No doubt they do.

4325. Do you consider that the "Sea Witch" held her position in the late gale? She would have done if she had been properly managed.

4326. You think she is not skilfully managed? I think she was not on that occasion. The wind was at S.S.W., and they kept the ship's head from shore with this small sail for thirty-four hours, and the captain says he was keeping her off a lee shore when he was going from a weather shore. Had he put the ship's head in under proper sail she would never have been out of sight from the light-house.

4327. I accompanied you on board the "Sea Witch" at your invitation? Yes.

4328. I think you said that the captain spoke well of her qualities, and said she behaved well during the gale? Yes.

4329. Is it not the fact that Pilots Jenkins and Robson complained bitterly of her general conduct during the gale? They complained about several things,—about their beds being wet, but not generally about the ship.

4330. Did not they say they expected she would have gone down with them at one time? Figuratively; they were speaking then of the time when she shipped a quantity of loose water.

4331. Did they not appear excited? They explained how the water came in through seven broken panes in the skylight, and rushed into their bed-cabins.

4332. Did they not say that they would then not have given much for their lives? Yes, because they were in their bed-cabins, and were alarmed when they saw the water coming through the skylight, and rushing in to them, they being on the lee side. No doubt two or three tons might have come in in a very short time.

4333. Have you been appointed a member of the Pilot Board? I have.

4334. When were you appointed? The letter is dated the 2nd, I think.

4335. The 2nd of August? Yes.

4336. You did not consider the vessel, at the time the Government purchased her, a perfect vessel for a pilot boat? I recommended to Captain Towns, although I did not put it in the report, that they had better cut the foremast; and with the exception of that and the keel, I consider her as nice a little vessel for a pilot boat as you can have. I did not put that in the report, for I was not asked to survey the mast, but I knew the weight and position of the mast would be an impediment to the vessel—would make her plunge in the sea, and stop her staying.

4337. In your report, signed Thomas Rountree and William Livingstone, you refer to your recommendations;—are those recommendations contained in any paper now before the Committee, in any of the printed correspondence? Yes, here it is (*referring to No. 39.*)

4338. The only document I see here signed by yourself is No. 39? That is the recommendation itself.

4339. Where is the recommendation you speak of;—you say in No. 40 "if our recommendation be carried out"? It is in No. 39. I made the report No. 40 in answer to some inquiries of Captain Towns, and the other was written on the same sheet of paper.

4340. You say in No. 39 "as far as draft of water is concerned, I may say it is not unusual "to put four feet of hanging keel on yachts from 80 to 100 tons (measurement) in England, for "the purpose of going to windward";—is that what you mean by your recommendation? That is what I mean by our recommendation.

4341. When you made that recommendation you did not consider this vessel sufficiently weatherly for a pilot vessel? I considered that if she had her keel lengthened it would make her sufficiently weatherly.

4342. Should not a pilot vessel possess the most weatherly qualities it is possible to give a vessel? No doubt it would save a great deal of trouble, and she would keep her position with much more ease.

4343. You spoke of the "Sovereign of the Seas," and stated that she was built in New Brunswick? Yes.

4344. Are you aware where the "Sea Witch" was built? I believe she was built in the State of Maine; I asked the captain and he so informed me, and I know from the timber that it was States timber.

4345.

4345. They are both American—the “Sovereign of the Seas” and the “Sea Witch”? Yes, Captain T. S. Rountree. they are both American, but they are quite different; they have no such timber in New Brunswick as they have in the State of Maine;—they do not build of the same quality of timber in New Brunswick—the St. John’s vessels are built of soft wood—pine, such as we use here for shelving; one is cabbage-tree, the other is hard oak, white oak. 8 Aug., 1862.
4346. *By Captain Moriarty*: American white oak? Yes.
4347. *By Mr. Weekes*: The “Sea Witch” is built of American oak? Yes, of good sound American oak, and squared to the edge; it is all built in frame; there is not a loose timber in her.
4348. *By the Chairman*: Will you state to the Committee what alterations it is intended by the Pilot Board to make in the “Sea Witch”? (*The witness referred to a drawing.*) The foremast to be shortened 8 feet, and shifted 3 feet 6 farther aft; the bowsprit to be reduced 11 feet in length; the mainmast is not to be reduced, but the mainboom is to be shortened 5 feet; the keel will receive 3 feet in depth at the after end, and 1 foot 3 under the foremast, which will make her rudder certainly 3 feet longer; the ballast is to be taken from the ends of the ship and built up in the centre; the iron tanks to be taken out of the fore-castle, and the anchor shifted 10 feet* farther aft on the rail; the head of the foresail to be narrowed, and the gaff cut. I think those are the principal alterations.
4349. Has any estimate been made of the cost of these alterations? I believe not.
4350. What do you imagine will be the cost? I think Captain Towns said he would alter the sails himself, with his own sailmaker, and I do not think the alterations of the mast will cost more than £15.
4351. And the keel? There will be the dock dues; that will be the heaviest item; she will require to be there about two days; I suppose, altogether, the altering of the mast and putting on the keel will cost from £35 to £40.
4352. *By Captain Moriarty*: And the dock dues? She will go into the Government Dock.
4353. *By the Chairman*: Are you quite clear that the addition of that amount of keel to the vessel will not strain her so much as to render her unsafe when she goes to sea? Not at all.
4354. You are quite clear upon that? I am quite clear upon it.
4355. From your knowledge of the weather we have here, and of the seas upon the coast, do you think it possible for a vessel to hold her position—I am referring to a pilot vessel—in weather such as we have here sometimes? There might be times when it would be impossible to show a stitch of canvas on anything that might be afloat, but take ten months out of the twelve a ship will hold her position.
4356. In such a gale as the “Sea Witch” was out in, ought not a pilot boat properly constructed to be able to hold her position? Yes, and she ought to have done so if she had been properly managed.
4357. Even as she is now? Yes, even as she is now, if she had been properly worked.
4358. *By Mr. Weekes*: Will you look at the *Sydney Morning Herald* of the 7th August, 1862; read the paragraph relating to the voyage of the steamer “Eagle” from Moreton Bay, during the period when the “Sea Witch” was out in the last gale, and say whether that conveys to your mind that the gale was a very severe one when the “Sea Witch” was out? “The ‘Eagle’ left Keppel Bay on the 1st inst., and Port Curtis the same day, and arrived at the Company’s wharf at 1 o’clock this morning. She experienced light winds and fine weather to Indian Heads, from thence strong winds to Richmond Heads. On Monday, at 1 a.m., the wind veered to S.W., and blew strong; at 2, wind S.S.W., blowing a hurricane; hove the vessel to; at 6 a.m., furious gales, with a high sea; at 9, gale increasing, and fore-staysail was blown away, and the mainsail parted by the close-reef; at evening the gale began to take off, with heavy squalls of rain, but still a heavy sea running” —
4359. Was that the period when the “Sea Witch” was out? Yes, it was about that period, but not exactly at the same time; the gale was later down there.
4360. It was on the Monday when the “Eagle” met with this gale,—was that the time when the “Sea Witch” was out? Yes.
4361. *By Mr. Hay*: On what part of the coast was the “Eagle”? Off Indian Head.
4362. *By Mr. Piddington*: How far is that off from Sydney Head? I do not know the exact distance.
4363. *By Mr. Weekes*: Was it not about one o’clock on Monday morning that this hurricane commenced? Yes.
4364. *By Mr. Hay*: The gale the “Eagle” encountered seems to have been a long way to the northward? Yes.
4365. May not a gale be very severe to the northward of Richmond Heads and be very slight here? But as the wind was they got it from us.
4366. Might it not be a very heavy gale there and be moderate here? It might.
4367. *By Mr. Piddington*: You have no means of knowing that the gale which was so severe when encountered by the “Eagle” was equally intense where the “Sea Witch” was situated? I cannot say that.
4368. *By Mr. Hay*: Smoky Cape appears to be about thirty miles to the north of the Macquarie, and this vessel appears to have been sailing the greater part of Tuesday after the wind abated before she got to Smoky Cape, so that the gale, the severity of which she experienced, must have been encountered by her a long way to the north? Yes; and she would make much weather than the pilot boat.
4369. *By Captain Moriarty*: Why? She never was a fine vessel in a seaway.

4370.

* Revised:—Six feet.

- Captain T. S. Rountree.
 8 Aug., 1862.
4370. *By Mr. Hay*: There would be no difficulty in getting reliable information from other sources, as to the strength of the gale outside Port Jackson? No. I saw in the report of the steamer coming from Newcastle on Monday that she passed a ship lying under close-reefed main-top-sail.
4371. *By the Chairman*: If the gale had been one of more than ordinary severity, would it have been possible for this vessel to have carried such a foresail, close-reefed, and storm trysail? Yes; she would carry that foresail till it was blown out of the bolt ropes.
4372. *By Mr. Hay*: Do you know if any vessel arrived in Port Jackson during that time? Yes; there was one on Monday came from Adelaide, the ship "Planter." She had a pilot on board when she came up to Garden Island; but he got on board at the Heads, by the boat, in the usual way.
4373. *By Captain Moriarty*: I think you gave us some description of the fastenings of the "Sovereign of the Seas"? Yes.
4374. I gathered from you that the "Sea Witch" was fastened much in the same way? I said it is usual to do so in an American ship.
4375. If you will do me the favour to pay attention to what I say, and give me a direct answer, I will not say anything that will have a tendency to confuse you; and if you do not understand my question I shall be happy to repeat it. I understood you to say that the fastenings of the "Sea Witch" were similar to those of the "Sovereign of the Seas," that there was an iron bolt in the centre, with copper fastenings on either side? The "Sovereign of the Seas" has knees that run up and down the frames from nearly the keelson up to the whole beam, and every other bolt is iron; now that iron bolt does not go through the floor, but the copper one does, and is clenched inside. Now I find in the keelson of the "Sea Witch" that every other floor presents an iron bolt, and if the copper ones are not there from the outside, which I suppose they are, she is deficient of a bolt, and is not properly fastened. But I apprehend the bolt is driven from the outside nearly through.
4376. Is the "Sea Witch" fastened in that sort of way? Every other floor has an iron bolt presented on the keelson, and if the alternate floor is not copper-fastened on the outside she is deficient in fastenings; but I anticipate, as the "Sovereign of the Seas" is fastened in that way, that the "Sea Witch" must have a copper bolt driven from the outside.
4377. Does that meet the iron bolt? No, it is in every other floor.
4378. Do you think that a proper mode of fastening a ship? No, it is not an English mode.
4379. Is it not, in your opinion, intended to impose upon the public by adopting that course? It depends upon the timbers. If the bolt has to go through six feet of timber it need not go through the whole to secure it; but if it has to go through only a foot, it is then necessary that it should go through the whole and be clenched.
4380. How many feet does it go through in the case of the "Sea Witch"? I should fancy three feet six.
4381. How much of that is iron? I say an iron bolt presents itself on every other floor inside; that would probably go within three inches of the outside, to save its being presented to the action of the copper.
4382. You do not know how far these bolts have gone in? No.
4383. They may have only gone in three inches? If they were copper there might be reason to suspect, but I do not think it would be worth their while to save the iron.
4384. Was the "Sea Witch," in your opinion, too much by the head when she went to sea the last time? No; I think she was in very good trim for sailing, so far as being on her keel was concerned. Her draft of water forward and aft, I think, is what it ought to be.
4385. I gathered that you wished to make a very important change in her? Yes.
4386. The change you suggest would bring her more by the stern? She would have more hanging keel aft than forward. I would not alter her trim, but would allow her to remain as she is.
4387. If you put more keel on her she will be more by the stern? Yes; we propose to put three feet additional on her stern and fifteen inches forward.
4388. You wish her to draw ten feet aft? It will be more than ten feet; it will be eleven feet if you put three feet additional on the stern.
4389. She will then be three feet additional by the stern? Yes.
4390. When you came into this port on the first occasion, you say you did not get a pilot until after you got in? I did not.
4391. And you were indebted to the intelligence of a gentleman whom you had on board as a passenger, for information which prevented you from running upon the Gap? Yes.
4392. You got a pilot the next morning? Yes.
4393. Did you give that pilot a certificate? I believe so.
4394. You did? Yes.
4395. Did you report at the pilot office that your ship had been neglected? No, I never made any complaint whatever.
4396. How are the authorities to know that the pilots neglect their duties if, in such cases, complaints are not made to them? I was at that time a perfect stranger. I did not know the rules of the port, or anything about them; besides everybody was very busy just then.
4397. Although you did not get the assistance of a pilot, you gave a certificate that you did, and never pointed out to the authorities that the pilot had neglected his duty? I did not know the rules of the port at the time. I did get a pilot at the "Sow and Pigs."
4398. Did you not get a copy of the port regulations from him? Yes; but I was very busy at the time, having a ship full of passengers, and I do not suppose I had time to read them.
4399. You have given a very decided opinion upon the management of a vessel you were
 not

not on board;—do you give it as your decided opinion that the person in charge of that vessel was incompetent to manage her? I say she was badly managed—the man is a perfect stranger to me. Captain T. S. Rountree.

4400. You being fifty miles away from her, and not seeing the circumstances in which she was placed, or what was done on board, assert positively that she was badly managed? I only judge from the log and their own representation. 8 Aug. 1862.

4401. You say she would not have strained a rope-yarn if she had been properly managed? She would not; indeed she did not. What I said was, that if the boat had been turned upside down, as she ought to have been, when the sea came on board she would not have been broken to pieces; or the boat might have been hauled aft on to the poop deck. I only know if I had been lying to with my head off the shore, and the wind at S.S.W., I should have considered it bad management.

4402. Are you aware that the winds on this coast change their course very suddenly? The wind was at S.S.W.

4403. It began at S.W.? When he was hove to it was S.S.W.

4404. Supposing the wind had veered to S.S.E., in what position would he have been then? It does not do for a pilot vessel to lie twenty miles from land waiting for a south-east wind.

4405. If he had been close in what would have been the result? I should not be afraid to be caught in that ship by the wind at east, if she were only six miles off the coast, only let me put her in trim—which she would have been if I had been on board.

4406. Is she not in trim? No, neither to stay nor sail. With nothing but six empty cabins in midships, and both ends filled with all sorts of things, the ship is not in trim and has not fair play.

4407. I cannot find out what your recommendations were that you allude to, and I have not been able to get any explanation of them;—you say, “if our recommendation be carried out”? I meant that the ship wanted more keel to enable her to go to windward. I spoke to Captain Towns on the subject. I did not know that the report was going to be published, and wrote the two reports on one sheet of paper.

4408. You speak of your own recommendations; I do not see those recommendations at all; I cannot find them out;—do you mean that they were verbal recommendations? No; just as the letter was written I gave it to Captain Towns, and in the first part of the letter (No. 39) we recommend that four feet of hanging keel should be put on. If the thing had been left to me I should have done that with her. One of the fastest boats in England, the “Julworth,” has four feet keel.

4409. *By the Chairman*: Is she a shallow vessel, flat floored? Not flat floored.

4410. *By Captain Moriarty*: You wish to connect the third paragraph in No. 39 with the questions put to you by Captain Towns in No. 40? Yes.

4411. *By Mr. Piddington*: I think you say every other floor of this “Sea Witch” is fastened with iron? It presents itself.

4412. Every other floor? Every other timber; she is built in frames. I think the frames are seventeen inches.

4413. Are you aware whether there is a single copper fastening in her keel? I never saw her keel at all.

4414. Are you aware whether there is a single copper fastening in her keel? I am not aware.

4415. If you are not aware whether she has a single copper fastening in her keel, do you think, not being aware of that, you can say she is sufficiently copper-fastened? If these bolts driven from the outside, as in most ships of her class, are of copper, the keel must be sufficiently fastened.

4416. That is an assumption;—you say you are not aware whether the keel is copper-fastened? I am not aware that it is in the “Sea Witch,” but I know that that is the practice in vessels of her class.

4417. If you are not aware, how can you assert that she is sufficiently copper-fastened? With all, excepting the centre fastenings—in all other respects ———

4418. I am not speaking of other respects, but of the keel fastenings, and I again ask you, if you are not aware that the keel of the “Sea Witch” is copper-fastened, how you can assert that she is sufficiently copper-fastened? I cannot say that she is properly copper-fastened in the keel.

4419. If you cannot say that, can you say she is sufficiently copper-fastened? Perhaps not.

4420. Do you not state in your report, No. 40, “in every part she is strictly and sufficiently copper-fastened”? I assume that these copper bolts are put from the outside, according to the rule of shipbuilding of that class.

4421. Then in your report you assumed what you had no knowledge of? I assumed what I had no knowledge of, as far as that bolt was concerned.

4422. Then if you acknowledge that you reported to the Government upon an assumption, for which there was no foundation, what reliance can be placed on your report? I am pretty certain, in my own mind, that they are all there.

4423. Why do you suppose they are all there? The keel would not remain on if they were not there.

4424. Do not the iron fastenings go through the keel? If the iron went through to the outside, it would have been eaten off long ago.

4425. Could a vessel, fastened in this way, be said to be sufficiently well fastened? If the copper bolts were driven from the outside.

4426. But you do not know whether she has copper bolts driven from the outside? I do not know.

4427. *By Mr. Weekes*: You do not say that her keel fastenings are of copper? I do not.

4428. *By Mr. Piddington*: You say, “except the centre fastenings,” and also that “she is strictly

Captain T. S. Rountree. strictly and sufficiently copper-fastened"? I never saw the other keel fastenings, but I go by the build of the vessel.

8 Aug., 1862. 4429. Not being aware that there is a single copper fastening in her keel, how can you say that she is sufficiently copper-fastened? Put in that light, I certainly cannot swear to it.

4430. Then you say that she is sufficiently copper-fastened, not being aware whether she had a single copper fastening in her keel? I scarcely think a man would put a keel on without fastenings, and if copper bolts are not there the keel would drop off.

4431. Do you not acknowledge that you are not aware whether there is or is not a single copper fastening in the keel? I never saw her bottom.

4432. Not being aware whether she has a single copper fastening in her keel, can you say—knowing only what you do know—that she is sufficiently copper-fastened? She proves, by her stability, to be sufficiently fastened.

4433. Can you, or can you not? I may be wrong in that respect; I only go by the ordinary rule, in a ship-builder.

4434. I ask you to go from your actual knowledge of the "Sea Witch";—have you not reported upon her? I have not reported upon her bottom; I never saw it.

4435. Have you not stated in the report, No. 40 in the printed correspondence, that the "Sea Witch" is in every part "strictly and sufficiently copper-fastened"? I assume that these bolts were there.

4436. Have you any right to assume anything? Perhaps not, strictly.

4437. As a surveyor of a ship, have you right to make an assumption —

4438. *By Mr. Weekes*: Look at what you did say —

4439. *By Mr. Piddington*: I refer to No. 2,—“Is she chiefly copper-fastened?”—

4440. *By Mr. Weekes*: Did you say, “We cannot say if the keel fastenings are copper”? Yes. “Is she chiefly copper-fastened? Except the centre fastenings.” There I reported them as iron, and if there are copper bolts there, they are to my credit. If they are iron fastenings, so much the worse for the ship. “We cannot say if the keel fastenings are copper.”

4441. *By Mr. Piddington*: Go on with the remainder? “But in every part.” I might have said, “in every other part.”

4442. Just adhere to what you have actually said? “In every part she is strictly and sufficiently copper-fastened;” with the exception of her keel fastenings.

4443. You make that exception now? Yes.

4444. I believe you were appointed a member of the Pilot Board some time during the present month of August? Yes; I think on the 2nd.

4445. Should the Government require another pilot vessel, and a vessel now in port happen to be offered to the Government, and they referred to the Pilot Board, of which you are a member, with a view to ascertain whether the vessel were suitable, what would you do? I could only speak as one of the Board.

4446. If the Pilot Board, of which you were a member, reported that the vessel referred to them by the Government was unsuitable for the purpose, and the Government within a week of the delivery of your report purchased the vessel, what would you think of the transaction? I do not think the Government ought to have their hands tied to do everything the Board required; but if I were giving a personal report to the Government, or were one of a majority of a Board giving a report, and that report were referred to any one else, and the opinion of the person so referred to was acted upon I should not think my seat was worth anything.

4447. If the Pilot Board were referred to upon a professional question, as to whether a vessel was suitable for the pilot service or not, and the Board reported that it was not fitted, and yet in defiance of that opinion, within a week the Government were to purchase that vessel, would you not think that the Board was treated with contempt? I am willing to give my services where they are useful to the public.

4448. I am not asking you as to your willingness to give your services to the public, but I ask you whether, under such circumstances as I have described, you would not think the Government had treated the Board with contempt? The Government are the parties responsible to the public, and if the Board objected the responsibility would lie with the Government.

4449. Of what use is the Pilot Board to the public if, on a professional question, the Government disregard their opinion? They are not responsible —

4450. I am not asking you as to their responsibility—I am asking you of what use is the Pilot Board to the public if, when they have expressed an opinion upon a professional question, their opinion is disregarded by the Government? Perhaps they would not be of great use if their opinion were generally treated in that way, but in one particular case the Pilot Board is quite as liable to be wrong as the Government.

4451. You think the Pilot Board on a professional question is quite as liable to be wrong as the head of the Treasury, who is not a professional man? Many clever men are not professional men.

4452. I do not ask you whether or not many men who may not be professional may be clever, but I ask you whether the Pilot Board, in the event of a question being referred to them, the Board being composed of professional men, is not a better authority than the head of a department who may not be a professional man? Not always.

4453. From what class of men are the members of the Pilot Board usually drawn? I am not aware. I have only seen two or three since I have been in the country. I have not taken much interest in it.

4454. Your acquaintance with the Pilot Board is so limited that you do not know the class of men of whom it is composed? I have seen on the Board some clever men, and I have seen some who did not know much about shipping.

4455.

4455. I again put the question;—I ask what is the class of men of whom the Pilot Board is usually composed? They have generally been seafaring men, to the best of my knowledge. Captain T. S. Rountree.

4456. Have you any reason to doubt the professional capability of the members forming the present Pilot Board? As seafaring men? 8 Aug., 1862.

4457. As men qualified to give the Government an opinion in a case, if referred to them, similar to that of the "Sea Witch"? Well, I think they would differ very widely in many points, the present Board even.

4458. Do you think the present Pilot Board so incapable as not to be able to concur in a report to the Government upon a professional question? I do not say so, but I say they would differ very widely upon many points, even connected with shipping.

4459. Are the members of the Pilot Board paid by a salary every year? I really do not know, but I should stop the being paid if I could.

4460. You do not know whether the members of the Pilot Board are paid by salary or by fee? I do not know that they are paid a farthing.

4461. You are not aware that they are paid by fees? I never saw the by-laws, so far as the working of the Board is concerned.

4462. In what way do you think you are qualified to be a member of that Board? I think I know a good deal about shipping; I have been brought up to it all my life. My conduct in this matter is not based upon anything personal. I merely take a seat at the Board, thinking I may be of service to the country.

4463. As regards yourself, you think you are qualified to give a professional opinion to the Government, if they were to refer a similar question to you to that which was referred to the former Board in reference to the "Sea Witch"? I do.

4464. Have you any doubt that other members of the Board are equally well qualified with yourself?

Mr. Weekes objected to the question. The witness withdrew. The witness was again called in.

4465. *By Mr. Piddington:* If the Board of which you are a member—I speak of the Pilot Board—were to report that any vessel referred to you for your professional opinion was not fit for the service for which she was intended, and the Government within one week from the date of the report bought that vessel in spite of the condemnation of the Pilot Board, do you not think the Board would be treated with contempt by the Government? I certainly think the Government have the right to do as they like in such a matter; and I would consider myself, as long as I held a seat at that Board, as subservient to the Government in a matter of that sort.

4466. *By the Chairman:* I think that is hardly a reply —

4467. *Mr. Piddington repeated the question:* There is no doubt that there would be a species of contempt, but still, had I been on the Pilot Board, I should have carried out the Government's directions, inasmuch as they are responsible to the country.

4468. What are the duties of the Pilot Board, in your opinion? I take it to be the management of the harbour, navigation, lights, and the general management of these matters; whatever may happen on the water, and is of consequence to the public.

4469. Then in all these cases you have enumerated, if the Pilot Board offer to the Government their united opinion in one direction and the Government take the contrary, do you think that is a desirable state of affairs? I still think the Government are responsible, and ought to take the lead in these matters.

4470. What value to the country then is this Pilot Board? It might be valuable in nineteen cases out of twenty, and if the Board were valuable in only one case out of twenty it would be of use.

4471. You maintain the right of the Government to disregard the opinion of the Pilot Board whenever it thinks it necessary? Not exactly. I say there may be cases which come before the Pilot Board where the opinion of the Board should be taken, but generally the Government are wholly responsible, and should have the right of deciding.

4472. How can you distinguish between the cases in which the decision of the Board should be authoritative, and those in which it should not? In the case of the "Sea Witch" the Government are entirely responsible for that, as life and property are at stake to a great extent. I will take another case—the collision of two ships in the harbour. This is a matter about which sailors would know more than the Government, and the Board should decide in such a case.

4473. Then there are cases wherein, if the Pilot Board gave one opinion and the Government the contrary, you would think the Pilot Board was treated with contempt? I should think them badly used.

4474. Is not the decision of a question as to the suitability of a vessel for a pilot, equally with the decision of a question relating to the collision of two vessels in the harbour, a nautical matter? There is a wonderful difference between the two cases, for in the one case the lives of two or three hundred people in a vessel outside the Heads may depend upon having a proper vessel for a pilot boat, but it would not be the same in deciding the question of a collision in the harbour.

4475. You were brought up to the sea, I think you stated? I served two apprenticeships—one to the sea, and one to a shipwright's. A great portion of my family were shipwrights.

4476. How long were you at sea altogether? I think I have been captain of a ship about seventeen years.

4477. How long were you a shipwright? I served about six years as a shipwright. I then went to sea as carpenter; from carpenter I became master of a ship. I then remained at home a short time, and assisted in building a ship, with which I eventually came out here—the "Lizzie Webber." I built that in connection with my family.

4478. Then you ought to know very well the quality of the materials used in building a ship? Yes. 4479.

- Captain T. S. Rountree. 4479. You report that the "Sea Witch" is built of oak? Yes.
4480. Do you mean English oak? No, American white oak.
- 8 Aug., 1862. 4481. Is the "Sea Witch," being built of American oak, equal to any English vessel built of English oak? Good American white oak is not quite equal, but it will stand next to English oak.
4482. Do you think a vessel built of American oak would rank at Lloyds as equal with a vessel built of English oak? I think if it were built under the same survey.
4483. You think there is no difference in the quality of the material between English and American oak? There are two different sorts of oak.
4484. I am speaking of the oak of which the "Sea Witch" is built? I am speaking of the United States white oak, and I say that a vessel built of that material is equal to an English built ship, if built under the same survey.
4485. Would a ship built of American white oak rank as high at Lloyds as a ship built of English oak? If built under the same survey.
4486. I think you say the "Sea Witch" is not built on a similar model to the Liverpool pilot boats? She is not.
4487. Do you doubt the perfection of the model upon which the Liverpool pilot boats are built? No; they are built about Ipswich and inside the Isle of Wight, where they build very nice boats.
4488. If the "Sea Witch" is built on a different model from the Liverpool pilot boats, do you not think that constitutes a reason to doubt her quality as a pilot vessel? It is not always that the best model is the best ship for any purpose, either for carrying or for sailing.
4489. Do you think the "Sea Witch" is built on a perfect model for the pilot service? She is not perfect; perhaps you might build a vessel that would go faster to windward than she does, but you might build a vessel that would answer the purpose worse.
4490. Have you not stated that certain alterations are necessary, and that if these alterations are made they will make the "Sea Witch" an entirely different vessel? Yes.
4491. If you consider such alterations are necessary as will make her an entirely different vessel, how can you think she is now suitable for a pilot vessel? That vessel might work upon this coast for many years —
4492. You are not answering my question? She could not be more seaworthy or safer.
4493. I am not speaking of her seaworthiness, but of her suitability for a pilot boat? This alteration will make her keep her position better than she will under her present rig. By cutting her mast and shifting it she will not have so much weight forward, and will stay more readily; and by adding to her keel she will be more weatherly.
4494. All these alterations will make her more suitable for a pilot boat? Yes.
4495. When the Government bought her, was she so suitable as she ought to have been for a pilot boat? Perhaps not.
4496. What is your idea of the total cost necessary in order to render the "Sea Witch" suitable for a pilot vessel? The cost of these alterations?
4497. Of any alterations that may be necessary? That depends upon what is done to her. If you put her in the hands of strange workmen out of doors, she would perhaps cost £100, about £100.
4498. Taking the "Sea Witch" as she is now, without these necessary alterations, if she were on a lee shore, exposed to a gale, do you think she would be safe? Yes; I have been on a lee shore many a time in a worse ship.
4499. You consider her weatherly qualities sufficiently good to enable her to keep off a lee shore in a gale? I would not be frightened if I were in her five or six miles from land with the wind due east.
4500. Have you ever heard that she refuses to stay in heavy weather? I have heard so.
4501. Do you disbelieve it? I do not disbelieve it; I wonder how she stays at all.
4502. Under these circumstances you would not object to be in her on a lee shore in a gale? I would not. Perhaps you will allow me to add one word to that;—I think I said I would not be long on board the ship before I would alter her trim. By merely shifting the ballast in the hold—a different arrangement in that point would make a great alteration.
4503. *By Mr. Sadleir*: If you were going to buy the "Sea Witch" for yourself, what should you say was her value? That would depend upon what a man had for her to do; she would not be of any particular value to me.
4504. What would be her general value in the market? I could tell you much better what it would cost to build such a vessel as that. She is only one man's money out of a hundred; no one has a use for such a ship; she would not be a profitable vessel for a coaster, though she might suit a shallow water river.
4505. Her market value is what I want to know—do you think she is worth £1,000? You might put a ship in the market to-day worth £3,000, and not get £1,000 for it.
4506. I presume you have been buying sailing ships, and know something of their value? I bought the ship the "Sovereign of the Seas," the other day, for £1,125, and I know very well she could not be built for three times the amount.
4507. Is she a superior vessel to this? She is much larger; she can carry 1,000 tons.
4508. Then you consider her a superior vessel to the "Sea Witch"? I am not speaking of her class.
4509. She is more valuable? You could not put the two together to value them.
4510. Which is the most valuable? The "Sovereign of the Seas" would be of no use for a pilot boat.
4511. I am not speaking of their fitness for a pilot boat, but of their comparative value? I should fancy if the "Sea Witch" had been put into the market, and there had been any demand for a vessel of that kind for the Island trade, she would have been worth from £1,000 to £1,200.
- 4512.

4512. *By the Chairman*: When there is not a demand I suppose vessels are cheaper? Captain T. S. Rountree. There was one of the most beautiful vessels that could have been built for a pilot boat that was offered to me for £700, and she was afterwards sold for that sum—the “Coral Queen.” Captain Shanks, who brought that ship all the way from China, on purpose to sell her to the Government for a pilot cutter, declared that she missed stays over and over again. She was built by C—— of Portsmouth Harbour. 8 Aug., 1862.
4513. *By Mr. Sadleir*: You think she would sell for from £1,000 to £1,200? If there were any demand for that class of vessels in the market, but they might be a drug.
4514. What has been the total expense of fitting her out—her cabins and all other fittings? I do not know what it has cost.
4515. Do you think it has cost £100? I have no idea.
4516. Do you think it could be done for £100? I have no idea.
4517. You have been on board? Yes, and I saw that she had a large cabin, a cabin table, and a large skylight, but I did not go into a valuation. I do not know who laid the floor.
4518. You have no idea of the cost of making the alterations you saw? I know what it would cost to strip that ship's rigging and put it to rights.
4519. You have no idea of the expense of fitting up the cabins? No.
4520. For what could you build a vessel of that description? You could not get such a vessel built, to have justice done, under £30 a ton.
4521. *By Mr. Weekes*: Do I understand you to say £30 a ton for register tonnage or for builder's measurement? Builder's measurement.
4522. If her registered tonnage is about 63 tons what would be the builder's measurement? About one third more.
4523. *By Mr. Sadleir*: What do you suppose would be the expense of building such a vessel? You will not get a vessel of that sort under £3,500. You will not get a first-class vessel of that sort, for a pilot cutter, if justice is done her, for less, even if you send Home for her; and anyone who undertakes to build and fit out a pilot vessel in this harbour for £20 must lose by her.
4524. Have you seen this estimate (*referring to No. 58 in the printed correspondence*) to build a pilot boat at £22 a ton? Yes; but you would find that outfit very bare.
4525. *By the Chairman*: Could you build such a vessel in this Colony for the same money? No; this outfit would only cost about £4 a ton upon the ship's measurement; it is what is called a Baltic outfit.
4526. *By Mr. Sadleir*: Do you know the age of the “Sea Witch”? No, I do not.
4527. If she is seven years old, how much longer will she last, being an American built vessel? That ship will be a good ship ten or twelve years after this.
4528. *By the Chairman*: Are American built vessels generally good ships when they are twenty years old? Many of them; but I said ten or twelve years from the present time. I do not know anything about her present ———
4529. *By Mr. Sadleir*: You say you consider that the Pilot Board should be subservient to the Government? Perhaps I was using too strong a term in saying subservient. I did not mean by that to volunteer as a servant, but that the Government should take the lead, as it has all the responsibility. The Pilot Board is to the Government what the Government is to the Legislative.
4530. Do you consider yourselves honorary officers or paid? I never made the inquiry. I should be glad to give my services without receiving payment.
4531. Would you consider it your duty to remonstrate with the Government, if they neglected to do something that was recommended by you? Not if the responsibility were taken off my shoulders, and a minute were made of it.
4532. Would you not feel bound to remonstrate? I would speak my mind.
4533. Have you been in vessels where boats have been swept away in a gale of wind? Yes, I have been in vessels where the decks have been swept.
4534. In what sized vessel? In a little vessel that had 1,500 quarters in her, from Archangel, between the North Cape and the Orkneys.
4535. Have you ever been on board large vessels where large green seas have come on board in a gale of wind and rushed down into the cabin? Yes.
4536. What precautions have been taken on such occasions—to batten down the hatches? Yes.
4537. Was any precaution of that kind taken on board the “Sea Witch”? I believe not; I believe the window boards were not even put in, to preserve the windows.
4538. Had they any tarpaulins on board? I question whether they had.
4539. Do you not think it is essentially necessary to take these precautions, in a gale of wind? Yes, a vessel should be made as snug as possible, and her skylights and hatches should be secured.
4540. Do you not think a vessel is liable to danger without these precautions? Yes, the people on board would have nobody to blame but themselves if anything happened to them.
4541. Do you know how far the “Sea Witch” drifted during the gale? I believe from twenty-five to thirty miles.
4542. She did not hold her position off the harbour? No.
4543. Do you think that was from bad management? Yes; her head was put off the coast, she was lying-to, and no attempt whatever was made to keep her position.
4544. *By the Chairman*: Do you not think if the Government are of opinion that the members of the Pilot Board are not competent to advise with them, they ought to be dismissed? I think there are many matters in which the Pilot Board can work for years without being interfered with by the Government.
4545. Of course I allude to professional matters;—do you not think if the Government consider

Captain T. S. Rountree. sider the Board incompetent to assist them with their advice they ought not to retain their services? I think they ought, if it is work that comes immediately under the Board's supervision.

8 Aug., 1862.

4546. Are you not of opinion that when Government seeks the advice of the Pilot Board they admit their competency to advise them? Yes, otherwise they would not ask them.

4547. *By Mr. Weekes*: Suppose a difference of opinion should arise between the Government and the Pilot Board, which do you think ought to defer to the other? I think the Board ought to give way; that is my opinion.

4548. *By the Chairman*: Whether satisfied that they are right or wrong? I think the Government would hardly interfere where they found the knowledge of the Board was superior to their own.

4549. *By Mr. Weekes*: Do you think the Government should be bound to follow the advice, at all times and upon all subjects, of the Pilot Board? I think not.

4550. Suppose the Pilot Board advise the adoption of a policy in connection with the pilot service that the Government disapprove, should the Government carry out that policy although they disapprove of it? Certainly not.

4551. Might there not be that difference of opinion, consistently with retaining the Pilot Board in their position? Yes.

4552. They might advise, and at the same time not dictate? They might advise, and, if their advice was not accepted, I should say there leave it.

4553. As in the case of the late Pilot Board;—the members of the late Pilot Board advised that these vessels should be built in England—do you think the Government would be justified in declining to carry out that proposition of the Board if they considered that equally good vessels could be built in the Colony? I should decline building a vessel in England, for I am satisfied we should not get such vessels as we should wish to have.

4554. I suppose you never met, in all your voyages, with a vessel that was perfect? I have seen attempts made by some of the most clever men in England which have proved failures.

4555. I suppose there are no vessels built but may be improved, after trial, by some alterations? Yes; and that is more particularly the case when you come down to yachts and pilot boats.

4556. Is it not very absurd to condemn a vessel before any attempt to alter her trim is made? Yes.

4557. Do you know anything of the "Atlantic" and "Pacific"? I do not, except from seeing them go up and down.

4558. From your knowledge of the "Sea Witch," do you consider her as well adapted for the pilot service as these vessels? More so than either of them.

4559. Comparing their value, should you think the "Sea Witch" of as much value as the "Pacific," they being about the same tonnage? I think I would rather have the "Sea Witch" at the present moment than the "Pacific."

4560. *By the Chairman*: I think you said you never examined either of them? I know her age.

4561. *By Mr. Weekes*: It is said that the "Pacific" is about six years old, and the "Sea Witch" is seven or eight? I was in the Colony when the "Pacific" came up from New Zealand—I saw her when she came up, and from her construction, as she is very heavily hung at the quarter, I should say she is not at all adapted for a pilot boat. She will soon become leaky.

4562. *By the Chairman*: Is not running in the coal trade likely to try her strength? That is very different from being constantly engaged in the pilot service.

4563. Suppose it has been stated that the "Atlantic" has been at sea, heavily laden with coal, when a steamer could not go out of the harbour? She might have done that in her youth, once in a way, but she will not do it now.

4564. Are you speaking of the "Atlantic"? No, I was referring to the "Pacific."

4565. *By Mr. Piddington*: When the Government referred to the Pilot Board the question whether they approved of the "Sea Witch" as a pilot boat, do you think that was a question of public policy? Yes; I think the public interest has been much affected by the pilot service of late years.

4566. I am asking you whether, when the Government referred the question of the purchase of the "Sea Witch" to the Pilot Board, you considered that a question of public policy? I do not know.

4567. How long is it since you purchased the "Sovereign of the Seas"? A fortnight, three weeks, or perhaps a month ago.

4568. What is her tonnage? I have no record of her tonnage. I think, previous to her being burned, she was from twelve to thirteen hundred tons. She is a vessel that will carry a thousand tons.

4569. *By Mr. Weekes*: Do you know by repute the character of a New York pilot boat called the "Mary Taylor"? Yes.

4570. Is she considered by sailors to be a vessel of very superior qualities? Yes; I have conversed with many respecting her.

4571. Will you look at that sketch contained in Marett's work on shipbuilding (*handing a book to witness*), and say whether that is described as the model of the "Mary Taylor"? Yes.

4572. Does that model answer, or nearly so, to the model of the "Sea Witch"? Yes, it does in a great measure, but the "Sea Witch" is hollow-bottomed, and this vessel's bottom is straight. I only know that from walking on the "Sea Witch's" inside.

4573. *By the Chairman*: Is not the "Sea Witch" much flatter floored than the lines of the "Mary Taylor"? No; I think much the same, taking beam in proportion.

4574.

4574. Would you call this vessel straight-keeled? Yes.
4575. Then if the "Sea Witch's" keel is deeper in midships than at the bow and stern, she would differ from this? Yes.
4576. *By Mr. Weekes*: So far as the keel is concerned? Yes.
4577. Still, the "Sea Witch" is very near the model of the "Mary Taylor"? Yes, with the exception that she might be a few inches deeper in the keel, in the centre.
4578. *By the Chairman*: Is not the "Mary Taylor," as shown in that tracing, deeper at the stern than forward—is she not longer in the keel? Yes.
4579. Is that a model of the "Sea Witch"? The "Sea Witch" has about two feet more keel, and about the same draft fore and aft.
4580. Are you aware whether this vessel (the "Mary Taylor") has any false keel? I suppose her hanging keel is a false keel.
4581. Does not this drawing show only her keel, and not her false keel? It only shows her keel.
4582. You have never seen the lines of the "Mary Taylor," except in this book? Except in that book.
4583. In these drawings is it usual to show the false keel? They generally show the full depth, without the intermediate lines.
4584. Would not the curving in at the bottom make a very material difference in the weatherly qualities of a vessel? The only difference is, that when pressing her hard with sail, if she were not kept upright, she would present a flatter surface to the sea; but if I were going to build a vessel of this class I would have those hollow lines filled in.
4585. If in a moderate seaway, when the "Sea Witch" was putting a pilot on board a ship, her keel was frequently seen out of the water, was it where it ought to have been—was she in her element or out of it? Certainly it is not advisable to have a vessel jumping out of the water; but any vessel of the same length* and the same draft of water would have done the same thing.
4586. Is it not advisable to have a ship that will not jump out of water? No doubt.
4587. *By Mr. Weekes*: I suppose in a very heavy sea all vessels must show more or less of their keels? Yes. I know you may see the keels of 170 feet steamboats.
4588. *By the Chairman*: When a sailor says he has seen the keel of a vessel out of water, what do you understand by it? I have heard them say that the rudder has jumped out of the water.
4589. Ought that to be the case? No; but notwithstanding all you could do to guard against it, in the same length of vessel you might see the rudder jump out of the water sometimes.

Captain T. S.
Rountree.
8 Aug., 1862.

TUESDAY, 12 AUGUST, 1862.

Present:—

| | | |
|-----------------|--|-------------------|
| MR. WEEKES, | \| | CAPTAIN MORIARTY, |
| MR. PIDDINGTON, | \| | MR. SMART. |

SAUL SAMUEL, Esq., IN THE CHAIR.

Robert Dodge Merrill, Esq., called in and examined:—

4590. *By Mr. Weekes*: You were formerly Consul of the United States in this Colony? I R. D. Merrill, Esq.
4591. Mr. Levenworth, the present Consul, stated in evidence before this Committee, that a Captain Pearce, of the "Magnolia," had wished to purchase the "Sea Witch" from the Government after the Government had bought her, and that he was willing to give the price paid by the Government, and such sum in addition as might be agreed upon for any alterations made in her by the Government? For such repairs as he thought necessary.
4592. He said likewise, that this had been made known to you—that you had been informed of it? Captain Pearce's ship was condemned. I sold the ship and cargo here. Captain Pearce had upwards of eight thousand pounds in my hands. He had been talking to Captain Chapman about buying this "Sea Witch" before the Government purchased her. The Government were talking about purchasing her; but he said, "I do not know—they may not buy her after all;" but while he was thinking the matter over in his own mind the Government bought her, and it was too late. Afterwards he said—"I am very sorry I did not buy this vessel." He wanted her for the Island trade, and would have given the same price for her that the Government gave. I said to him—"You cannot buy her now; the Government have been at some expense in making alterations;" but he said he would pay for all those alterations which he thought necessary for the improvement of the vessel. He was very anxious to purchase her. At the same time he did not make the offer to the Government, because I supposed that as the Government had just purchased the vessel, they did not want to sell her again at the same price.

12 Aug., 1862.

4593.

* NOTE (on revision):—"Sea Witch" 72 feet only.

- R. D. Merrill, Esq.
12 Aug., 1862.
4593. But did he wish to purchase her at the price paid by the Government? He was willing to pay the same price —
4594. And also for the alterations which had been made? He was willing to pay for the alterations, so far as they agreed with his ideas of what was right. He thought there might be some expenses which he might not have incurred had he purchased her; but as far as the alterations met his views he would pay for them in addition to the £1,450.
4595. Are you acquainted with the character of American shipping? I have seen many American ships.
4596. But as to the durability of the timber? I have known vessels built in America forty odd years old, good vessels, trading here and going back again, during the four years I was Consul of the United States; what they were built of I do not know, but I know that they were built in America.
4597. Is white oak considered a durable, sound timber? Oh yes.
4598. Are you acquainted at all with the New York pilot boats? I am not. I have seen them, but I do not know anything about them except from seeing them. I have often gone into New York Harbour, and taken pilot boats from Sandy Hook as far as 80 or 90 miles out. They are small schooners.
4599. You are not able to speak as to their particular build or model? I am not.
4600. *By the Chairman*: Did you see the register of the "Magnolia"? I did.
4601. Was Captain Pearce's name upon it as owner of the vessel? I do not recollect now; I can tell by referring to the Consular books.
4602. Was he the owner? I do not recollect without referring to the books.
4603. Do you think he was? I do not think he was sole owner; I think he was part owner; I am sure he was not sole owner; the owners' names are all in the register; we copy the ship's husband.
4604. You do not know whether the ship and cargo were his property or not? It was not all his property; a portion of it was.
4605. Consequently the proceeds of the cargo would not all be his? That is between him and the owners.
4606. I wish to arrive at that? I presume so; he put the ship and cargo in my hands.
4607. Did he instruct you to make an offer to the Government for this vessel? Certainly not. He was not so foolish as to suppose that the Government would sell her again at the same price. He would have given the price they paid for her.
4608. You know that from what he said? Yes; he wanted her for the Island trade. He said it was just the vessel which would suit him, and I should not be surprised if he buys a similar boat in the States, and comes out here again with her, for he was very anxious to get one.
4609. I understood you to say that he had some conversation with Captain Chapman relative to the purchase of this vessel, before she was sold to the Government? Yes.
4610. Are you aware whether Captain Chapman asked any price? Yes, I think he asked £1,500.
4611. To Captain Pearce? Yes; I was on board when he was speaking of it, and they often met at my office, but Captain Pearce did not offer that sum, thinking, I suppose, that he might be able to buy her for less.
4612. Have you any idea of the market value of vessels of this class here? I do not think you can put a market value upon them. It depends upon whether they are desired for any particular object. Mr. Pearce would have given that much for her, but if he had not been here, and the Government had not wanted her, she might have sold for a much less sum; or if there had been more purchasers she might have fetched a higher price. I do not consider that we can put a value upon any vessel here so as to establish a regular price.
4613. *By Mr. Piddington*: I think you stated that Captain Pearce was aware that the "Sea Witch" was in the market for sale previously to the Government purchasing her? Yes.
4614. And Captain Pearce might have bought her? Yes, but they were asking £1,500 for her.
4615. As I understand you, there were negotiations between Captain Pearce and the owner of the "Sea Witch" before she was purchased by the Government? They had been talking about the price.
4616. There having been this previous negotiation between Captain Pearce and the owner of the "Sea Witch," if Captain Pearce had chosen to purchase her, the "Sea Witch" was then in the market, and he was at liberty to make the offer? Yes.
4617. To what circumstance do you attribute the fact that Captain Pearce did not purchase the "Sea Witch" when he might have done so? Because they asked £1,500 for her, and he thought that by holding on and waiting for a few days he would be able to buy her for less.
4618. And after the Government had purchased the "Sea Witch," Captain Pearce expressed his regret that he had lost her? That he had not purchased her.
4619. But he did not take advantage of the opportunity when he might have done? No, he did not know that he could have got her for the price, probably. Captain Chapman was then asking £1,500 for her.

THURSDAY, 14 AUGUST, 1862.

Present :—

| | | |
|-------------|--|-------------|
| MR. SAMUEL, | \| | MR. WEEKES, |
| MR. SMART, | \| | MR. WILSON. |

RICHARD SADLEIR, ESQ., IN THE CHAIR.

Captain David Plumer called in and examined :—

4620. *By the Chairman:* You command an American ship now in this port? Yes, the "Revely," of New York.

Captain
D. Plumer.

4621. *By Mr. Weekes:* Have you had an opportunity of seeing the pilot schooner called the "Sea Witch"? Yes, I have been on board of her when she was lying at the wharf; I have seen her also outside the Heads from the South Head. 14 Aug., 1862.

4622. What is your opinion of her suitability as a pilot boat? She is just like a class of vessels that we have in the fishing business, which we consider very good sea vessels and safe; they are out in the worst of weather off the Great and George's Banks, off the coast of America. As to her suitability as a pilot boat off the Heads, as a stranger here, I do not know; but I consider her a safe, good sea boat.

4623. Have you had much experience in vessels of that class? Not much; as a youngster I have been in four or five; and I lived in a large fishing town, the largest in America—Gloucester, in Massachusetts—during my early life.

4624. Are vessels of this class much in use on that coast? Yes, there were three hundred and fifty in the town of which I am a native.

4625. Three hundred and fifty fore-and-aft schooners? Yes.

4626. Is the coast of America generally considered to be one where heavy gales of wind often prevail, and heavy seas? Yes; we are subject to them all the year round, particularly in winter, spring, and autumn, when they are very frequent.

4627. This class of vessels, I understand you to say, go on the Great Bank;—is that the Bank of Newfoundland? Yes, and also George's Bank, and Western Bank; in fact, all the fishing banks on the New England coast.

4628. Are there not generally very heavy seas on those banks? Yes, they are exposed to the whole Atlantic Ocean, there is no shelter whatever, and they are exposed to very heavy gales.

4629. A similar class of vessels to the "Sea Witch"? Yes.

4630. Is it the general reputation of that class of vessels that they are safe sea boats, and possess all the good qualities of sea-going craft? We consider them the best in the world; there may be a little vanity in that; however, that is the prevalent opinion.

4631. Had you an opportunity of examining the "Sea Witch" at all? I was on board her, and went all through her accommodations.

4632. How did you find her built? I could see very little of the way she was built.

4633. You had not an opportunity of examining her timber and fastenings? No.

4634. You did not examine her with that object? No; I went on board merely from curiosity, having heard a good deal of her.

4635. Are you acquainted with the style of boats used as New York pilot boats? Yes.

4636. Are you acquainted with the celebrated New York pilot boat called the "Mary Taylor"? No, I do not know that I am, I think I have seen her; but all these pilot boats are so alike, that I have no distinct recollection of her in particular. I have been sailing from New York five and twenty years, going in and out occasionally; and I now command a New York ship.

4637. Your experience on this coast is limited, I think you said? Yes; this is only my second visit to Sydney.

4638. But judging from your knowledge of schooners of this class, you think the "Sea Witch" is a safe sea boat, and able to contend with any kind of weather? I do, most decidedly, quite as safe as a New York pilot boat; in my own opinion more so. I suppose you are aware that the New York pilot boats are private property, each boat is in opposition to all the others, every man is on his own hook, and the consequence is that comfort and even safety is sacrificed to great speed. The pilots change the model of each boat, in order to get one to go faster than the others.

4639. It is said that the "Sea Witch" draws about eight feet water aft—do you think that a fair draft for her tonnage and size? I think she would do better if she drew more; I think her rather light, nine feet would be a better draught.

4640. It has been said that there is some difficulty in making her stay in a heavy sea—may not the trim of a vessel very much affect her staying? I think it may.

4641. If a vessel is out of trim, will not that have a great effect upon her staying quality? Yes, we consider so, more particularly with this class of vessels, they are very sharp at the end, and easily get out of trim. These fishing boats are trimmed with all their ballast as nearly as possible in the centre of the vessel, and they are considered to work much better in consequence. I think the trouble of the "Sea Witch" is having too much weight at the ends; the chain locker and the water tanks are badly placed, the ballast is too level fore and aft, as I understand it to be placed. I did not see it myself, as it was covered; the water tanks I did see, and the chain lockers.

4642. If you owned a vessel of that class, and found her not to stay so readily as you wished, you would try an altered trim before you would condemn or abandon her? Yes, I think I should.

4643.

- Captain
D. Plumer.
14 Aug., 1862.
4643. Even the best vessels badly trimmed are likely to stay badly? That is my opinion; the trim of that class of vessels particularly is likely to affect their working.
4644. Do you know that this class of vessels have to contend with exceedingly heavy seas in the North Atlantic? Yes, I know it.
4645. In high latitudes, where ice prevails? Yes.
4646. And from your experience, is the general result that they are excellent sea boats as a class? Yes.
4647. Vessels similar to the "Sea Witch"? Yes, of a similar build; I have known many built in the same place that have proved themselves excellent sea boats.
4648. *By the Chairman*: You consider her as a safe and suitable sea boat—is that from any experience you have had of her, or merely from your visit and examination? Merely from my visit, and the opinion I have formed of that class of vessels.
4649. Do you think she is too heavily masted—did you observe her masts? No; I do not think her masts too heavy for ordinary purposes, possibly for a pilot vessel at the Heads she might be, as the object there is more to keep her position than great speed.
4650. Do you think her masts are badly placed forward? It struck me that her foremast was rather far forward.
4651. Do you consider the rigging sufficiently spread to secure the masts? I should think they must be safe, considering that she has carried them six or seven years.
4652. Have you any idea of her value here? Not here.
4653. What would her value be in America; could you form an opinion? These vessels for fishing purposes, without copper, one suit of sails, a light anchor, and hemp cable, cost from 60 to 70 dollars a ton.
4654. *By Mr. Weekes*: Is that per ton builder's measurement? Builder's measurement.
4655. *By the Chairman*: Have you any idea of the expense of coppering? I never coppered a vessel of that size, but I have an idea of what it would cost. I should suppose the cost to copper her would be £125, possibly £150.
4656. Do you think her proportions are good as to width and length;—do you think she is too wide for her length, or too long for her width? It did not strike me so by the eye, and I am pretty well accustomed to that class of vessels, though I have not seen any of them for a year or two.
4657. Have you any idea of the character of the seas on this coast? Yes, I have had some slight experience; I have had two voyages here, and the last time I came in in a heavy easterly gale.
4658. Do you think the seas are heavier here than on the coast of America, or that they are much the same? I think you have very bad seas here, more particularly with the easterly gales, owing to the southerly current setting across; you have perhaps a shorter and, I should consider it, a more dangerous sea than the regular seas we have; the current here causes a very short, confused, irregular sea.
4659. Do you think the same description of vessel that would be safe on the American coast would, considering the character of the sea, be suitable here? I do not see how a vessel that would be safe there could be unsafe here; I should consider that the vessel which would be a good sea boat there would be a good sea boat here.
4660. What is the tonnage of fishing vessels in America? They range from 75 to 110 tons.
4661. Have you any idea of the tonnage of the "Sea Witch"? I should think she was 100 tons, perhaps 110 or 115.
4662. *By Mr. Weekes*: That is American measurement? Yes; I do not know what her American register was, but I should judge her tonnage was from 110 to 115.
4663. Do you think she is a vessel likely to last many years? Yes; in the construction of these vessels they use very good materials—the best that can be obtained, and they are very well fastened, that class of vessels generally.

Captain William Francis Norie called in and examined:—

- Captain
W. F. Norie.
14 Aug., 1862.
4664. *By the Chairman*: Do you command a vessel here? I do not at present.
4665. Have you commanded a vessel out of this port? No; I have commanded a Peninsular and Oriental Mail Company's steamer.
4666. Have you been long acquainted with this coast? No, I have only made two voyages here with the mail.
4667. *By Mr. Weekes*: Have you had considerable experience as a shipwright as well as a sailor? I have designed and superintended the building of several vessels, but I never worked as a shipwright.
4668. You have turned your attention to the building as well as to the sailing of vessels? I have.
4669. Have you had an opportunity of examining the pilot schooner called the "Sea Witch"? I have, afloat.
4670. How is she built—strongly? She is very well built, as far as I have been able to observe; I have not seen the timbers.
4671. Is she strongly fastened, as far as you have been able to observe? She is.
4672. She has, I believe, a raised deck, has she not? She has, over the cabin.
4673. Is that usual or common? It is, among English ships, very usual.
4674. Have you observed any signs of working or weakness about the "Sea Witch"? I have not, and I looked carefully round her.

4675. You examined her with that object? Yes, and I could observe no indications of straining in any part. Captain
W. F. Norie.
4676. Do you consider her to be a sound substantial vessel? I do.
4677. You are, I believe, a marine surveyor to some of the offices? I am marine surveyor 14 Aug., 1862.
for five of the insurance offices.
4678. Therefore you have had considerable experience in examining and testing the build of vessels? I have had considerable experience.
4679. And the result of your investigation is that the "Sea Witch" is a sound, staunch built vessel? She is, as far as I can see. I should recommend her as a first-class risk for insurance.
4680. Do you think she is a good sea boat—should you judge that from her build? I should think she was a very fair sea boat and a fast vessel, as far as I could judge of her build, but I have not seen her bottom.
4681. Do you think her suitable to be a pilot vessel off this coast? As far as I have seen her, I think she is.
4682. It is said there is some difficulty in staying her in a heavy sea; do you think that may arise or be aggravated by being in bad trim? It would have a great effect on her, but I think any vessel of her size would have great difficulty in staying in heavy seas if her sails were reduced to reefs, or indeed any ship whatever except a very long, powerful ship.
4683. Is it an unusual thing for a vessel to refuse to stay in a heavy sea? Not at all. Indeed in the smaller merchant vessels they never attempt to stay in a heavy sea when the sails are very much reduced.
4684. If you found that a vessel were slow to stay, would you not recommend that her trim should be altered? I would not say her trim, but the disposition of her ballast. A vessel that will not stay when down by the stern may be improved by trimming a little more by the head.
4685. Are you acquainted with the "Pacific," a coaster that trades between this and Newcastle? I have examined her twice, but once more particularly.
4686. Comparing the two vessels, the "Sea Witch" and the "Pacific," which do you think the stronger vessel? The "Sea Witch" undoubtedly, in her fastenings.
4687. Where is the difference in their fastenings? I had heard a report of the "Pacific" being fastened with spikes, and upon examining her I could not find an indication of a through bolt on her topsides, with the one exception of the channel bolts for the rigging.
4688. Is she copper-fastened in the butts—bolted through? I believe her bottom is—I saw one or two copper clenched bolts below the water, but I could not see much because she has a platform which covers the ballast. Her centre fastenings, I believe, are of iron.
4689. As regards her fastenings generally, is she inferior to the "Sea Witch"? Yes.
4690. Looking to her size, build, and strength generally — ? I should say her fastenings are very inferior to those of the "Sea Witch."
4691. Did you examine the timber of the "Sea Witch"? I did, as far as I could see.
4692. What is it? American oak.
4693. What is the timber of the "Pacific"? I could not see particularly well, being painted I did not like to go too far in scraping.
4694. Are you able to form an opinion of their relative or comparative value? I should not like to do that without a farther examination of both vessels.
4695. Would the "Pacific" or "Atlantic," both of which vessels were offered to the Government, have required as much fitting out as the "Sea Witch" has done? They would probably have required more.
4696. From what you know of the craft that trade from here to Newcastle as colliers, would their fitting out have cost as much as the "Sea Witch"? I should think probably more, because they are larger.
4697. The laying down of the deck, the fitting of the pilots' cabins, and all those things that have been done on board the "Sea Witch," would they also have been necessary on board the "Pacific" or "Atlantic"? Quite so—certainly as much.
4698. Is there not the greatest difference of opinion between scientific men, as to the proper model of a vessel? A very wide difference; you seldom find two agree.
4699. No model has ever yet been devised upon which all scientific men agree? Certainly not, as far as my knowledge goes.
4700. Is it an objection to a vessel that she is full in the bottom—flat-floored? It depends a great deal upon what she is intended for. As a designer of vessels I have my own opinion upon that subject, and I may mention that about two years ago I built a yacht for a friend and went upon the very principle that is disapproved of in this case. I tried the experiment of making the vessel flat, with a deep keel to compensate for want of depth, and as far as I could judge from her sailing with other boats, she went very well.
4701. Are you acquainted with the celebrated pilot boat called the "Mary Taylor"? I have seen drawings of her.
4702. Is she nearly similar to the lines of the "Sea Witch"? I can hardly say, not having seen the bottom of the "Sea Witch," as the ballast covered the bottom. I cannot say the rise of floor she has or the shape, but I believe she is built on the principle of a great depth of keel and a small rise of floor, and that she has a small draught of water as compared with our English yachts.
4703. The owner of the "Pacific" and "Atlantic" has stated here, that had his vessels been purchased by the Government, to be placed on the station, he should have recommended that they should have additional keel placed on them;—do you think it would be an advantage to have that carried out in the "Sea Witch"? I think it would, under the circumstances, be an advantage to the "Sea Witch." Not too much, because there are no sufficient means of securing it.
- 4704.

- Captain
W. F. Norie.
- 14 Aug., 1862.
4704. Do you know how the "Atlantic" and "Pacific" are rigged? They are rigged with topsails.
4705. Would some considerable alterations have been necessary to adapt them to the rig of the "Sea Witch"? Yes, great alterations; because the fore-and-aft sails without topsails would not have been sufficient—they would have had to be enlarged.
4706. Then, as far as the masts and sails were concerned, the alteration of the "Atlantic" and "Pacific" would have cost more than the "Sea Witch," which required no alteration? I think the present sails both of the "Pacific" and "Atlantic" would not have answered without being enlarged or altered in some way.
4707. Do you think generally that the "Sea Witch" is a suitable vessel for a pilot schooner outside the Heads? I think perfectly suitable in all respects; she may be a little improved by some slight alterations, but I think she is as suitable a vessel as I have ever seen in this port.
4708. *By the Chairman*: Do you know the cost of fitting out the "Sea Witch" since she was purchased? There was a contract made for the internal fittings for £100; some extras have been claimed by the contractor, and it is now under consideration whether it shall be allowed him.
4709. Only £100? £100 the contract was made for.
4710. Do you know what will be the expense of making the contemplated alterations of masts and sails? I do not exactly; if they are altered as we recommended they would not cost more than £10.
4711. You have then the false keel to put on her? I suppose that would be £25.
4712. In fact £100 would cover the alterations? Yes.
4713. And also £100 in the alteration of the fittings? That was for the building of the cabins.
4714. Do you think it would have been better to have built an altogether new vessel that would have been better adapted for a pilot vessel? All other things being equal, it might have been as good a course to have built two vessels exactly alike, but under the circumstances, she being so suitable for the service, the difference between her and a vessel that might have been designed or built is very little.
4715. Do you think in point of expense there would have been anything gained? A vessel of her tonnage could not be built under £2,700, or thereabout.
4716. What do you think was her real value in the market when she was purchased? I should think about £1,200 or £1,400, having heard from those who valued her.
4717. You have spoken of a flat-bottomed vessel and of the advantage of having a vessel of that description with additional keel? I do not mean precisely flat; but I think it saves a great deal of resistance and enables the vessel to go over the water instead of through it, having only the keel instead of the body of the ship in water of great density.
4718. Does it give her stability? It does not interfere with it.
4719. Have you heard that this vessel will not stay under certain circumstances? Yes; and on inquiring into them I found that they were circumstances under which no vessel would stay, that is with reduced sails in a heavy sea.
4720. Do you think the seas on this coast are heavier than on the Atlantic? It is shorter and nastier; on the Atlantic there is a longer swell.
4721. You think the sea here is more dangerous? I think it is certainly more dangerous, especially to a small vessel.
4722. Would you not require a better vessel here than on the Atlantic, seeing that the sea is more dangerous? I do not know.
4723. Would you consider yourself as safe in a vessel here as you would in the same vessel in the Atlantic? Decidedly.
4724. Do you think this is a very dangerous coast for vessels? Not at all; I do not see the least danger on any part of it.
4725. Is there any protection in the way of harbours or of land to give a lee? Some parts of the coast are undoubtedly dangerous towards Cape Howe—the other side of it.
4726. Are we not subject to more sudden changes of wind here than they are on the European coast? I think the changes are more sudden.
4727. Therefore would you not require a more weatherly vessel on this coast, considering that the changes of wind are so sudden? Where vessels are employed as pilot boats is not on the Atlantic.
4728. I am speaking of the coast of America? They have very heavy winds there.
4729. Do you think the winds shift so suddenly there as here? I am not well acquainted with that coast.
4730. Did you hear that one of the boats on board the "Sea Witch" had been washed away? I heard that one had been washed off the deck.
4731. Do you think that was owing to any neglect in securing the boat? I think they might have turned the boat bottom upwards, she might then have been stove in, but I think would not have been carried away.
4732. Have you ever been on board a vessel when a boat has been washed away? Yes.
4733. It is not an uncommon thing? Not an uncommon thing at all.
4734. Even in larger vessels? No.
4735. Have you ever been on board vessels where you have shipped green seas? Yes.
4736. And the water has rushed down into the cabins up to the men's knees? Yes.
4737. Did you not generally take precautions in gales of wind to batten down the hatches, and to cover the skylights with tarpaulins or sails? Yes.
4738. Do you think those precautions were taken on board the "Sea Witch" in the last gale of wind? As far as I can learn from inquiry, there was some neglect in not protecting the skylight with some boards which they had for the purpose.

4739. The damage was not very great? Only a few panes of glass were broken in the sky-light.
4740. Have you any idea how the keel of the "Sea Witch" is fastened—with iron or copper? I have heard with iron bolts, but I am not aware. I should approve of it if it were fastened with iron instead of copper.
4741. Do you know how they are generally fastened? They are generally copper-fastened.
4742. Do you think that vessel would last many years? I think it would last a considerable time, being perfectly sound.
4743. Are you satisfied as to the timber being sound? I have not seen her timbers yet.
4744. Do you know whether there has been any boring of her timber, to ascertain whether it is sound? I am not aware.
4745. Do you know whether, before she was purchased, any experiments were made, by going to sea in her—before completing the bargain? I am not aware.
4746. *By Mr. Weekes*: When the "Sea Witch" lost her boat in a gale of wind, was it a heavy gale she was out in? A very heavy gale indeed.
4747. Will you take in your hand the *Empire* of the 14th August, and read the paragraph which relates to vessels that put into Port Stephens during the same gale? (*The witness read the same as follows*):—"From information received, the following vessels were in port when the 'Margaret Elizabeth' left, many of whom suffered, more or less, in this same gale to which we have alluded:—'Eveline Rudder,' American schooner; 'Martha,' schooner; the 'Lightning,' ketch, from Sydney, bound for the Manning; schooner 'Douglas,' bound for Melbourne; 'Rose,' for the Manning River; 'James Paxton,' for Newcastle; and the 'Zone.' The 'Martha' was at sea on the Sunday, and lost her stanchions and bulwarks; and the American schooner lost sails, bulwarks, and had one of her boats stove." Does that show that the gale was a very severe one, and that other vessels shipped seas and sustained damage, besides the "Sea Witch"? Yes.
4748. It is not a very unusual thing for a vessel to ship a sea? Not at all. I may mention that the other day a vessel of 500 or 600 tons—the "City of Quebec"—came in with her long boat smashed by a sea she had shipped.
4749. Would you consider a vessel unseaworthy because a sea broke on board of her? Not at all.
4750. *By the Chairman*: Is it not sometimes owing to want of management in steering a ship that a sea breaks over her? Very possibly.
4751. However it is very common for seas to break on large ships? Yes.

Captain
W. F. Norie.
14 Aug., 1862.

Captain William Clark again called in and further examined:—

4752. *By Mr. Weekes*: You are captain of the "Sea Witch"? I am.
4753. You were out in her on Saturday, the 2nd August? Yes.
4754. Did a gale of wind spring up that night? It did.
4755. Was it a very severe one? It blew very hard.
4756. How long did the gale last? Thirty hours—from twenty-five to thirty hours.
4757. Were you blown to leeward of the port? To the northward; we were hove-to.
4758. Where was the wind? From S.S.W. to S.
4759. How long did you lie-to during that time? We lay-to thirty hours.
4760. Under what sail did she lie-to? She was hove-to for twenty-four hours under close-reefed foresail and storm trysail.
4761. Did you attempt to stay her during that gale? No, not during the gale; she held her position, heading off the shore all the time.
4762. Did she stay at all in a heavy sea on that occasion? She did under close-reefed sails, standing back to port.
4763. Did she stay pretty readily? As well as any vessel could do—as well as she ever did in smooth water, and that she does exceedingly well.
4764. Under what sail did she stay? Close-reefed staysail, foresail, and jib.
4765. How did she behave generally through that gale? She behaved very well.
4766. Did she give you the impression of her being a good sea boat? She did. I saw nothing else but a good sea boat in her.
4767. Did she not ship a sea? Yes, she did.
4768. Was that from any fault of yours—from any mismanagement of the ship? I believe not, but I think that is a question that would be better answered by another than by myself.
4769. Was that while you were lying-to? While we were hove-to.
4770. How often did she ship a sea during that gale? She shipped one.
4771. Only one? Only that one sea. There might have been a little water over her, but nothing to be called a sea.
4772. Was the sea running high? It was running a very heavy sea.
4773. Did she ride easily through it? She rode easily through it.
4774. Is she what you would call a dry vessel in a heavy gale? Yes, she is, in a different position, but the tideway caused more water on deck than the heavy gale of wind.
4775. Do you attribute the shipping of that sea to any cause? It was merely a chance sea, such as might come on board any vessel at any time. It might be years before the like would happen again.
4776. One of those casualties to which all vessels are liable at times? Yes.
4777. Did it carry anything away? It broke some glass in the skylight, and carried away the boat and the fore-castle companion when the sea struck her.

Captain
W. Clark.
14 Aug., 1862.

- Captain
W. Clark.
- 14 Aug., 1862.
4778. Then all the damage the "Sea Witch" sustained was from that sea breaking on board? Yes, it was all done by the sea.
4779. Were any boards put up on the skylights? They were not put up till after the sea came on board.
4780. You are provided with boards to place against the skylight windows, are you not? Yes.
4781. They were not put up on that occasion? They were not.
4782. Had they been placed as they ought to have been, would the skylight windows have been broken? No, the glass would not have been broken.
- Mr. Samuel having entered the Committee Room, Mr. Sadleir vacated the Chair, and it was taken by Mr. Samuel.*
4783. *By the Chairman:* Is your foresail a particularly large sail? Not larger than vessels of her class generally have.
4784. When a vessel is hove-to in a very severe gale, would it not be considered a large quantity of canvas for a vessel to carry, a close-reefed foresail and a storm trysail? I think not; she required sufficient canvas to steady her.
4785. We have heard of gales where the canvas has been blown out of the bolt ropes—it was not such a gale as that? No, because it did not blow the canvas out of the bolt ropes.
4786. You would call it only a moderate gale where you could carry a close-reefed foresail and storm trysail? The sail was none too large for the breeze.
4787. The weather was not so severe but you could carry that canvas comfortably? —
4788. Are you aware that it is contemplated to make certain alterations in the "Sea Witch"? Yes.
4789. Do you know what the whole of those alterations are? I do not know the whole of them; such as have been done are all I am aware of.
4790. Is it not within your knowledge that it is intended to shorten her masts? Yes.
4791. And to shorten her bowsprit? Yes.
4792. And to add three feet to her keel? Yes, I think it is.
4793. Do you think these will be improvements? It will most undoubtedly lighten her forward, and by giving her more keel it will make her more weatherly; she will hang more to the wind.
4794. *By Mr. Wilson:* Will it improve her staying qualities? The ballast will be shifted, and that will improve her staying.
4795. You think it is more on account of her trim than of her peculiar build that she does not stay? Yes, I think it is.
4796. Have you tried her? I find the ballast is too far forward; it should have been in midships.
4797. Till you have tried her, you do not know what her proper trim is for staying? No.
4798. *By the Chairman:* How was the wind at the time you have referred to? S.S.W.
4799. Is that off the land? Nearly along the land.
4800. The land would not be a lee shore with that wind? Not a lee shore, the wind would be blowing direct along.
4801. Would the water be smooth with the wind in the way you say? No, there is a heavy sea with the wind at S.W., which is off the land.
4802. *By Mr. Weekes:* Was the "Sea Witch" provisioned when she was out on that cruise? Yes.
4803. Was there sufficient for all on board? There was.
4804. What kind of provisions had you on board? Fresh meat, potatoes, bread, and every other necessary that we could require.
4805. Did you bring any of those supplies into port with you? Yes, we brought fresh meat.
4806. Did the pilots partake of the provisions? Yes.
4807. If it has been stated that the pilots had only a few biscuits to subsist on, and that they suffered considerable inconvenience from want of food, it is incorrect? It is incorrect; there was ample food for all on board.
4808. *By Mr. Sadleir:* Had you fuel enough on board the vessel? Yes.
4809. And water? Yes.
4810. Did you take out any quantity of salt meat? I had a cask.
4811. So that if you had been blown off the coast you would not have starved? No.
4812. You say the wind was S.S.W.? Yes, from S.S.W. to S.
4813. How did you put her head? To the eastward.
4814. Off shore? Yes.
4815. The whole time? The whole time.
4816. Did you not stand in again? No.
4817. Would you not have been better sheltered if you had stood in when the wind was S.S.W.? Perhaps we might.
4818. Would you have had so heavy a sea? Yes.
4819. Could you reach Broken Bay? Yes.
4820. Had you a knowledge of Broken Bay, so that you could have run in if you had had very heavy weather? By the chart.
4821. Have you ever been in there? I have never been in there.
4822. Did the "Sea Witch" ever refuse to stay? Yes, she has refused to stay.
4823. How often? I do not know how many times—several times.
4824. What is the reason she refused to stay? On account of the sea taking her sometimes. I attribute it to my own carelessness two or three times. I have been watching the boat, and probably not paying sufficient attention to the vessel.
4825. Do you think it was owing to your not having a forebowl line that she did not stay? No.
- 4826.

4826. How was it you had not a forebowline? I had a forebowline.
4827. Had you when Captain Watson was on board? No.
4828. Your boat was washed away? Yes.
4829. Did you take any means to secure her? I knew the boat was well secured, for I lashed her myself on deck. Captain
W. Clark.
14 Aug., 1862.
4830. Would she not have been safer if she had been turned upside down? I do not know; she might have been staved and carried away if she had been bottom upwards.
4831. Had you much water in the "Sea Witch" during the gale? I did not see—I was on deck.
4832. Did anybody report it to you? Yes.
4833. What quantity of water did they report? They said it was washing over the floor; it had gone through the skylight, and the deck was so tight that the water could not escape.
4834. Had you any tarpaulins on board? Yes.
4835. Did you batten down the hatches? Yes.
4836. And secure the skylights? We did not put up the boards till afterwards.
4837. How many knots an hour will the "Sea Witch" sail in a tolerably good breeze, with all sail set, and not too heavy a sea? Seven.
4838. Is that the most you can get out of her? Not the most if you push her; but I never push the vessel—I never had occasion.
4839. The most you have got out of her is seven knots? Yes.
4840. Do you consider her a fast sailing vessel? Yes.
4841. And she sails seven knots on a wind? More than that she may have done.
4842. Do you know what some new clippers now sail with the wind? Sixteen miles I have heard for a ship.
4843. Is that by the wind or off the wind? I do not know; I have never been in one.
4844. Have you been in any other vessel than this? Yes.
4845. What have you sailed by the wind? Seven and eight miles an hour.
4846. That is the usual rate, is it? I think so.
4847. What does she sail off the wind? I do not know; I have not pushed her off the wind; but I suppose she has been going nine off the wind.
4848. How close will she lie to the wind? Four points and a half.
4849. Do you call her a weatherly vessel? Yes.
4850. Did she drift much in this last gale? A mile an hour.
4851. Had she the current under her lee? She had the current against her; the current running to the northward I should say.
4852. And you drifted only a mile an hour, having the current against her? That was all I found her.
4853. That was all the leeway you made? There may be two currents, one going to the northward and one to the southward, but the current appeared to me to be going to the northward.
4854. Do you think the "Sea Witch" is too heavily masted? For holding her position in very heavy weather I think she is.
4855. Do you think her foremast is well placed? I think it is, where it is now placed; as it was before it might have been very well for making a passage.
4856. Do you think the bowsprit too heavy? She has a very heavy bowsprit.
4857. Do you think these alterations will improve her staying and working? Yes.
4858. Has she much sternway? No.
4859. Has she not a very sharp run aft? Yes, she is flat above water.
4860. *By the Chairman*: Where is she now? In Waterview Bay.
4861. What are they doing to her? They have shortened her mast and bowsprit, and shifted her mast.

THURSDAY, 28 AUGUST, 1862.

Present:—

| | | |
|---|--|--|
| MR. DICK, MR. DICKSON, CAPTAIN MORIARTY,MR. WILSON. | \| | MR. SADLEIR, MR. SAMUEL, MR. PIDDINGTON, |
|---|--|--|

The Committee having assembled in No. 1 Committee Room, proceeded to the Circular Quay, and thence to the Fitz Roy Dock, where they were met by Mr. Duncan, Captain Towns, Captain Rountree, Captain Watson, Captain Crook, and Mr. Cuthbert.

After a careful survey of the keel and bottom of the "Sea Witch," the Committee went on board and examined her internal fittings.

4862. *The Chairman (to Captain Towns)*: Are you now of opinion that she has a straight keel in midships? Certainly she has, with a slight curve at each end.
4863. *(To Captain Rountree)*: Do you consider, now that you have seen her, that she has a straight keel? Yes.
4864. She has not a deep keel in midships? Not at all.

4865.

- 28 Aug., 1862. 4865. (*To Mr. Cuthbert*): I suppose, now that you have again seen the vessel, your opinion is unchanged that she has a straight keel? No doubt.
4866. (*To Captain Rountree*): Have you charge of the vessel to overlook the work done to her? After the Committee have seen her I shall proceed with the work.
4867. You mean to make some alteration in her? To put a hanging keel on aft, and lengthen her rudder, according to the plan produced before the Committee.
4868. Have you made some of the alterations you stated you would make before the Committee? Yes, we have shifted the foremast about four feet, have shortened the bowsprit, removed the catheads, and shifted the ballast, as I stated before the Committee it was proposed to do. I may state that the rise of the floor is $3\frac{1}{2}$ inches to a foot.
4869. *Captain Moriarty (to Mr. Cuthbert)*: Have the timbers been bored, to ascertain her soundness? That is a question I could not answer; I think very likely—I tried some of them.
4870. Were they sound? What I tried.
4871. *Mr. Piddington (to Captain Rountree)*: On whose account are you about to make the projected alterations? The present Pilot Board.
4872. On account of the Government? I have not had anything to do with the Government.
4873. The Pilot Board are acting as officials? Yes.
4874. *The Chairman (to Mr. Duncan)*: Are you aware whether there is a minute of the Pilot Board authorizing these alterations? I believe the alterations were proposed to the Pilot Board, and authorized by them.
4875. Was any particular person empowered to carry out the work? Yes; I think Captain Rountree.
4876. *Mr. Dick*: On whose recommendation have the alterations been made? I think Captain Towns suggested them to the Board.
4877. *The Chairman*: Have they been submitted to the Minister for his approval? No, I do not think they have been formally submitted to him; I know as a matter of fact that he has approved of them.
4878. *Captain Moriarty*: He has given a mere verbal approbation? That is my impression; I do not think there is any correspondence to show that he has done so.
4879. What will the alterations cost? I think Captain Rountree will be better able to inform the Committee upon that point.
- Captain Rountree stated that he was of the opinion he had expressed when he was examined by the Committee upon this point.*
4880. *Mr. Dick (to Captain Rountree)*: How long will it take to make these alterations? From two to three days; she will be out in about three days.
4881. *Mr. Piddington*: Have you been able to ascertain whether the vessel is fastened with copper bolts in midships? I see no indications of iron outside; I examined her inside.
4882. You cannot be certain whether it is copper-fastened? I could not, unless the copper were stripped off.
4883. *The Chairman*: You have measured her draught of water? I have; her draught in midships is 7 feet 3.
4884. (*To Mr. Cuthbert*): Has your advice been asked relative to the alterations about to be made? No. I beg pardon; it was mentioned one day that they were going to make some alterations about her keel which cannot be carried into effect now.
4885. You have heard of the alterations they now propose to make? Yes.
4886. Have you been asked, in your position as Government Shipwright Surveyor, your opinion as to the proposed alterations? Never.
4887. Do you think the alterations proposed will have the effect they calculate upon? If she were my vessel I would not do it.
4888. Do you think the addition to her keel proposed is likely to strain the vessel? I think so.
4889. You think it is very doubtful whether, when these alterations are made, the vessel will be then adapted to the purpose for which she is intended? It is my opinion.
4890. *Mr. Dick*: Did I understand you to say that the alterations proposed to the keel could not now be made? They could not be made, because the vessel has a straight keel. Captain Towns was under the impression that it was a curved keel, and I took some trouble to explain that it was not.
4891. You knew she had a straight keel, as you had seen her before? Yes; it was an utter impossibility I could make a mistake.
4892. *The Chairman*: Do you think reducing the mast will be an improvement? Yes.
4893. Her bowsprit also has been altered—do you think that an improvement? Yes; it will make her less laboursome.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY HARBOUR AND PILOTAGE REGULATIONS.

(MERCHANTS, SHIPOWNERS, &c.)

Received by the Legislative Assembly, 4 June, 1862, and Printed under the Sessional Order of that day.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.

The humble Petition of the undersigned Merchants, Shipowners, Masters, and others, interested in the trade and shipping of the Port of Sydney,—

RESPECTFULLY SHEWETH:—

That they are at present suffering from serious grievances, from the working of the existing Harbour Regulations, as set forth in the following Resolutions adopted by them at a public meeting of their body:—

- 1st. That the privileges at present granted to coasters and vessels engaged in the intercolonial trade, as per clause 50 of the Harbour Regulations, be extended to vessels registered or owned in the Port of Sydney trading to New Caledonia, and the Islands and Ports of the Pacific.
- 2nd. That the present fee of five pounds now levied upon Masters, on obtaining an exemption certificate, be reduced to three pounds.
- 3rd. That no dues whatever be levied on vessels entering the Harbour through stress of weather, or for the purpose of procuring provisions, except in cases where the services of a Pilot have been obtained, when pilotage shall be levied as usual: provided in all such cases vessels shall not break bulk.
- 4th. That Masters of vessels registered in the Port of Sydney, holding a certificate of exemption, be empowered to remove their vessels from one wharf to another without giving notice to the Port Office.
- 5th. That permission be granted to vessels registered in the Port of Sydney, and employed in the coasting and intercolonial trade, to ship their crews on board—such crews to be discharged at the Government Shipping Office. Each vessel's articles to be produced before the Shipping Master of the port once every six months, and attested, and that for each set of articles every such vessel shall pay to the Shipping Office (half-yearly), under one hundred tons, ten shillings and sixpence, over one hundred tons, twenty-one shillings, free of all shipping charges whatever. Every man so shipped to produce a discharge from the Shipping Master of the port.
- 6th. That inasmuch as the Pilot Board, as at present constituted, has no control over the management of the port, the Government be respectfully solicited to introduce a Bill into the House of Assembly early next Session of Parliament, to incorporate the Port of Sydney on similar principles to those contained in the Act now regulating the ports of the United Kingdom.
- 7th. That the Government be respectfully solicited to institute a Trinity or Marine Board, in lieu of the present Pilot Board, to consist of members (twelve in number) appointed in the following manner:—Six members to be nominated by the Government, two of whom shall be Government officers, and four heads of mercantile firms, who are, or may be, members of the Chamber of Commerce. Six members to be elected by the shipowners of the port, whose qualification for voting shall be, for every one hundred tons of shipping registered in the Port of Sydney one vote, and one vote for every additional one hundred tons, but the number of votes of each shipowner not to exceed ten.
- 8th. That the Collector of Customs for the time being be empowered to decide upon the qualifications of voters, place of voting, &c.

Your Petitioners are of opinion that the management of the Harbour Pilots, Light-houses, and other departments connected with the shipping interests of the port, will never be properly conducted until placed under the control of an elective body of practical men who largely contribute to the revenue, and whose interest it is to see it properly disbursed.

Your Petitioners therefore humbly pray your Honorable House will take the foregoing premises into your favourable consideration, and that your Honorable House will adopt such measures for their relief as may seem meet to your Honorable House.

And your Petitioners, as in duty bound, will ever pray.

[Here follow 203 Signatures.]

Handwritten signature or initials, possibly "O. J. T." or similar, located in the bottom left corner.